

FORTY-SIXTH DAY - MARCH 25, 2008**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
SECOND SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 25, 2008

PRAYER

The prayer was offered by Pastor Chuck Bentjen, Immanuel Lutheran Church, Beatrice.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 606. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7608, Revised Statutes Supplement, 2007; to adopt the Stem Cell Research Act; to provide funding; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Adams	Dubas	Heidemann	Lautenbaugh	Preister
Aguilar	Engel	Howard	Louden	Raikes
Ashford	Erdman	Hudkins	McDonald	Rogert
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 606A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 606, One Hundredth Legislature, Second Session, 2008; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Adams	Dubas	Heidemann	Lautenbaugh	Preister
Aguilar	Engel	Howard	Louden	Raikes
Ashford	Erdman	Hudkins	McDonald	Rogert
Avery	Fischer	Janssen	McGill	Schimek
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Karpisek	Nelson	Synowiecki
Chambers	Fulton	Kopplin	Pahls	Wallman
Christensen	Gay	Kruse	Pankonin	White
Cornett	Hansen	Langemeier	Pedersen	Wightman
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB797 with 38 ayes, 3 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 797. With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend sections 60-1301, 71-1557, 71-1558, 71-1559, 71-1563, 71-1564, 71-1567, 71-1901, 71-4603, 71-4604, 71-4623, 71-4631, 71-7003.01, 71-7010, and 71-7013, Reissue Revised Statutes of Nebraska, sections 60-107, 60-1401.02, 71-409, 71-4604.01, 71-4608, 71-5663, 71-5665, and 71-5668, Revised Statutes Cumulative Supplement, 2006, and sections 68-906, 71-5662, 71-7012, 71-8249, 81-671, and 86-570, Revised Statutes Supplement, 2007; to redefine terms; to change a date within the Medical Assistance Act relating to acceptance of federal provisions; to change provisions relating to the Nebraska Uniform Standards for Modular Housing Units Act, the Uniform Standard Code for Manufactured Homes and Recreational Vehicles, and the Uniform Standard Code for Mobile Home Parks; to provide for civil penalties and administrative fines; to change and eliminate provisions relating to organization of the Department of Health and Human Services, the Rural Health Systems and Professional Incentive Act, mammography, the statewide trauma registry, and release of health information; to provide for disqualification for certain public assistance programs; to eliminate the Governor's Roundtable and repeal obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 68-1736, 68-1737, 71-4628, 71-7002, 71-7003, 71-7004, 71-7005, 71-7006, 71-7007, 71-7008, 71-7009, and 71-7011, Reissue Revised Statutes of Nebraska, and section 71-7001, Revised Statutes Supplement, 2007; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Adams	Dubas	Heidemann	Lautenbaugh	Preister
Aguilar	Engel	Howard	Louden	Raikes
Ashford	Erdman	Hudkins	McDonald	Rogert
Avery	Fischer	Janssen	McGill	Schimek
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Karpisek	Nelson	Synowiecki
Chambers	Fulton	Kopplin	Pahls	Wallman
Christensen	Gay	Kruse	Pankonin	White
Cornett	Hansen	Langemeier	Pedersen	Wightman
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 822.

A BILL FOR AN ACT relating to government; to amend sections 50-1204, 50-1205.01, and 50-1206, Revised Statutes Cumulative Supplement, 2006, and section 84-304, Revised Statutes Supplement, 2007; to change references to auditing standards and a federal office; to change a provision relating to requests for performance audits; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Adams	Dubas	Heidemann	Lautenbaugh	Preister
Aguilar	Engel	Howard	Louden	Raikes
Ashford	Erdman	Hudkins	McDonald	Rogert
Avery	Fischer	Janssen	McGill	Schimek
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Karpisek	Nelson	Synowiecki
Chambers	Fulton	Kopplin	Pahls	Wallman
Christensen	Gay	Kruse	Pankonin	White
Cornett	Hansen	Langemeier	Pedersen	Wightman
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1096.

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-901, Reissue Revised Statutes of Nebraska; to provide for the hiring of a fire chief in certain cities of the first class as prescribed; to change provisions relating to volunteer department trust funds; to adopt the Volunteer Emergency Responders Job Protection Act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Adams	Dubas	Heidemann	Lautenbaugh	Preister
Aguilar	Engel	Howard	Louden	Raikes
Ashford	Erdman	Hudkins	McDonald	Rogert
Avery	Fischer	Janssen	McGill	Schimek
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Stuthman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB766

Senator Rogert withdrew his amendment, FA231, found on page 1000, to LB766.

MOTION - Return LB766 to Select File

Senator Stuthman moved to return LB766 to Select File for his specific amendment, AM2453, found on page 1059.

The Stuthman motion to return prevailed with 29 ayes, 6 nays, 13 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 766. The Stuthman specific amendment, AM2453, found on page 1059, was adopted with 27 ayes, 9 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 277, 278, 279, and 280 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 277, 278, 279, and 280.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 606, 606A, 797, 822, and 1096.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR284 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR284	Judiciary

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

NOTICE OF COMMITTEE HEARING

Judiciary

Room 1113

Monday, April 07, 2008 12:00 p.m.

LR284

(Signed) Brad Ashford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1063. Title read. Considered.

Committee AM1841, found on page 582, was considered.

Senator Ashford renewed his amendment, AM1912, found on page 666, to the committee amendment.

SPEAKER FLOOD PRESIDING**PRESIDENT SHEEHY PRESIDING**

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 2008, at 10:20 a.m. were the following: LBs 606e, 606Ae, 797e, 822, and 1096.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARING

Health and Human Services

Room 1510

Wednesday, April 02, 2008 1:15 p.m.

Jirak, James - Commission for the Blind and Visually Impaired

(Signed) Joel Johnson, Chairperson

AMENDMENT - Print in Journal

Senator Synowiecki filed the following amendment to LB1147:
AM2391

(Amendments to Standing Committee amendments, AM1999)

- 1 1. Insert the following new sections:
- 2 Sec. 15. The Legislature finds that:
- 3 (1) The Nebraska Investment Council was created by the
- 4 Legislature in Laws 1967, LB 335. Additional legislation was
- 5 passed in Laws 1969, LB 1345, which provided for centralization of
- 6 the investment of state funds and addressed types of authorized
- 7 investments and since then the statutory framework of the council
- 8 has been modified periodically by the Legislature;
- 9 (2) The laws of Nebraska provide that the appointed
- 10 members of the council and the state investment officer are deemed

11 fiduciaries with respect to investment of the assets (a) in the
12 retirement systems and the Nebraska educational savings plan trust
13 and as fiduciaries are required to discharge their duties with
14 respect to such assets solely in the best interest of the members
15 and beneficiaries of such plans and (b) of other state funds solely
16 in the best interest of the residents of Nebraska;

17 (3) As fiduciaries, the appointed members of the council
18 and the officer must act with the care, skill, prudence, and
19 diligence under the circumstances then prevailing that a prudent
20 person acting in like capacity and familiar with such matters would
21 use in the conduct of an enterprise of like character with like
22 aims by diversifying the investments of assets in the various plans
1 so as to minimize the risk of large losses;

2 (4) The council managed over fifteen billion three
3 hundred million dollars of assets as of September 30, 2007.
4 Those assets have quadrupled since 1995. The assets managed by the
5 council produced almost one billion five hundred million dollars
6 in investment earnings in 2006 and almost seven billion dollars of
7 investment earnings since December 31, 1995;

8 (5) The council has the responsibility of the management
9 of portfolios for over thirty state entities. The financial
10 markets and investment strategies that must be employed to
11 achieve satisfactory returns have become more complex and the
12 best practices of similar state government investment agencies have
13 evolved since the creation of the council; and

14 (6) Pursuant to section 72-1249.02, the operating costs
15 of the council are charged to the income of each fund managed
16 by the council, and such charges are transferred to the State
17 Investment Officer's Cash Fund. Management, custodial, and service
18 costs that are a direct expense of state funds are paid from the
19 income of such funds.

20 Sec. 16. The Nebraska Investment Council shall enter
21 into a contract with a qualified independent organization familiar
22 with similar state investment offices to complete a comprehensive
23 review of the current statutory, regulatory, and organizational
24 situation of the council, review best practices of similar state
25 investment offices, and make recommendations to the council, the
26 Governor, and the Legislature for changes needed to ensure that
27 the council has adequate authority to independently execute its
1 fiduciary responsibilities to the members and beneficiaries of the
2 retirement systems and the Nebraska educational savings plan trust
3 and the residents of Nebraska with regards to other state funds.

4 Sec. 17. The Legislature shall appropriate funds to the
5 State Investment Officer for the State Investment Officer's Cash
6 Fund to carry out the provisions of sections 15 to 17 of this act.

7 2. Renumber the remaining section.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 988. Placed on Select File with amendment. ER8211 is available in the Bill Room.

LEGISLATIVE BILL 988A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

VISITORS

Visitors to the Chamber were Judy and Spencer Jesz from Omaha; Patrick Schiffer from Germany; 23 fourth-grade students, teacher, and sponsors from Karen Western Elementary, Ralston; Senator Engel's sister-in-law, Joleen Jones, and niece and nephew-in-law, Jeff and Kerri Mogensen, and their children, Matt, Megan, Michael, and Max, from South Sioux City; members of Tri-Diocese Council of Catholic Women from across the state; Senator Wightman's wife and granddaughters, Jan, Kate, and Celia Wightman, from Lexington; 60 fourth-grade students from St. Columbkille School, Papillion; and 40 fourth-grade students and teacher from Lost Creek Elementary, Columbus.

RECESS

At 11:59 a.m., on a motion by Senator Langemeier, 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 Senators Christensen, Dubas, Engel, Flood, Heidemann, Loudon, Synowiecki, and Wallman who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 766. Placed on Final Reading Second.

LEGISLATIVE BILL 959. Placed on Final Reading.
ST9076

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

1. In the Rogert amendment, AM2451, section 74 has been renumbered as section 77.

2. In the E & R amendments, ER8207, on page 1, line 21, "122," has been inserted after the last comma.

3. In the Standing Committee amendments, AM2145:

a. On page 2, line 15, "87" and all amendments thereto have been struck and "91" inserted; and

b. On page 39, line 3, "\$4,124,276" has been struck and "\$4,124,776" inserted.

4. On page 1, line 6, "to reduce an appropriation; to provide for a transfer of funds; to state intent; to require reports;" has been inserted after the semicolon.

LEGISLATIVE BILL 960. Placed on Final Reading.

LEGISLATIVE BILL 961. Placed on Final Reading.

ST9075

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

1. In the Erdman amendment, AM2448:

a. Sections 6 and 7 have been renumbered as sections 9 and 10, respectively; and

b. On page 1, line 3, "act" has been struck and "section" inserted; and in line 6 "6" has been struck and "9" inserted.

2. In the Hudkins amendment, AM2394, section 1 has been renumbered as section 2.

3. In the Heideman amendment, AM2419, section 2 has been renumbered as section 5.

4. In the Erdman amendment, AM2427:

a. Section 2 has been renumbered as section 3; and

b. On page 2, line 4, "Administrative" has been struck and "Administration" inserted.

5. In the E & R amendments, ER8210, on page 4, line 21, "effective date of this act" has been struck and "operative date of this section" inserted.

6. On page 1, the matter beginning with "the" in line 1 through line 6 and all amendments thereto have been struck and "state funds; to amend section 54-857, Reissue Revised Statutes of Nebraska, sections 2-958.01, 29-3921, and 84-510, Revised Statutes Cumulative Supplement, 2006, sections 71-7608 and 81-3119, Revised Statutes Supplement, 2007, Laws 2007, LB 321, section 281, and section 71-7611, Revised Statutes Supplement, 2007, as amended by section 2, Legislative Bill 480, One Hundredth Legislature, Second Session, 2008; to provide for and change amounts of transfers of funds; to provide for a study; to change authorized use of certain funds; to change allocation provisions for the Nebraska Tobacco Settlement Trust Fund; to prohibit the pledge of certain funds for bond repayment; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 1019. Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1063. Senator Ashford renewed his amendment, AM1912, found on page 666 and considered in this day's Journal, to the committee amendment.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?"

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

The motion to cease debate prevailed with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a roll call vote on the Ashford amendment.

The Ashford amendment was adopted with 25 ayes, 5 nays, 17 present and not voting, and 2 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

The committee amendment, as amended, lost with 20 ayes, 28 nays, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Aguilar	Dierks	Kruse	Nantkes	Rogert
Ashford	Howard	Lathrop	Pedersen	Schimek
Avery	Johnson	McDonald	Preister	Synowiecki
Chambers	Kopplin	McGill	Raikes	Wallman

Voting in the negative, 28:

Adams	Erdman	Hansen	Langemeier	Pirsch
Burling	Fischer	Harms	Lautenbaugh	Stuthman
Carlson	Flood	Heidemann	Louden	White
Christensen	Friend	Hudkins	Nelson	Wightman
Cornett	Fulton	Janssen	Pahls	
Engel	Gay	Karpisek	Pankonin	

Excused and not voting, 1:

Dubas

Failed to advance to Enrollment and Review Initial with 20 ayes, 28 nays, and 1 excused and not voting.

The Chair declared the call raised.

MESSAGE FROM THE GOVERNOR

March 25, 2008

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 606e and 606Ae were received in my office. I signed and delivered them to the Secretary of State today, March 25, 2008.

Sincerely,
(Signed) Dave Heineman
Governor

GENERAL FILE

LEGISLATIVE BILL 986. Title read. Considered.

Committee AM1998, found on page 681, was considered.

SENATOR FRIEND PRESIDING

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 986A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 888. Title read. Considered.

Committee AM2003, found on page 681, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1068. Title read. Considered.

Committee AM1983, found on page 729, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Pedersen filed the following amendment to LB880:
AM2068

(Amendments to Standing Committee amendments, AM1787)

1 1. Insert the following new sections:

2 Sec. 5. Section 2-3225, Revised Statutes Supplement,
3 2007, is amended to read:

4 ~~2-3225 (1)(a) Each~~ (1)(a)(i) Each district encompassing a
5 city of the metropolitan class shall have the power and authority
6 to levy a tax of not to exceed three and one-half cents on each one
7 hundred dollars of taxable valuation annually on all of the taxable
8 property within such district unless a higher levy is authorized
9 pursuant to section 77-3444.

10 (ii) Except as provided in subdivision (1)(a)(i) of this
11 section, each district shall have the power and authority to levy
12 a tax of not to exceed four and one-half cents on each one
13 hundred dollars of taxable valuation annually on all of the taxable
14 property within such district unless a higher levy is authorized
15 pursuant to section 77-3444.

16 (b) Each district shall also have the power and authority
17 to levy a tax equal to the dollar amount by which its restricted
18 funds budgeted to administer and implement ground water management
19 activities and integrated management activities under the Nebraska
20 Ground Water Management and Protection Act exceed its restricted
21 funds budgeted to administer and implement ground water management
22 activities and integrated management activities for FY2003-04, not

1 to exceed one cent on each one hundred dollars of taxable valuation
2 annually on all of the taxable property within the district.

3 (c) In addition to the power and authority granted in
4 subdivisions (1)(a) and (b) of this section, each district located
5 in a river basin, subbasin, or reach that has been determined
6 to be fully appropriated pursuant to section 46-714 or designated
7 overappropriated pursuant to section 46-713 by the Department of
8 Natural Resources shall also have the power and authority to
9 levy a tax equal to the dollar amount by which its restricted
10 funds budgeted to administer and implement ground water management
11 activities and integrated management activities under the Nebraska
12 Ground Water Management and Protection Act exceed its restricted
13 funds budgeted to administer and implement ground water management
14 activities and integrated management activities for FY2005-06, not
15 to exceed three cents on each one hundred dollars of taxable
16 valuation on all of the taxable property within the district for
17 fiscal year 2006-07 and each fiscal year thereafter through fiscal
18 year 2011-12.

19 (d) In addition to the power and authority granted in
20 subdivisions (a) through (c) of this subsection, a district with
21 jurisdiction that includes a river subject to an interstate compact
22 among three or more states and that also includes one or more
23 irrigation districts within the compact river basin may annually
24 levy a tax not to exceed ten cents per one hundred dollars of
25 taxable valuation of all taxable property in the district for the
26 payment of principal and interest on bonds and refunding bonds
27 issued pursuant to section 2-3226.01. Such levy is not includable
1 in the computation of other limitations upon the district's tax
2 levy.

3 (2) The proceeds of the tax levies authorized in
4 subdivisions (1)(a) through (c) of this section shall be used,
5 together with any other funds which the district may receive from
6 any source, for the operation of the district. When adopted by the
7 board, the tax levies authorized in subdivisions (1)(a) through (d)
8 of this section shall be certified by the secretary to the county
9 clerk of each county which in whole or in part is included within
10 the district. Such levy shall be handled by the counties in the
11 same manner as other levies, and proceeds shall be remitted to the
12 district treasurer. Such levy shall not be considered a part of the
13 general county levy and shall not be considered in connection with
14 any limitation on levies of such counties.

15 Sec. 8. Section 77-3442, Revised Statutes Supplement,
16 2007, is amended to read:

17 77-3442 (1) Property tax levies for the support of local
18 governments for fiscal years beginning on or after July 1, 1998,
19 shall be limited to the amounts set forth in this section except as
20 provided in section 77-3444.

21 (2)(a) Except as provided in subdivision (2)(e) of this
22 section, school districts and multiple-district school systems,

23 except learning communities and school districts that are members
24 of learning communities, may levy a maximum levy of one dollar and
25 five cents per one hundred dollars of taxable valuation of property
26 subject to the levy.

27 (b) For each fiscal year, learning communities may levy
1 a maximum levy for the general fund budgets of member school
2 districts equal to the local effort rate prescribed in section
3 79-1015.01 for such fiscal year. The proceeds from the levy
4 pursuant to this subdivision shall be distributed pursuant to
5 section 79-1073.

6 (c) Except as provided in subdivision (2)(e) of this
7 section, for each fiscal year, school districts that are members
8 of learning communities may levy for purposes of such districts'
9 general fund budget and special building funds a maximum combined
10 levy of the difference of one dollar and five cents on each one
11 hundred dollars of taxable property subject to the levy minus
12 the learning community levies pursuant to subdivisions (2)(b) and
13 (2)(g) of this section for such learning community.

14 (d) Excluded from the limitations in subdivisions (2)(a)
15 and (2)(c) of this section are amounts levied to pay for
16 sums agreed to be paid by a school district to certificated
17 employees in exchange for a voluntary termination of employment
18 and amounts levied to pay for special building funds and sinking
19 funds established for projects commenced prior to April 1, 1996,
20 for construction, expansion, or alteration of school district
21 buildings. For purposes of this subsection, commenced means any
22 action taken by the school board on the record which commits
23 the board to expend district funds in planning, constructing, or
24 carrying out the project.

25 (e) Federal aid school districts may exceed the maximum
26 levy prescribed by subdivision (2)(a) or (2)(c) of this section
27 only to the extent necessary to qualify to receive federal aid
1 pursuant to Title VIII of Public Law 103-382, as such title existed
2 on September 1, 2001. For purposes of this subdivision, federal
3 aid school district means any school district which receives ten
4 percent or more of the revenue for its general fund budget from
5 federal government sources pursuant to Title VIII of Public Law
6 103-382, as such title existed on September 1, 2001.

7 (f) For school fiscal year 2002-03 through school fiscal
8 year 2007-08, school districts and multiple-district school systems
9 may, upon a three-fourths majority vote of the school board of
10 the school district, the board of the unified system, or the
11 school board of the high school district of the multiple-district
12 school system that is not a unified system, exceed the maximum
13 levy prescribed by subdivision (2)(a) of this section in an amount
14 equal to the net difference between the amount of state aid that
15 would have been provided under the Tax Equity and Educational
16 Opportunities Support Act without the temporary aid adjustment
17 factor as defined in section 79-1003 for the ensuing school fiscal

18 year for the school district or multiple-district school system
19 and the amount provided with the temporary aid adjustment factor.
20 The State Department of Education shall certify to the school
21 districts and multiple-district school systems the amount by which
22 the maximum levy may be exceeded for the next school fiscal year
23 pursuant to this subdivision (f) of this subsection on or before
24 February 15 for school fiscal years 2004-05 through 2007-08.

25 (g) For each fiscal year, learning communities may levy a
26 maximum levy of two cents on each one hundred dollars of taxable
27 property subject to the levy for special building funds for member
1 school districts. The proceeds from the levy pursuant to this
2 subdivision shall be distributed pursuant to section 79-1073.01.

3 (h) For each fiscal year, learning communities may levy
4 a maximum levy of five cents on each one hundred dollars of
5 taxable property subject to the levy for elementary learning center
6 facilities and for up to fifty percent of the estimated cost for
7 capital projects approved by the learning community coordinating
8 council pursuant to section 79-2111.

9 (3) Community colleges may levy a maximum levy calculated
10 pursuant to the Community College Foundation and Equalization Aid
11 Act on each one hundred dollars of taxable property subject to the
12 levy.

13 (4)(a) Natural resources districts may levy a maximum
14 levy of three and one-half or four and one-half cents per one
15 hundred dollars of taxable valuation of property subject to the
16 levy as provided in section 2-3225.

17 (b) Natural resources districts shall also have the power
18 and authority to levy a tax equal to the dollar amount by which
19 their restricted funds budgeted to administer and implement ground
20 water management activities and integrated management activities
21 under the Nebraska Ground Water Management and Protection Act
22 exceed their restricted funds budgeted to administer and implement
23 ground water management activities and integrated management
24 activities for FY2003-04, not to exceed one cent on each one
25 hundred dollars of taxable valuation annually on all of the taxable
26 property within the district.

27 (c) In addition, natural resources districts located in
1 a river basin, subbasin, or reach that has been determined to
2 be fully appropriated pursuant to section 46-714 or designated
3 as overappropriated pursuant to section 46-713 by the Department
4 of Natural Resources shall also have the power and authority to
5 levy a tax equal to the dollar amount by which their restricted
6 funds budgeted to administer and implement ground water management
7 activities and integrated management activities under the Nebraska
8 Ground Water Management and Protection Act exceed their restricted
9 funds budgeted to administer and implement ground water management
10 activities and integrated management activities for FY2005-06, not
11 to exceed three cents on each one hundred dollars of taxable
12 valuation on all of the taxable property within the district for

13 fiscal year 2006-07 and each fiscal year thereafter through fiscal
14 year 2011-12.

15 (5) Educational service units may levy a maximum levy of
16 one and one-half cents per one hundred dollars of taxable valuation
17 of property subject to the levy.

18 (6)(a) Incorporated cities and villages which are not
19 within the boundaries of a municipal county may levy a maximum levy
20 of forty-five cents per one hundred dollars of taxable valuation
21 of property subject to the levy plus an additional five cents per
22 one hundred dollars of taxable valuation to provide financing for
23 the municipality's share of revenue required under an agreement
24 or agreements executed pursuant to the Interlocal Cooperation Act
25 or the Joint Public Agency Act. The maximum levy shall include
26 amounts levied to pay for sums to support a library pursuant
27 to section 51-201, museum pursuant to section 51-501, visiting
1 community nurse, home health nurse, or home health agency pursuant
2 to section 71-1637, or statue, memorial, or monument pursuant to
3 section 80-202.

4 (b) Incorporated cities and villages which are within the
5 boundaries of a municipal county may levy a maximum levy of ninety
6 cents per one hundred dollars of taxable valuation of property
7 subject to the levy. The maximum levy shall include amounts paid
8 to a municipal county for county services, amounts levied to pay
9 for sums to support a library pursuant to section 51-201, a museum
10 pursuant to section 51-501, a visiting community nurse, home health
11 nurse, or home health agency pursuant to section 71-1637, or a
12 statue, memorial, or monument pursuant to section 80-202.

13 (7) Sanitary and improvement districts which have been in
14 existence for more than five years may levy a maximum levy of forty
15 cents per one hundred dollars of taxable valuation of property
16 subject to the levy, and sanitary and improvement districts which
17 have been in existence for five years or less shall not have
18 a maximum levy. Unconsolidated sanitary and improvement districts
19 which have been in existence for more than five years and are
20 located in a municipal county may levy a maximum of eighty-five
21 cents per hundred dollars of taxable valuation of property subject
22 to the levy.

23 (8) Counties may levy or authorize a maximum levy of
24 fifty cents per one hundred dollars of taxable valuation of
25 property subject to the levy, except that five cents per one
26 hundred dollars of taxable valuation of property subject to the
27 levy may only be levied to provide financing for the county's
1 share of revenue required under an agreement or agreements executed
2 pursuant to the Interlocal Cooperation Act or the Joint Public
3 Agency Act. The maximum levy shall include amounts levied to pay
4 for sums to support a library pursuant to section 51-201 or museum
5 pursuant to section 51-501. The county may allocate up to fifteen
6 cents of its authority to other political subdivisions subject
7 to allocation of property tax authority under subsection (1) of

8 section 77-3443 and not specifically covered in this section to
9 levy taxes as authorized by law which do not collectively exceed
10 fifteen cents per one hundred dollars of taxable valuation on any
11 parcel or item of taxable property. The county may allocate to
12 one or more other political subdivisions subject to allocation
13 of property tax authority by the county under subsection (1) of
14 section 77-3443 some or all of the county's five cents per one
15 hundred dollars of valuation authorized for support of an agreement
16 or agreements to be levied by the political subdivision for the
17 purpose of supporting that political subdivision's share of revenue
18 required under an agreement or agreements executed pursuant to the
19 Interlocal Cooperation Act or the Joint Public Agency Act. If an
20 allocation by a county would cause another county to exceed its
21 levy authority under this section, the second county may exceed the
22 levy authority in order to levy the amount allocated.

23 (9) Municipal counties may levy or authorize a maximum
24 levy of one dollar per one hundred dollars of taxable valuation
25 of property subject to the levy. The municipal county may allocate
26 levy authority to any political subdivision or entity subject to
27 allocation under section 77-3443.

1 (10) Property tax levies for judgments, except judgments
2 or orders from the Commission of Industrial Relations, obtained
3 against a political subdivision which require or obligate a
4 political subdivision to pay such judgment, to the extent such
5 judgment is not paid by liability insurance coverage of a
6 political subdivision, for preexisting lease-purchase contracts
7 approved prior to July 1, 1998, for bonded indebtedness approved
8 according to law and secured by a levy on property, and for
9 payments by a public airport to retire interest-free loans from the
10 Department of Aeronautics in lieu of bonded indebtedness at a lower
11 cost to the public airport are not included in the levy limits
12 established by this section.

13 (11) The limitations on tax levies provided in this
14 section are to include all other general or special levies
15 provided by law. Notwithstanding other provisions of law, the
16 only exceptions to the limits in this section are those provided by
17 or authorized by sections 77-3442 to 77-3444.

18 (12) Tax levies in excess of the limitations in this
19 section shall be considered unauthorized levies under section
20 77-1606 unless approved under section 77-3444.

21 (13) For purposes of sections 77-3442 to 77-3444,
22 political subdivision means a political subdivision of this state
23 and a county agricultural society.

24 2. Renumber the remaining sections and correct internal
25 references and the repealer accordingly.

Senator Lautenbaugh filed the following amendment to LB880:
AM2469

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Insert the following new section:
 2 Sec. 6. Section 2-3235, Revised Statutes Cumulative
 3 Supplement, 2006, is amended to read:
 4 2-3235 (1) Each district shall have the power and
 5 authority to cooperate with or to enter into agreements with
 6 and, within the limits of appropriations available, to furnish
 7 financial or other aid to any cooperator, any agency, governmental
 8 or otherwise, or any owner or occupier of lands within the district
 9 for the carrying out of projects for benefit of the district as
 10 authorized by law, subject to such conditions as the board may
 11 deem necessary. This section shall not be construed to give a
 12 district encompassing a city of the metropolitan class the power
 13 or authority to cooperate with or enter into agreements with,
 14 or to furnish financial or other aid to, any person who is in
 15 the business of selling or leasing, offering for sale or lease,
 16 or advertising for sale or lease, residential or commercial real
 17 property, when the cooperation, agreement, or financial or other
 18 aid relates to real property taken by the district through the use
 19 of eminent domain under section 2-3234.
 20 (2) As a condition to the extending of any benefits to
 21 or the performance of work upon any lands not owned or controlled
 22 by this state or any of its agencies, the directors may require
 1 contributions in money, services, materials, or otherwise to any
 2 operations conferring such benefits and may require landowners to
 3 enter into and perform such agreements or covenants as to the
 4 permanent use of such lands as will tend to prevent or control
 5 erosion thereon.
 6 (3) Each district may make available, on such terms as
 7 it shall prescribe, to landowners within the district specialized
 8 equipment, materials, and services which are not readily available
 9 from other sources and which will assist such landowners to carry
 10 on operations upon their lands for the conservation of soil and
 11 water resources and for the prevention and control of soil erosion.
 12 Whenever reasonably possible, purchases or contracts for such
 13 equipment shall be made from retail establishments.
 14 2. Amend the repealer and renumber the remaining sections
 15 accordingly.

Senator Preister filed the following amendment to LB880:
 AM2472

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Insert the following new section:
 2 Section 1. (1) Each county encompassing a city of the
 3 metropolitan class, each county which is adjacent to a county
 4 encompassing a city of the metropolitan class and which includes
 5 part of a natural resources district encompassing a city of the
 6 metropolitan class, and each city located in a county described in
 7 this subsection shall:
 8 (a) Develop a program for pollution prevention and good

- 9 housekeeping for county or city operations, giving consideration
 10 to use of appropriate storm water best management practices to
 11 minimize contamination of storm water discharges;
 12 (b) Mandate low-impact development for all new
 13 development and renovations to existing developments, with the
 14 costs of low-impact development to be paid by the person developing
 15 the property and not by the city or county; and
 16 (c) Adopt ordinances and policies to implement and
 17 enforce low-impact development mandates, including provisions for
 18 finances and civil penalties for noncompliance.
 19 (2) For purposes of this section, low-impact development
 20 means development that involves storm water management measures
 21 that manage rainfall where it falls, utilizing design techniques
 22 that infiltrate, filter, store, evaporate, and temporarily detain
 1 storm water, limiting storm water runoff to the first one-half inch
 2 at a minimum.

Senator Preister filed the following amendment to LB880:
 AM2473

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Insert the following new section:
 2 Sec. 5. Data, statistics, modeling, research, studies,
 3 surveys, investigations, analyses, critiques, evaluations,
 4 opinions, recommendations, reports, and other information
 5 assembled, collected, discovered, found, obtained, possessed,
 6 presented, produced, or provided by any person pursuant to a
 7 contract with a natural resources district encompassing a city
 8 of the metropolitan class or subcontract with a contractor or
 9 subcontractor of such district is a public record.
 10 2. Insert the following new amendments:
 11 "3. On page 3, line 4, strike "4" and insert "5".".
 12 3. Renumber the remaining sections and amendments
 13 accordingly.

Senator Pankonin filed the following amendment to LB902:
 AM2505

- 1 1. On page 24, line 14, strike the new matter; and
 2 in lines 15 through 20 strike the new matter and reinstate the
 3 stricken matter.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB888. No objections. So ordered.

VISITORS

Visitors to the Chamber were 28 fifth-grade students and teachers from Raymond Central School, Valparaiso.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

ADJOURNMENT

At 5:23 p.m., on a motion by Senator Synowiecki, the Legislature adjourned until 9:00 a.m., Wednesday, March 26, 2008.

Patrick J. O'Donnell
Clerk of the Legislature

