

FIFTIETH DAY - MARCH 31, 2008**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
SECOND SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 31, 2008

PRAYER

The prayer was offered by Senator Dierks.

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 except Senators Friend, Schimek, and Synowiecki who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 320. Introduced by Stuthman, 22.

WHEREAS, Doug Kluth, principal of Columbus Middle School, has been named the 2008 Distinguished Middle School Principal of the Year by the Nebraska State Association of Secondary School Principals; and

WHEREAS, Doug has served in many roles in his 28-year career at Columbus Public Schools; and

WHEREAS, this award recognizes Doug's ability to connect with students and staff and the programs he has established in his five years at Columbus Middle School.

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

1. That the Legislature congratulates Doug Kluth, 2008 Distinguished Middle School Principal of the Year.

2. That a copy of this resolution be sent to Doug Kluth at Columbus Middle School.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1094. With Emergency.

A BILL FOR AN ACT relating to water management; to amend sections 2-3225, 2-3226.01, 2-3226.05, and 84-612, Revised Statutes Supplement, 2007; to provide for payment to certain water rights holders pursuant to forbearance contracts; to create a fund; to transfer funds and provide for repayment; to change provisions relating to river-flow enhancement bonds; to provide for a collection fee; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Friend	Schimek	Synowiecki
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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 1094A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1094, 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Friend Schimek Synowiecki

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

GENERAL FILE

LEGISLATIVE BILL 880. Committee AM1787, found on page 633 and considered on page 1096, was renewed.

Senator Pedersen renewed his amendment, AM2068, found on page 1073 and considered on page 1096, to the committee amendment.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1094 and 1094A.

GENERAL FILE

LEGISLATIVE BILL 880. Senator Pedersen withdrew his amendment AM2068, found on page 1073 and considered on page 1096 and in this day's Journal.

Senator Kopplin withdrew his amendment, AM2288, found on page 932.

Senator Kopplin renewed his amendment, AM2455, found on page 1057, to the committee amendment.

Pending.

COMMITTEE REPORT

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

James Gohl - Oil and Gas Conservation Commission

Aye: 6 Senators Carlson, Christensen, Fischer, Hudkins, Loudon, Wallman.
Nay: 0. Absent: 2 Senators Dubas, Kopplin.

(Signed) LeRoy Loudon, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 2008, at 9:35 a.m. were the following: LBs 1094e and 1094Ae.

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

NOTICE OF COMMITTEE HEARING

General Affairs

Room 1510

Wednesday, April 09, 2008 1:15 p.m.

Culver, Robert "Bob", Jr. - Nebraska Arts Council
Feller, Helen Abbott - State Racing Commission

(Signed) Vickie McDonald, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 321. Introduced by Fischer, 43.

PURPOSE: To examine issues relating to the Nebraska expressway system. The study shall include a review of the initial establishment of the expressway system outlined in the 1988 and 1989 Highway Needs Study, an analysis of how the Department of Roads views the expressway system in conjunction with its overall needs, and possible funding methods to complete the unfinished 179 miles of the planned 600-mile system.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 322. Introduced by Fischer, 43.

PURPOSE: To study the current and proposed system that the Department of Roads uses to prioritize the needs of Nebraska's highways. An examination of the overall process will be conducted, including the various factors used to prioritize needs, who is involved in determining the needs, and the ultimate authority that makes the final decisions.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323. Introduced by Raikes, 25.

PURPOSE: On January 1, 2011, the Nebraska Advantage Rural Development Act, the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, and tiers 1 and 3 of the Nebraska Advantage Act will expire. The purpose of this study is to examine tax incentive programs in Nebraska and other states to assess cost and effectiveness. This study should result in criteria that will be used to determine which of these programs should be retained and how they should be modified to be more effective in developing the Nebraska economy.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 324. Introduced by Gay, 14.

PURPOSE: To conduct a comprehensive study on Nebraska's highway development and funding system. The study shall include, but not be limited to:

(1) An examination of the state's highway needs, including the maintenance and preservation of the current highway system, rural geometric improvements, urban needs, bridge improvements, railroad crossing improvements, and the completion of the expressway system;

(2) An examination of the long-term sustainability of the current funding mechanism;

(3) An examination of other funding options available to the state and local governing bodies;

(4) An examination of the prioritization methods utilized to determine state highway projects and the expressway system, including the prioritization of projects that stimulate economic development throughout all regions of the state; and

(5) An examination of the funding and prioritization methods utilized in other states with respect to highways.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 325. Introduced by Heidemann, 1.

WHEREAS, the Falls City Sacred Heart Irish won the 2008 Class D-2 Boys' State Basketball Championship; and

WHEREAS, the Irish compiled a season record of twenty-six wins and two losses; and

WHEREAS, the outstanding individual players and the basketball team as a whole should be recognized for their excellent season; and

WHEREAS, we should continue to recognize the achievements of our young people in all positive areas of endeavor.

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

1. That Mason Niemeyer, Jacob Gruber, Jake Shafer, Aaron Meyer, Drew Huppert, Dusty Metzner, Joe Santo, Ethan Froeschl, Derek Huppert, Bryce

Ebel, Caleb Pokorny, and Clayton Vonderschmidt be congratulated for their achievement in winning the 2008 Class D-2 Boys' State Basketball Championship.

2. That coaches Doug Goltz, A. J. Landon, and Adam Santo be applauded for their efforts in teaching and providing guidance to the young men on the team.

3. That a copy of this resolution be sent to head coach Doug Goltz.

Laid over.

LEGISLATIVE RESOLUTION 326. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Hudkins, 21; Lautenbaugh, 18; Louden, 49; Pedersen, 39; Schimek, 27; Stuthman, 22.

PURPOSE: To study issues under the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 880. Senator Chambers offered the following motion:

MO159

Bracket until April 17, 2008.

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

The Chambers motion to bracket prevailed with 25 ayes, 8 nays, and 16 present and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 327. Introduced by Burling, 33; Janssen, 15; Langemeier, 23; Nantkes, 46; Pahls, 31.

PURPOSE: To review the report and recommendations of the Tax Policy Reform Commission and develop specific details of policy proposals and ideas advanced by the commission.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 328. Introduced by Karpisek, 32; Janssen, 15.

PURPOSE: To study, develop, and publish information necessary to implement a method of valuation of agricultural real estate used by neighboring agricultural states. Information shall be gathered on crop production patterns in each county, historical prices and expenditures, and other information on agricultural real estate rents.

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

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

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature by January 1, 2009.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 329. Introduced by Nantkes, 46.

PURPOSE: The purpose of this study is to examine state policy changes that should be pursued in order to ensure that state economic development efforts fully leverage the state's public and private research capacity. Research provides the basis for innovation, which will continue to be a vitally important factor for state competitiveness in developing higher wage jobs and a more diversified economic base. Additionally, the University of Nebraska's proven record of success in securing competitive federal grants for research in areas such as biotechnology, bioscience, physics, crop genetics, nanotechnology, computer science, transportation, energy,

drought, climate change, and many others hold great potential for economic growth across the state. The general objective of this study is to examine ways to align and enhance tax policies, economic development policies, and state appropriations in order to fully leverage research and strengthen state innovation. The study shall include, but not be limited to:

(1) Examination of how state investment and job incentives might be utilized to leverage public and private research and build innovation capacity;

(2) Examination of how the state refundable research and development tax credit might be enhanced to assist with public and private research;

(3) Examination of how the state might more fully participate in federal programs for enhancing research and building innovation capacity;

(4) Examination of Nebraska's competitiveness with other states in developing innovation capacity;

(5) Examination of policies that encourage the location, expansion, or creation of "new economy" businesses and technology-based entrepreneurship; and

(6) Examination of any other policy issues under the general objectives of the study.

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

1. That the Appropriations Committee of the Legislature and Revenue Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 330. Introduced by Christensen, 44.

PURPOSE: To examine and identify points of diversion for transferring excess water, flood water, and storm water between river basins to increase water management capabilities in Nebraska. The study shall include, but not be limited to, the identification of specific canals, creeks, and streams or other possible means of transferring water.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 331. Introduced by Christensen, 44.

PURPOSE: To examine how to simplify and grant authority to a single entity to divert excess water in the Platte River to Johnson and Elwood Reservoirs after stream flows in the Platte River reach a specific level of cubic feet per second above the flows necessary to meet all other obligations. The study shall include, but not be limited to, identifying who would be the single entity to initiate diversion, how the specific cubic-feet-per-second level would be calculated, and identifying the specific cubic-feet-per-second level for initiating diversions.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 332. Introduced by Christensen, 44.

PURPOSE: To examine the concept of transferring storm water runoff from cities to the Republican River Basin to help with interstate water compact compliance. The study should include, but not be limited to, identifying potential cities as sources of storm water runoff, identifying potential methods to deliver water to the Republican River, and identifying potential methods of cooperation between political subdivisions to fund such transfer projects.

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

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

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 245. Title read. Considered.

Committee AM542, found on page 730, First Session, 2007, was considered.

Senator Johnson renewed his amendment, AM2317, found on page 987, to the committee amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Synowiecki filed the following amendment to LB1147:
AM2600

(Amendments to Standing Committee amendments, AM1999)

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 24-708, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 24-708 (1) Except as provided in section 24-721, a judge
- 5 may retire upon reaching the age of sixty-five years and upon
- 6 making application to the board. Upon retiring each such judge
- 7 shall receive retirement annuities as provided in section 24-710.
- 8 (2) Beginning on the effective date of this act, except
- 9 as provided in section 24-721, a judge may retire upon reaching
- 10 the age of sixty-two years and elect to receive a reduced monthly
- 11 retirement income in lieu of a deferred vested annuity. The judge
- 12 may request that the reduced monthly retirement income commence at
- 13 any date, beginning on the first day of the month following the
- 14 actual retirement date and ending on the normal retirement date.
- 15 The amount of the monthly retirement income shall be calculated
- 16 based on the length of creditable service and average compensation
- 17 at the actual retirement date and shall be reduced when the
- 18 payments commence prior to the normal retirement date to an amount
- 19 that is actuarially equivalent to the deferred vested annuity
- 20 payable at the normal retirement date. If a judge retires at the
- 21 age of sixty-two years, such amount shall then be reduced by nine
- 22 percent. If a judge retires at the age of sixty-three years, such
- 1 amount shall be reduced by six percent, and if a judge retires at
- 2 the age of sixty-four years, such amount shall be reduced by three
- 3 percent.
- 4 (2)-(3) Except as provided in section 24-721, a judge
- 5 may retire upon reaching the age of fifty-five years and elect to
- 6 receive a reduced monthly retirement income in lieu of a deferred
- 7 vested annuity. The judge may request that the reduced monthly
- 8 retirement income commence at any date, beginning on the first day
- 9 of the month following the actual retirement date and ending on the
- 10 normal retirement date. The amount of the monthly retirement income

11 shall be calculated based on the length of creditable service and
 12 average compensation at the actual retirement date and shall be
 13 reduced when the payments commence prior to the normal retirement
 14 date to an amount that is actuarially equivalent to the deferred
 15 vested annuity payable at the normal retirement date.

16 ~~(3)~~(4) Payment of any benefit provided under the Judges
 17 Retirement Act may not be deferred later than April 1 of the year
 18 following the year in which the judge has both attained at least
 19 age seventy and one-half years and terminated his or her employment
 20 as a judge.

21 ~~(4)~~(5) The effective date of retirement payments shall
 22 be the first day of the month following (a) the date a member
 23 qualifies for retirement as provided in this section or (b) the
 24 date upon which a member's request for retirement is received on
 25 an application form provided by the retirement system, whichever
 26 is later. An application may be filed no more than ninety days in
 27 advance of qualifying for retirement.

1 ~~(5)~~(6) The board shall make reasonable efforts to locate
 2 the member or the member's beneficiary and distribute benefits by
 3 the required beginning date as specified by section 401(a)(9) of
 4 the Internal Revenue Code and the regulations issued thereunder. If
 5 the board is unable to make such a distribution, the benefit shall
 6 be distributed pursuant to the Uniform Disposition of Unclaimed
 7 Property Act and no amounts may be applied to increase the benefits
 8 any member would otherwise receive under the Judges Retirement Act.

9 2. Renumber the remaining sections and correct the
 10 repealer accordingly.

Senator McDonald filed the following amendment to LB844:
 AM2257 is available in the Bill Room.

Senator Langemeier filed the following amendment to LB245:
 FA256
 Amend AM542

Page 2 line 11 insert after "18-2538" "or by a majority vote of the governing
 body of the city or village"

RESOLUTIONS

LEGISLATIVE RESOLUTION 333. Introduced by Synowiecki, 7;
 Ashford, 20; Kruse, 13; Preister, 5; White, 8.

PURPOSE: The purpose of this study is to review the crime of destruction
 of property through the use of graffiti and to make a comprehensive
 recommendation to combat graffiti-related crimes in communities
 throughout the state.

This study shall include, but not be limited to:

(1) Examination of the impact of graffiti-related crimes throughout the
 state;

(2) Examination of the relationship between graffiti-related crimes and gang activity;

(3) Examination of the current penalties for destruction of property using graffiti;

(4) Recommendations for changes to current penalties for the crime, including:

(a) Possible enhanced penalties for the use of graffiti on areas of civic importance such as schools, churches, and monuments; and

(b) Possible enhanced penalties for gang-related graffiti;

(5) Recommendations for parental involvement for crime prevention and restitution; and

(6) Needs of law enforcement to combat graffiti-related crimes.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 334. Introduced by Lathrop, 12.

PURPOSE: To conduct a study of the effect of LB588 (2007) on the premium cost to consumers of workers' compensation insurance in Nebraska and the impact of the workers' compensation Diagnostic Related Group inpatient hospital fee schedules on Nebraska hospitals. LB588 was enacted in 2007 to help contain the premium cost of workers' compensation insurance in Nebraska. The method utilized to help contain those premium cost increases was a statutory workers' compensation Diagnostic Related Group inpatient hospital fee schedule. The Nebraska Workers' Compensation Court was charged with the administration and application of such hospital fee schedule, and the Department of Insurance oversees the rates, forms, and sale of workers' compensation insurance in Nebraska.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 335. Introduced by Erdman, 47.

PURPOSE: It is the purpose of this resolution to examine and identify policies, programs, services, and strategies to encourage and support family farm proprietorship and models of agricultural production and marketing conducive to family farm scale of agricultural production in this state. Such policies, programs, services, and strategies may address, but are not necessarily limited to, the following areas:

- (a) Tax incentives and policy;
- (b) Programs of extension, research, and technical and financial assistance;
- (c) Cooperative formation;
- (d) Government and institutional procurement practices;
- (e) Agricultural products standards, inspection, and certification;
- (f) Direct and local food marketing and development of specialty crops;
- (g) Credit and lending programs;
- (h) Farm succession and beginning farmer programs;
- (i) Conservation programs, open space preservation, and environmental services; and
- (j) Value-added processing, agro-tourism, and other on-farm entrepreneurial activities.

The study shall seek to involve Nebraska farm and commodity organizations, the Department of Agriculture, the University of Nebraska, the Institute of Agriculture and Natural Resources, the United States Department of Agriculture Rural Development Service Center Agency, and other entities and individuals with interest and expertise in purposes of this study.

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

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

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

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Members of Nebraska Federation of Women's Clubs from across the state.

RECESS

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

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Ashford, Cornett, Dierks, Dubas, Erdman, Flood, Heidemann, Karpisek, Kruse, McDonald, Raikes, and Schimek who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1072. Placed on Select File with amendment.
ER8228

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 66-1838, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 66-1838 (1) The provisions of this section apply only to
- 6 general rate filings.
- 7 (2) Except as provided in subsection (3) of this section,
- 8 a jurisdictional utility shall provide written notice to each city
- 9 that will be affected by a proposed change in rates simultaneously
- 10 with the filing with the commission of a request for a change
- 11 in rates pursuant to the State Natural Gas Regulation Act. Such
- 12 notice shall identify the cities that will be affected by the rate
- 13 filing. The jurisdictional utility shall also file the information
- 14 prescribed by the act and rules and regulations for rate changes
- 15 adopted and promulgated by the commission with each city affected
- 16 by such proposed rate change in electronic or digital format or,
- 17 upon request, as paper documents.
- 18 (3) A jurisdictional utility may determine not to
- 19 participate in negotiations with affected cities. Such decision,
- 20 if indicated by written notice in the initial rate filing to the
- 21 commission, shall relieve it from the duty of supplying notice to
- 22 such cities as specified in subsection (2) of this section. The
- 23 jurisdictional utility shall, not later than fifteen days after
- 1 the initial filing, inform the commission by written notice of any
- 2 decision not to participate in negotiations.
- 3 (4) Affected cities shall have a period of sixty days
- 4 after the date of such filing within which to adopt a resolution
- 5 evidencing their intent to negotiate an agreed rate change with the
- 6 jurisdictional utility. A copy of the resolution adopted by each
- 7 city under this section, notice of the rejection by a city of such
- 8 a resolution, or written notice by an authorized officer of the
- 9 city of the city's rejection of negotiations shall be provided to
- 10 the commission and to the jurisdictional utility within seven days
- 11 after its adoption.

12 (5) Any city may, at any time, by resolution adopted
13 by its governing body and filed with the commission, indicate
14 its rejection of participation in any future negotiations
15 pertaining to any rate change whenever the same may be filed.
16 Such resolution shall be treated as a duly filed notice of
17 rejection of participation in negotiations for any rate filing by
18 a jurisdictional utility at any time thereafter. The city filing
19 a resolution pursuant to this subsection shall be bound thereby
20 until such time as a resolution by the governing body of that city
21 revoking its prior rejection of participation is filed with the
22 commission.

23 (6) If the commission receives resolutions adopted prior
24 to the expiration of the sixty-day period provided for in
25 subsection (4) of this section evidencing the intent to negotiate
26 from cities representing more than fifty percent of the ratepayers
27 within the affected cities, the commission shall certify the case
1 for negotiation between such cities and the jurisdictional utility
2 and shall take no action upon the rate filing until the negotiation
3 period and any stipulated extension has expired or an agreement
4 on rates is submitted, whichever occurs first. The commission's
5 certification shall be issued within eight business days after
6 the earlier of (a) receipt of a copy of the resolutions from
7 cities representing fifty percent or more of ratepayers within the
8 affected cities or (b) the end of the sixty-day period provided for
9 in subsection (4) of this section.

10 (7) When (a) the commission receives notice or has
11 written documentary evidence on file from cities representing more
12 than fifty percent of the ratepayers within the affected cities
13 which notice or documents either expressly reject negotiations
14 or reject such a resolution or (b) the commission receives
15 written notice from the jurisdictional utility expressly rejecting
16 negotiations, the rate change review by the commission shall
17 proceed immediately from the date when the commission makes such a
18 determination or receives such notice.

19 (8) When the sixty-day period provided for in subsection
20 (4) of this section has expired without the receipt by the
21 commission of resolutions from cities representing more than fifty
22 percent of the ratepayers within the affected cities evidencing
23 their intent to negotiate an agreed rate change review by the
24 commission with the jurisdictional utility, the rate change shall
25 proceed immediately from the date when the commission makes such a
26 determination.

27 (9) If commission certification to pursue negotiations
1 is received, cities adopting resolutions to negotiate and the
2 jurisdictional utility shall enter into good faith negotiations
3 over such proposed rate change.

4 (10)(a) The jurisdictional utility's filed rates may be
5 placed into effect as interim rates, subject to refund, upon
6 the adoption of final rates sixty days after the filing with

7 the commission, if the commission certifies the rate filing for
8 negotiations.

9 (b) If the rate filing is not certified by the commission
10 for negotiations, the jurisdictional utility's filed rates may
11 be placed into effect as interim rates, subject to refund, upon
12 the adoption of final rates, ninety days after filing with the
13 commission.

14 (11) Negotiations between the cities and the
15 jurisdictional utility shall continue for a period not to
16 exceed ninety days after the date of the rate filing, except that
17 the parties may mutually agree to extend such period to a future
18 date certain and shall provide such stipulation to the commission.

19 (12) Notwithstanding any other provision of law, any
20 information exchanged between the jurisdictional utility and cities
21 is not a public record within the meaning of sections 84-712
22 to 84-712.09 and its disclosure to the commission, its staff,
23 the public advocate, or any other person or corporation, for any
24 purpose, is expressly prohibited.

25 (13) If the cities and the jurisdictional utility reach
26 agreement upon new rates, such agreement shall be reduced to
27 writing, including proposed findings of fact, proposed conclusions
1 of law, and a proposed commission order, and filed with the
2 commission. If cities representing more than fifty percent of the
3 ratepayers within the cities affected by the proposed rate change
4 enter into an agreement upon new rates and such agreement is filed
5 with and approved by the commission, such rates shall be effective
6 and binding upon all of the jurisdictional utility's ratepayers
7 affected by the rate filing.

8 (14) Any agreement filed with the commission shall be
9 presumed in the public interest, and absent any clear evidence on
10 the face of the agreement that it is contrary to the standards and
11 provisions of the State Natural Gas Regulation Act, the agreement
12 shall be approved by the commission within a reasonable time.

13 (15)(a) Except as provided in subdivision (c) of this
14 subsection, if the negotiations fail to result in an agreement
15 upon new rates, the rates requested in the rate filing shall
16 become final and no longer subject to refund if the commission
17 has not taken final action within two hundred ten days after the
18 date of the expiration of the negotiation period or after the
19 date upon which the jurisdictional utility and the cities file a
20 written agreement that the negotiations have failed and that the
21 rate change review by the commission should proceed as provided in
22 subsection (7) of this section.

23 (b) Except as provided in subdivision (c) of this
24 subsection, if the filing is not certified for negotiations,
25 the rate requested in the rate filing shall become final and no
26 longer subject to refund if the commission has not taken final
27 action within ~~two hundred ten~~ one hundred eighty days after the
1 date of the ~~filing~~ expiration of the sixty-day period provided for

2 in subsection (4) of this section or the date that the commission
 3 receives notice or has accumulated written documentary evidence
 4 on file from cities representing more than fifty percent of the
 5 ratepayers within the affected cities, whichever is earlier, if
 6 such notice or documents either expressly reject negotiations or
 7 reject such a resolution.

8 (c) The commission may extend the ~~two hundred ten day~~
 9 deadlines specified in subdivision (a) or (b) of this subsection
 10 by a period not to exceed an additional sixty days upon a
 11 finding that additional time is necessary to properly fulfill its
 12 responsibilities in the proceeding.

13 (16) Within thirty days after such changes have been
 14 authorized by the commission or become effective, copies of
 15 all tariffs, schedules, and classifications, and all terms
 16 or conditions of service, except those determined to be
 17 confidential under rules and regulations adopted and promulgated
 18 by the commission, shall be available for public inspection in
 19 every office and facility open to the general public of the
 20 jurisdictional utility in this state.

21 Sec. 2. Section 66-1852, Revised Statutes Cumulative
 22 Supplement, 2006, is amended to read:

23 66-1852 (1) Except as otherwise expressly authorized in
 24 the State Natural Gas Regulation Act, no person, public or private,
 25 shall extend duplicative or redundant natural gas mains or other
 26 natural gas services into any area which has existing natural gas
 27 utility infrastructure or where a contract has been entered into
 1 for the placement of natural gas utility infrastructure.

2 (2) The prohibition in subsection (1) of this section
 3 shall not apply in any area in which two or more jurisdictional
 4 utilities share authority to provide natural gas within the same
 5 territory under franchises issued by the same city.

6 (3) The prohibition in subsection (1) of this section
 7 shall not apply to the extension by a jurisdictional utility of
 8 a transmission line connecting to distribution facilities owned or
 9 operated by a jurisdictional utility, a city, or a metropolitan
 10 utilities district.

11 (4)(a) The prohibition in subsection (1) of this section
 12 shall not apply to the extension by a metropolitan utilities
 13 district of a transmission line connecting to distribution
 14 facilities owned or operated by such metropolitan utilities
 15 district.

16 (b) The extension by a metropolitan utilities district
 17 of a transmission line connecting to distribution facilities owned
 18 or operated by such metropolitan utilities district shall not
 19 constitute an enlargement or expansion of its natural gas service
 20 area and shall not be considered part of its natural gas service
 21 area.

22 (c) The extension of a transmission line by a
 23 jurisdictional utility as provided in subsection (3) of this

24 section shall not constitute an enlargement or expansion of the
 25 jurisdictional utility's natural gas service area and shall not be
 26 considered part of its natural gas service area if the transmission
 27 line makes its connection to distribution facilities in a county in
 1 which the natural gas service area or a portion of the natural gas
 2 service area of a metropolitan utilities district is located.

3 (5) The prohibition in subsection (1) of this section
 4 shall not apply to the extension by a city that owns or operates a
 5 natural gas utility of a transmission line that connects to its own
 6 distribution facilities.

7 (6) For purposes of this section, a transmission line
 8 means a pipeline, other than a gathering pipeline, distribution
 9 pipeline, or service line, that transports natural gas.

10 (7) Nothing in this section shall be construed to
 11 authorize a jurisdictional utility to extend a transmission line to
 12 a high-volume ratepayer with an existing source and adequate
 13 supply of natural gas that is located outside the area in
 14 which that jurisdictional utility has existing natural gas utility
 15 infrastructure.

16 Sec. 3. Section 75-130.01, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 75-130.01 With respect to any matter of fact or law at
 19 issue in a contested case and notwithstanding any other provision
 20 of law, a member, staff, or agent of the Public Service Commission
 21 shall not during the pendency of any contested case heard before
 22 the commission have any ex parte communication with any party
 23 having an interest in the outcome of the contested case. For
 24 purposes of this section, the definitions in section 84-901 shall
 25 apply. Notwithstanding subdivision (4)(c) of section 84-901, this
 26 section applies to all communications by a party in contested cases
 27 under the State Natural Gas Regulation Act, including, but not
 1 limited to, general rate filings under section 66-1838.

2 Sec. 4. Original sections 66-1838 and 75-130.01, Reissue
 3 Revised Statutes of Nebraska, and section 66-1852, Revised Statutes
 4 Cumulative Supplement, 2006, are repealed.

5 2. On page 1, line 3, after "Nebraska" insert ", and
 6 section 66-1852, Revised Statutes Cumulative Supplement, 2006"; and
 7 in line 5 after the first "to" insert "extension of natural gas
 8 transmission lines and to".

LEGISLATIVE BILL 928. Placed on Select File with amendment.
 ER8230

1 1. In the Standing Committee amendments, AM2435:

2 a. Renumber sections 33, 34, 35, 36, 37, and 38 as
 3 sections 32, 33, 34, 35, 36, and 37, respectively;

4 b. On page 39, line 2, strike the second "a"; in line 10
 5 strike "a" and insert "the"; and in line 19 before the comma insert
 6 "of the World Health Organization";

7 c. On page 40, line 22, strike "a"; and

8 d. On page 44, line 21, strike "32," and strike "34" and
 9 insert "33"; and in line 23 strike "36, and 37" and insert "35, and
 10 36".

11 2. In the Chambers amendment, FA250, after "32" insert
 12 "and all amendments thereto".

13 3. On page 1, strike beginning with "repeal" in line
 14 1 through line 4 and insert "amend sections 81-653, 81-655, and
 15 81-659, Reissue Revised Statutes of Nebraska, sections 81-656 and
 16 81-660, Revised Statutes Cumulative Supplement, 2006, and sections
 17 38-101, 38-1901, 38-1902, 38-1907, 38-1915, 38-3321, 71-2619,
 18 71-2620, 71-2621, 71-3503, 71-3505, 71-3507, 71-3508.03, 71-3517,
 19 71-3519, 71-5306, 81-654, 81-657, and 81-664, Revised Statutes
 20 Supplement, 2007; to provide for the performance of collaborative
 21 animal health care tasks under the Uniform Credentialing Act as
 22 prescribed; to define and redefine terms; to change provisions
 23 relating to medical radiographers, licensing requirements under the
 1 Medical Radiography Practice Act, laboratories, and collection and
 2 use of fees; to provide for fingerprinting and a background check
 3 under the Radiation Control Act; to name an act and change and
 4 eliminate provisions relating to the brain injury registry; to
 5 repeal the Hepatitis C Education and Prevention Act; to harmonize
 6 provisions; to provide operative dates; to repeal the original
 7 sections; to outright repeal sections 71-545, 71-546, 71-547,
 8 71-548, 71-549, 71-550, and 81-661, Revised Statutes Supplement,
 9 2007; and to declare an emergency."

LEGISLATIVE BILL 928A. Placed on Select File.

LEGISLATIVE BILL 736A. Placed on Select File.

LEGISLATIVE BILL 308A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB245:
 FA257

Amend AM542

Page 2 line 11 insert after "18-2538" "The governing body of the city or village by a majority vote may prohibit the adding of fluoride to the water supply of such city or village"

RESOLUTION

LEGISLATIVE RESOLUTION 336. Introduced by Hansen, 42.

PURPOSE: The purpose of this resolution is to study how to better educate parents, school officials, day care providers, and the general public on the importance of the administration of the influenza vaccine.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 853. ER8184, found on page 918, was adopted.

Senator Hudkins renewed her amendment, AM2114, found on page 979.

Senator Hudkins offered the following amendment to her amendment:
AM2616

(Amendments to AM2114)

- 1 1. Insert the following new section:
- 2 Sec. 6. Section 44-1113, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 44-1113 (1) In addition to the penalties and other
- 5 enforcement provisions of the Viatical Settlements Act, if any
- 6 person violates the act or any rule or regulation implementing the
- 7 act, the director may seek an injunction in a court of competent
- 8 jurisdiction and may apply for temporary and permanent orders that
- 9 the director determines are necessary to restrain the person from
- 10 committing the violation.
- 11 (2) Any person damaged by the acts of a person in
- 12 violation of the act may bring a civil action against the person
- 13 committing the violation in a court of competent jurisdiction.
- 14 (3) The director may issue, in accordance with the
- 15 Administrative Procedure Act, a cease and desist order upon a
- 16 person that violates any provision of the Viatical Settlements Act,
- 17 any rule, regulation, or order adopted or issued by the director,
- 18 or any written agreement entered into between such person and the
- 19 director.
- 20 (4) When the director finds that an activity in violation
- 21 of the act presents an immediate danger to the public that requires

22 an immediate final order, the director may issue an emergency cease
 1 and desist order reciting with particularity the facts underlying
 2 the findings. The emergency cease and desist order is effective
 3 immediately upon service of a copy of the order on the respondent
 4 and remains effective for ninety days. If the director begins
 5 nonemergency cease and desist proceedings, the emergency cease
 6 and desist order remains effective, absent an order by a court
 7 of competent jurisdiction pursuant to the Administrative Procedure
 8 Act.

9 (5) In addition to the penalties and other enforcement
 10 provisions of the Viatical Settlements Act, any person who violates
 11 the act is subject to civil penalties of up to one thousand dollars
 12 per violation. Imposition of civil penalties shall be pursuant to
 13 an order of the director issued under the Administrative Procedure
 14 Act. The director's order may require a person found to be in
 15 violation of the Viatical Settlements Act to make restitution to
 16 persons aggrieved by violations of the act.

17 (6) A person who is found by a court of competent
 18 jurisdiction, pursuant to an action initiated by the director, to
 19 have committed a fraudulent viatical settlement act, is subject
 20 to a civil penalty not to exceed five thousand dollars for the
 21 first violation, ten thousand dollars for the second violation, and
 22 fifteen thousand dollars for each subsequent violation.

23 ~~(7)~~(7)(a) Any person who solicits, markets, or otherwise
 24 promotes the purchase of an insurance policy for the sole purpose
 25 of or with the primary emphasis on entering into a viatical
 26 settlement contract shall be guilty of a Class IV felony.

27 (b) A person convicted of a~~any~~ violation of the act
 1 except for the violation described in subdivision (a) of this
 2 subsection by a court of competent jurisdiction shall be guilty of
 3 a Class III misdemeanor.

4 (c) A person convicted of a violation of the act shall be
 5 ordered to pay restitution to persons aggrieved by the violation.
 6 Restitution shall be ordered in addition to a fine or imprisonment,
 7 but not in lieu of a fine or imprisonment. A prosecution under this
 8 subsection shall be in lieu of an action under subsection (6) of
 9 this section.

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

Senator Chambers moved for a call of the house. The motion prevailed with
 24 ayes, 0 nays, and 25 not voting.

Senator Hudkins requested a roll call vote on her amendment.

Voting in the affirmative, 5:

Chambers Hudkins Karpisek Preister Wallman

Voting in the negative, 35:

Adams	Cornett	Gay	Lathrop	Pankonin
Aguilar	Engel	Hansen	Lautenbaugh	Pirsch
Ashford	Erdman	Harms	Louden	Raikes
Avery	Fischer	Heidemann	McDonald	Rogert
Burling	Flood	Johnson	McGill	Schimek
Carlson	Friend	Kopplin	Nantkes	White
Christensen	Fulton	Langemeier	Pahls	Wightman

Present and not voting, 7:

Dierks	Janssen	Nelson	Synowiecki
Howard	Kruse	Stuthman	

Excused and not voting, 2:

Dubas	Pedersen
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The Hudkins amendment lost with 5 ayes, 35 nays, 7 present and not voting, and 2 excused and not voting.

Pending.

MESSAGE FROM THE GOVERNOR

March 31, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 797e, 822, and 1096 were received in my office on March 25, 2008.

I signed these bills and delivered them to the Secretary of State on March 31, 2008.

Sincerely,
 (Signed) Dave Heineman
 Governor

RESOLUTIONS**LEGISLATIVE RESOLUTION 337.** Introduced by Johnson, 37.

PURPOSE: The purpose of this study is to examine the needs of the State of Nebraska for the development of a plan to provide behavioral health workers of all professions, allied professionals, and other specially trained support personnel necessary to support community-based behavioral health services, including the needs of persons with co-occurring developmental disabilities. The study shall examine alternatives to provide adequate funding of the plan.

In 2004, the State of Nebraska passed LB1083 to reform behavioral health services, moving such services from state regional centers to community-based sites and increasing the focus on recovery, thereby requiring providers of behavioral health services to have new competencies. LB1083 requires the state to "promote activities in research and education to improve the quality of behavioral health services, the recruitment and retention of behavioral health professionals, and the availability of behavioral health services."

The Civil Rights Division of the United States Department of Justice, in a civil rights report titled "CRIPA Investigation of the Beatrice State Developmental Center, Beatrice, Nebraska" and dated March 7, 2008, identified the lack of community behavioral health workers as a significant barrier to community-based placement of persons at the Beatrice State Developmental Center with co-occurring developmental disabilities and behavioral health disabilities. The State of Nebraska must take action to resolve the civil rights violations alleged in the report.

The United States Department of Health and Human Services currently designates over ninety-five percent of Nebraska's counties as Mental Health Professional Shortage Areas. Further, ninety of ninety-three counties are designated as Psychiatric Shortage Areas. These shortages have led to well-documented problems such as hospital and emergency rooms and jails and prisons bearing the brunt of the responsibility of care for patients needing more specialized and appropriate treatment. As the state works toward moving services from institutional to community-based care, there is a recognition that many of the professionals necessary to provide these services are difficult to hire due to this shortage.

In 2003, Senator Jim Jensen and Governor Mike Johanns requested a study of behavioral health service, education, and research issues from the academic medical centers in the state which generated "The Nebraska Academic Health Centers Plan for Excellence in Behavioral Health" which outlined numerous behavioral health issues and recommendations.

In 2004, the Nebraska Health and Human Services System established the Academic Support Workgroup in order to outline a plan to address the shortage and competency issues. The workgroup brought together many stakeholders involved in behavioral health care, including clinicians, educators, researchers, advocates, consumers, and system administrators with a wide range of educational backgrounds and institutional and academic affiliations. In 2005, the Academic Support Workgroup outlined a

comprehensive plan to improve the behavioral health workforce in "A Behavioral Health Education and Research System for Nebraska." This plan includes recruitment of talented students into the field, improved undergraduate and graduate training in behavioral health, enhanced training opportunities in rural areas and increased use of telehealth technology, increased focus on recovery competencies, enhanced training in behavioral health for primary care providers, and improved continuing education in behavioral health, especially for providers in rural areas.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct a study concerning statewide behavioral health education to address workforce shortage and delineate a range of proposals to "promote activities in research and education to improve the quality of behavioral health services, the recruitment and retention of behavioral health professionals, and the availability of behavioral health services, including services to those with co-occurring developmental disabilities."

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 338. Introduced by Johnson, 37.

PURPOSE: The purpose of this study is to conduct research and develop recommendations relating to the implementation of the Nebraska Behavioral Health Services Act. Such recommendations shall relate to, but are not limited to: (a) Consumer involvement as provided in section 71-803; (b) the Division of Behavioral Health of the Department of Health and Human Services as provided in sections 71-805 and 71-806; (c) regional behavioral health authorities as provided in sections 71-808 and 71-809; (d) regional centers and community-based behavioral health services as provided in section 71-810; (e) funding for behavioral health services as provided in sections 71-811 and 71-812; and (f) the number and function of various legislatively created behavioral health advisory entities as currently established and provided in sections 43-4001 to 43-4003 and 71-814 to 71-818.

The study shall be conducted by a select committee consisting of three members of the Health and Human Services Committee of the Legislature and three members of the Appropriations Committee of the Legislature appointed by the chairpersons of such committees. The select committee shall consult with the Department of Health and Human Services, members of the Behavioral Health Oversight Commission of the Legislature established in section 71-818, and other interested parties in developing such recommendations.

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

1. That the Health and Human Services and Appropriations Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature on or before December 31, 2008.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 339. Introduced by Johnson, 37.

PURPOSE: The purpose of this resolution is to study issues relating to educational requirements for licensure as an engineer raised by LB 742 (2008).

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 340. Introduced by Gay, 14; Howard, 9; Johnson, 37; Pankonin, 2.

PURPOSE: The purpose of this interim study is to study transparency in health care pricing and billing, including transparent disclosure of price to consumers and easily understandable and streamlined medical billing within the health care system in Nebraska. In order to carry out the purpose of this resolution, the Health and Human Services Committee of the Legislature shall consider input from employers, including small businesses, consumer groups, insurers, providers, third-party administrators, the Department of Health and Human Services, the Department of Insurance, and others as the committee deems necessary and beneficial. The issues to consider shall include, but are not limited to: The role of pricing and billing transparency in assisting consumers to make health care decisions; controlling health care costs; how employers, payors, and providers are responding to consumer demand for transparency; and what role state government may play to provide positive incentives and eliminate barriers toward greater pricing and billing transparency.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 341. Introduced by Rogert, 16.

PURPOSE: To review the costs, impact, and effectiveness associated with requiring that DNA samples be collected for arrestees for felony sex offenses and other specified offenses under murder in the first degree, murder in the second degree, manslaughter, stalking, burglary, and robbery.

In addition to this, to review the costs, impact, and effectiveness associated with requiring DNA samples to be collected for assault in the first degree, assault in the second degree, use of a deadly weapon to commit a felony, and any violation relating to explosives.

The intent in providing DNA arrestee testing is to provide comparison evidence in the State DNA Data Base in between the time that the person is arrested and convicted in order to provide a comparison sample for other crimes he or she may have already committed before the arrest and in between the arrest and a possible conviction.

The issues to be addressed by this study include:

(1) Identification of the constitutionality of DNA testing and collection prior to conviction;

(2) Identification of costs associated with DNA testing and collection prior to conviction;

(3) Identification of laws prohibiting penalties on the misuse of DNA samples in the data base;

(4) Research of the laws and the subsequent impact in solving crime regarding DNA testing and collection in other states;

(5) Identification of the collection and expungement processes and procedures currently implemented to acquire a DNA sample from those persons convicted of felony sex offenses and other specified offenses;

(6) Identification of storage and testing facility adequacies for DNA samples; and

(7) Exploration of options in requiring DNA testing and collection for certain enumerated crimes or for all those persons convicted or arrested.

Based on these studies, the Judiciary Committee of the Legislature shall recommend any changes necessary to LB 1076 (2008) to better conform to Nebraska's criminal statutes and to address any concerns that may exist in terms of privacy, the presumption of innocence, and the selection of enumerated crimes affecting those persons who would be arrested and hence subject to the collection of a DNA sample.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 342. Introduced by Johnson, 37; Louden, 49.

PURPOSE: The purpose of this study is to examine whether the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act and the adoption and enforcement of construction standards for onsite wastewater treatment systems in the State of Nebraska generally authorized under the Environmental Protection Act should be transferred for administration to the Department of Health and Human Services from the Department of Environmental Quality.

The onsite wastewater treatment programs for development of construction standards and the enforcement of those standards, including the provisions for registration of wastewater treatment systems and the certification of professionals serving onsite wastewater system businesses, has been administered under the general authority of the Department of Environmental Quality. The Natural Resources Committee of the Legislature has jurisdiction over the department. The department, because of the inadequacy of staffing, has historically relied extensively upon the field services staff of the Department of Health and Human Services for state enforcement inspections and upon limited volunteer inspection and enforcement by city and county inspectors working as building code administrators or health department administrators.

The Department of Health and Human Services currently provides administration and local inspection for the Water Well Standards and Contractors' Practice Act which makes contact with many of the same contractors involved with onsite wastewater treatment systems. The Health and Human Services Committee of the Legislature has jurisdiction over the department and local and regional public health departments.

The Department of Health and Human Services currently has contact with and provides administrative guidance to local health departments and to the newly established regional health organizations which provide a direct link to new local health management professionals who could enhance local onsite wastewater treatment system construction and operation and maintenance.

State field services and local health services may provide critical personal connections among wastewater treatment system contractors and system owners necessary to enhance the protection of ground water resources

across the state not now possible because of a limitation of Department of Environmental Quality staffing.

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

1. That the Natural Resources and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 343. Introduced by Erdman, 47.

PURPOSE: To examine the collection and distribution of municipal aid and equalization to communities in Nebraska.

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

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

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

Referred to the Executive Board.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 847. Placed on General File with amendment.
AM1745

1 1. Strike original section 1 and insert the following new
2 section:
3 Section 1. Section 30-2483, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 30-2483 Unless notice has already been given under this
6 article and except when an appointment of a personal representative
7 is made pursuant to subdivision (4) of section 30-2408, the clerk
8 of the court upon the appointment of a personal representative
9 shall publish a notice once a week for three successive weeks
10 in a newspaper of general circulation in the county announcing
11 the appointment and the address of the personal representative,
12 and notifying creditors of the estate to present their claims
13 within two months after the date of the first publication of the
14 notice or be forever barred. The first publication shall be made
15 within thirty days after the appointment. The party instituting or

16 maintaining the proceeding or his or her attorney is required to
 17 mail the published notice and give proof thereof in accordance with
 18 section 25-520.01. If the decedent was fifty-five years of age or
 19 older or resided in a medical institution as defined in subsection
 20 (1) of section 68-919, the notice shall also be mailed to the
 21 Department of Health and Human Services with the decedent's social
 22 security number and, if available upon reasonable investigation,
 23 the name and social security number of the decedent's spouse if
 1 such spouse is deceased.

LEGISLATIVE BILL 868. Placed on General File with amendment.
 AM2178

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 45-918, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 45-918 No licensee shall charge as a fee a total amount
 6 in excess of ~~fifteen dollars per one hundred dollars or pro rata~~
 7 ~~for any part thereof on~~ thirty-six percent annually of the face
 8 amount of a check for services provided by licensee.
 9 Sec. 2. Original section 45-918, Reissue Revised Statutes
 10 of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Loudon filed the following amendment to LB986:
 AM2625

(Amendments to Standing Committee amendments, AM1998)

1 1. On page 4, line 14, strike "(1)"; in line 15 after
 2 "manufacturer" insert "who sold at least five hundred electronic
 3 devices in this state in the previous calendar year"; in line 16
 4 after "department" insert "whether"; in line 17 before the period
 5 insert "falls within subdivision (1), (2), or (3) of section 6
 6 of this act and which subdivision is applicable"; strike lines 18
 7 through 24; in line 25 strike "(1)"; and strike line 27.
 8 2. On page 5, strike line 1; in line 5 strike "(a)" and
 9 insert "(1)"; in line 7 strike "(b)" and insert "(2)"; in line 9
 10 strike "(c)" and insert "(3)"; and strike lines 11 through 16.

Senator White filed the following amendment to LB1147:
 AM2574

(Amendments to Standing Committee amendments, AM1999)

1 1. Insert the following new section:
 2 Sec. 7. Section 79-933, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 79-933 (1) Upon retirement under section 79-931, a member
 5 or emeritus member shall receive a school retirement allowance

6 which shall consist of the sum of: ~~(1)-(a)~~ A savings annuity which
 7 shall be the actuarial equivalent, as determined by the retirement
 8 board, of the member's accumulated contributions at the time of
 9 his or her retirement or, in the case of an emeritus member, the
 10 savings annuity fixed by the retirement board at the time of his or
 11 her original retirement; and ~~(2)-(b)~~ a service annuity to be paid
 12 by the State of Nebraska.

13 (2) The amount of any individual service annuity for (a)
 14 a full-time school employee hired on or before April 1, 1988, who
 15 retires with thirty-five or more years of service or who retires
 16 under the provisions of disability retirement, (b) a full-time
 17 school employee who provided compensated service after April 1,
 18 1988, but prior to July 19, 1996, if the service annuity commences
 19 on or after the member's sixty-fifth birthday, who retires with
 20 thirty-five or more years of service, or who retires under the
 21 provisions of disability retirement, or (c) an emeritus member
 22 shall be three dollars and fifty cents per month for each year
 1 of creditable service commencing with his or her retirement on or
 2 after May 19, 1981. For employees not enumerated in subdivision (a)
 3 or (b) of this subsection or for employees hired on or after July
 4 19, 1996, except that if the service annuity commences prior to
 5 the member's sixty-fifth birthday, it shall be on an actuarially
 6 reduced basis. Each school employee or emeritus member who retired
 7 before July 1, 1973, and who is receiving a service annuity as of
 8 that date shall have such service annuity adjusted by the increase
 9 in the cost of living as determined by the difference between the
 10 Consumer Price Index for Urban Wage Earners and Clerical Workers
 11 from the date the service annuity commenced and July 1, 1973,
 12 except that such annuity shall not exceed three dollars and fifty
 13 cents monthly per year of service based on the same number of years
 14 of service that is currently being used to determine his or her
 15 service annuity. Such increased service annuity shall commence on
 16 July 1, 1973.
 17 2. Renumber the remaining sections and correct the
 18 repealer accordingly.

SELECT FILE

LEGISLATIVE BILL 853. Senator Hudkins offered the following amendment to her amendment:

AM2618

(Amendments to AM2114)

- 1 1. On page 4, line 25, strike "or".
- 2 2. On page 5, line 1, after the semicolon insert "or
- 3 (g) Soliciting, marketing, or otherwise promoting the
- 4 purchase of an insurance policy for the sole purpose of or with the
- 5 primary emphasis on entering into a viatical settlement contract;".

SENATOR SCHIMEK PRESIDING

Senator Hudkins moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Hudkins requested a roll call vote on her amendment.

Voting in the affirmative, 8:

Avery	Howard	Karpisek	Nelson
Chambers	Hudkins	Lathrop	Wallman

Voting in the negative, 27:

Adams	Cornett	Hansen	Pahls	Synowiecki
Aguilar	Engel	Harms	Pankonin	White
Ashford	Erdman	Kopplin	Raikes	Wightman
Burling	Fischer	Lautenbaugh	Rogert	
Carlson	Friend	McDonald	Schimek	
Christensen	Fulton	Nantkes	Stuthman	

Present and not voting, 8:

Dierks	Janssen	Kruse	Pirsch
Dubas	Johnson	McGill	Preister

Excused and not voting, 6:

Flood	Heidemann	Louden
Gay	Langemeier	Pedersen

The Hudkins amendment lost with 8 ayes, 27 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Hudkins amendment, AM2114, found on page 979 and considered in this day's Journal, was renewed.

Pending.

COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 1116. Placed on General File with amendment. AM2629 is available in the Bill Room.

LEGISLATIVE BILL 861. Indefinitely postponed.

LEGISLATIVE BILL 1044. Indefinitely postponed.

(Signed) Philip Erdman, Chairperson

Urban Affairs

LEGISLATIVE BILL 51. Indefinitely postponed.

LEGISLATIVE BILL 302. Indefinitely postponed.

LEGISLATIVE BILL 387. Indefinitely postponed.

LEGISLATIVE BILL 971. Indefinitely postponed.

LEGISLATIVE BILL 1117. Indefinitely postponed.

LEGISLATIVE BILL 1166. Indefinitely postponed.

(Signed) Mike Friend, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 344. Introduced by Engel, 17; McDonald, 41.

PURPOSE: The purpose of this resolution is to study the process and standards used to revise the State Electrical Act. The National Electrical Code is updated every three years in response to an ever-changing electrical industry. When the national code is updated a legislative bill typically follows to update Nebraska's minimum standards for electrical wiring to conform with the latest edition of the National Electrical Code. This study shall examine the process used to update the act and whether there is a more efficient method that could be utilized. This study shall also investigate the consequences of not updating the state code in accordance with the national code and how the Legislature can ensure that the highest safety standards are enacted for the protection of the citizens of Nebraska.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 345. Introduced by McDonald, 41; Aguilar, 35; Janssen, 15; Karpisek, 32; Nantkes, 46; Pedersen, 39; Preister, 5; Rogert, 16; Stuthman, 22.

PURPOSE: The purpose of this study is to examine issues relating to the horseracing industry in Nebraska, including the following:

(1) The history of the horseracing industry in Nebraska;

(2) An examination of the financial impact the horseracing industry has in communities with live racing;

(3) An examination of the financial impact the horseracing industry has on the state as a whole;

(4) An examination of the revenue generated from live horseracing in Nebraska;

(5) An examination of the revenue generated from parimutuel wagering on horseracing in Nebraska; and

(6) Any and all other matters of interest relating to the horseracing industry in Nebraska.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 346. Introduced by Rogert, 16; Flood, 19.

PURPOSE: The purpose of this resolution is to reexamine the effects of changing the age of majority from age nineteen to age eighteen. This study should include, but not be limited to, examining the effects of this change to wards of the state. In 2003 and 2004, interim studies recommended statutory changes relating to the age of majority. The statutes covered were within the jurisdiction of multiple committees of the Legislature. This resolution proposes the Judiciary Committee of the Legislature serve as the lead committee in conducting this study. The legal counsels for the committees with subject matter covered by the study shall participate as staff in the conduct of the interim study.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 347. Introduced by Raikes, 25.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 348. Introduced by Dubas, 34.

PURPOSE: To examine the issue of language access in Nebraska's health care and human services systems. We have a public interest in ensuring that all Nebraskans can effectively access quality health care. A lack of effective plans for translation and interpretation can result in (1) delayed medical treatment until more expensive, emergency care is needed, (2) unnecessary testing and misdiagnoses, and (3) more time-consuming care or even fatal errors. The study should include, but is not limited to, exploring the most effective ways the state can ensure access to quality medical care and reduce medical errors and costs through legislation relating to medical interpretation and translation, such as prohibiting the use of minors as interpreters, determining whether we are fully utilizing available federal funds to pay for interpretation, and developing a system for credentialing Nebraska interpreters.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 349. Introduced by Dubas, 34; Adams, 24.

PURPOSE: To do a comprehensive examination of city and county state aid programs currently in state law. A report shall be developed examining the history of the state aid programs, the impact of the state aid programs on

local finances, and the future fiscal needs of cities and counties which may be addressed by local fiscal resources which cities and counties are authorized by law to use. Needs, available local capacity and resources, and future strategies for providing sustainable growth in fiscal resources shall be examined. Alternative policies shall be identified by the study.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 350. Introduced by Dubas, 34.

PURPOSE: The purpose of this resolution is to examine opportunities in the growth and development of renewable energy, including cellulosic ethanol, biodiesel, and other systems for capturing energy values from agricultural products and waste streams. This study should identify policies, programs, and strategies to optimize economic value realized by production agriculture and related economic sectors in renewable energy development.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 351. Introduced by Dubas, 34.

WHEREAS, Hall and Merrick counties recently celebrated their Sesquicentennial; and

WHEREAS, the community of Genoa also recently celebrated its Sesquicentennial; and

WHEREAS, the community of Marquette recently celebrated its Quasiquicentennial.

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

1. That the Legislature recognizes the sesquicentennials of the community of Genoa and the counties of Hall and Merrick as well as the quasiquicentennial of the community of Marquette and extends warm wishes

to the citizens of the thirty-fourth Legislative District upon commemorating these anniversaries.

2. That a copy of this resolution be presented to the appropriate city and county boards.

Laid over.

LEGISLATIVE RESOLUTION 352. Introduced by Dubas, 34.

PURPOSE: To examine a model for wind and solar rights in the State of Nebraska and to make recommendations for an appropriate model for future legislation.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 353. Introduced by Preister, 5; Dierks, 40.

PURPOSE: The purpose of this study is to examine the rural economic development potential of wind energy development in Nebraska and legislation which may advance this goal.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 354. Introduced by Stuthman, 22.

PURPOSE: The purpose of this study is to review the statutory provisions of the Adult Protective Services Act. The goal is to study the need to redefine definitions pertaining to the act and the need to revise the penalty provisions under the act.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 355. Introduced by Fulton, 29; Engel, 17; Erdman, 47; Gay, 14; Hansen, 42; Harms, 48; Kruse, 13; Lautenbaugh, 18; Nantkes, 46; Nelson, 6; Pankonin, 2; Stuthman, 22; Synowiecki, 7; Wightman, 36.

PURPOSE: To examine the feasibility of the Department of Health and Human Services contracting with other social services agencies for the provision of foster care services. The study shall include, but not be limited to, the examination of:

(1) The total cost-per-case of providing foster care services through other social services agencies;

(2) The total cost-per-case of providing foster care services through the department;

(3) How an increased utilization of other social services agencies to provide foster care services affects the quality of the department's case management;

(4) How an increased utilization of other social services agencies to provide foster care services affects the general welfare of foster care children;

(5) How an increased utilization of other social services agencies to provide foster care services affects all outcomes for foster care children; and

(6) What budget effects would result from ensuring that the rate for services provided by other social services agencies be prevented from exceeding the cost at which the department could provide the same foster care services.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Adams filed the following amendment to LB1153:

AM2610

(Amendments to Standing Committee amendments, AM2510)

1 1. Insert the following new sections:

2 Sec. 2. Section 79-1104.01, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 79-1104.01 (1) Within ninety days after July 14, 2006,
5 the State Department of Education shall request proposals from
6 private endowments with experience in managing public and private
7 funds for the benefit of children and families in multiple
8 locations in Nebraska to be the endowment provider for the Nebraska
9 Early Childhood Education Endowment upon the terms set forth in
10 this section.

11 (2) An endowment seeking to become the endowment provider
12 for the Nebraska Early Childhood Education Endowment shall agree
13 to:

14 (a) Irrevocably commit, subject to subdivision (4)(a) of
15 this section, no less than twenty million dollars in a private
16 endowment to be used solely as part of the Nebraska Early Childhood
17 Education Endowment within five years after the effective date of
18 the endowment agreement, of which no less than five million dollars
19 shall be pledged on the effective date of the endowment agreement.
20 A minimum of one million dollars shall be placed in the private
21 endowment prior to December 31, 2006, and a minimum of five million
22 dollars shall be placed in the private endowment prior to June 30,
1 2007;

2 (b) Commit all ~~interest, earnings, and proceeds~~ earnings
3 deposited from such private endowment for deposit into the Early
4 Childhood Education Endowment Cash Fund;

5 (c) Permit the board of trustees to determine the
6 allocation of funds from the Early Childhood Education Endowment
7 Cash Fund pursuant to section 79-1104.02; and

8 (d) Submit to the State Department of Education an
9 annual financial statement of the private endowment, audited by
10 an independent auditor and complying with all applicable Internal
11 Revenue Service requirements. The financial statement shall report
12 details on the private endowment, including the current value
13 of the corpus and the annual receipts to the private endowment
14 categorized by donations and interests, together with a report
15 listing the amount and purpose of expenditures from the private
16 endowment.

17 (3) Upon selection of an endowment provider, the State
18 Department of Education and such endowment provider shall enter
19 into an endowment agreement pursuant to which the state and the
20 endowment provider will agree to deposit funds as provided in
21 subsection (4) of this section.

22 (4)(a) Upon the effective date of an endowment agreement,

23 the state shall provide for the Early Childhood Education
 24 Endowment Fund, which is hereby created, in accordance with section
 25 79-1104.05. Any money in the fund available for investment shall be
 26 invested by the state investment officer pursuant to the Nebraska
 Capital Expansion Act and the Nebraska State Funds Investment Act.
 1 The endowment agreement may provide that the obligations of the
 2 endowment provider will terminate if the funds allocated to the
 3 Early Childhood Education Endowment Fund pursuant to subsection
 4 (11) of section 84-612 terminate as set forth in such section and
 5 are not replaced by a minimum of forty million dollars from another
 6 source on and after July 1, 2007.

7 (b) All interest, earnings, and proceeds from the Early
 8 Childhood Education Endowment Fund shall be deposited in the Early
 9 Childhood Education Endowment Cash Fund, which is hereby created.
 10 Any money in the fund available for investment shall be invested
 11 by the state investment officer pursuant to the Nebraska Capital
 12 Expansion Act and the Nebraska State Funds Investment Act. All
 13 interest, earnings, and proceeds from the Early Childhood Education
 14 Endowment Cash Fund shall be retained in such fund.

15 (c) Upon the effective date of an endowment agreement,
 16 the endowment provider shall deposit the amounts set forth in the
 17 endowment agreement into a private endowment for the sole benefit
 18 of the Early Childhood Education Endowment Fund. Money in the
 19 private endowment shall be managed by the endowment provider in
 20 accordance with sound, professional, fiduciary practices and in
 21 accordance with the endowment agreement.

22 (d) ~~All interest, earnings, and proceeds~~ Earnings
 23 deposited from the private endowment shall be deposited into
 24 the Early Childhood Education Endowment Cash Fund ~~no less than~~
 25 quarterly, at least annually or as the endowment agreement
 26 provides.

27 Sec. 3. Section 79-1104.02, Revised Statutes Cumulative
 Supplement, 2006, is amended to read:

2 79-1104.02 (1) The Early Childhood Education Endowment
 3 Cash Fund, consisting of the interest, earnings, and proceeds from
 4 the Early Childhood Education Endowment Fund and the ~~interest,~~
 5 ~~earnings, and proceeds~~ from the private endowment created by the
 6 endowment provider, and any additional private donations made
 7 directly thereto, shall be used exclusively to provide funds for
 8 the Early Childhood Education Grant Program for at-risk children
 9 from birth to age three as set forth in this section.

10 (2) Grants provided by this section shall be to school
 11 districts; and cooperatives of school districts; ~~and educational~~
 12 ~~service units~~ for early childhood education programs for at-risk
 13 children from birth to age three, as determined by the board
 14 of trustees pursuant to criteria set forth by the board of
 15 trustees. School districts; and cooperatives of school districts;
 16 ~~and educational service units~~ may establish agreements with other
 17 public and private entities to provide services or operate

18 programs.

19 (3) Each program selected for a grant pursuant to this
20 section may be provided a grant for up to one-half of the total
21 budget of such program per year. Programs selected for grant awards
22 may receive continuation grants subject to the availability of
23 funding and the submission of a continuation plan which meets the
24 requirements of the board of trustees.

25 (4) Programs shall be funded across the state and in
26 urban and rural areas to the fullest extent possible.

27 (5) Each program selected for a grant pursuant to this
1 section shall meet the requirements described in subsection (2)
2 of section 79-1103, except that the periodic evaluations of the
3 program are to be specified by the board of trustees and the
4 programs need not include continuity with programs in kindergarten
5 and elementary grades and need not include instructional hours
6 that are similar to or less than the instructional hours for
7 kindergarten.

8 (6) Up to ~~five~~^{ten} percent of the total amount deposited
9 in the Early Childhood Education Endowment Cash Fund each fiscal
10 year may be reserved by the board of trustees for evaluation
11 and technical assistance for the Early Childhood Education Grant
12 Program with respect to programs for at-risk children from birth to
13 age three.

14 Sec. 4. Section 79-1104.04, Revised Statutes Supplement,
15 2007, is amended to read:

16 79-1104.04 (1) The board of trustees shall include the
17 following six members:

18 (a) The Commissioner of Education or his or her designee;

19 (b) The chief executive officer of the Department of
20 Health and Human Services or his or her designee; and

21 (c) The following persons appointed by the Governor, in
22 his or her discretion:

23 (i) Two persons nominated by the endowment provider;

24 (ii) An early childhood professional representing an
25 urban at-risk area appointed pursuant to subsection (5) of this
26 section; and

27 (iii) An early childhood professional representing a
1 rural at-risk county appointed pursuant to subsection (6) of this
2 section.

3 (2) The terms of office for members initially appointed
4 under subsection (1) of this section shall be three years. Upon
5 completion of the initial terms of such members, the Governor shall
6 appoint the two members under subdivision (1)(c)(i) of this section
7 for terms of one and two years, the member under subdivision
8 (1)(c)(ii) of this section for a term of three years, and the
9 member under subdivision (1)(c)(iii) of this section for a term of
10 two years. Succeeding appointees shall be appointed for terms of
11 three years. An appointee to a vacancy occurring from an unexpired
12 term shall serve out the term of his or her predecessor. Members

13 whose terms have expired shall continue to serve until their
14 successors have been appointed and qualified.

15 (3) The board of trustees shall by majority vote annually
16 elect a chairperson from among the members of the board of
17 trustees.

18 (4) The members of the board of trustees shall be
19 reimbursed for their actual and necessary expenses incurred while
20 engaged in the performance of their official duties as provided in
21 sections 81-1174 to 81-1177.

22 (5) The Governor shall, in his or her discretion,
23 appoint one member to the board of trustees who resides or
24 works in ~~identify~~ an at-risk urban area consisting of not less
25 than ten contiguous census tracts, as determined by the United
26 States Bureau of the Census for the 2000 United States Census,
27 within a city of the metropolitan class, which each contain a
1 percentage of families below the poverty line of greater than
2 twenty percent, as reported by the United States Bureau of the
3 Census for the 2000 United States Census. ~~The Governor shall~~
4 ~~request that a committee, consisting of (a) the member of the~~
5 ~~Legislature representing the district containing the preponderance~~
6 ~~of geographic area of such at risk area, (b) the member of the~~
7 ~~board of county commissioners representing the district containing~~
8 ~~the preponderance of geographic area of such at risk area, and (c)~~
9 ~~the member of the city council representing the district containing~~
10 ~~the preponderance of geographic area of such at risk area, develop~~
11 ~~a list of not less than two and not more than four nominees for~~
12 ~~appointment to the board of trustees. Upon receipt of a list of~~
13 ~~nominees signed by at least two members of the committee, the~~
14 ~~Governor shall, in his or her discretion, appoint a member to the~~
15 ~~board of trustees from such list of nominees.~~

16 (6) The Governor shall, in his or her discretion, appoint
17 one member to the board of trustees who resides or works in a
18 county which does not contain a city of the metropolitan class or
19 a city of the primary class and which contains a percentage of
20 families below the poverty line of greater than eight and one-half
21 percent, as reported by the United States Bureau of the Census for
22 the 2000 United States Census.

23 Sec. 5. Original sections 79-1104.01 and 79-1104.02,
24 Revised Statutes Cumulative Supplement, 2006, and section
25 79-1104.04, Revised Statutes Supplement, 2007, are repealed.

SELECT FILE

LEGISLATIVE BILL 853. The Hudkins amendment, AM2114, found on page 979 and considered in this day's Journal, was renewed.

Senator Hudkins moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Senator Hudkins requested a roll call vote on her amendment.

Voting in the affirmative, 10:

Avery	Dierks	Howard	Kruse	Stuthman
Chambers	Fischer	Karpisek	Lathrop	Wallman

Voting in the negative, 27:

Adams	Engel	Hansen	Pahls	Synowiecki
Aguilar	Erdman	Harms	Pankonin	White
Ashford	Flood	Kopplin	Pirsch	Wightman
Burling	Friend	Lautenbaugh	Raikes	
Carlson	Fulton	McGill	Rogert	
Christensen	Gay	Nantkes	Schimek	

Present and not voting, 8:

Cornett	Hudkins	Johnson	Pedersen
Dubas	Janssen	Nelson	Preister

Excused and not voting, 4:

Heidemann	Langemeier	Louden	McDonald
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The Hudkins amendment lost with 10 ayes, 27 nays, 8 present and not voting, and 4 excused and not voting.

Senator Hudkins offered the following motion:

MO160

Reconsider the vote taken on AM2114.

The Chair declared the call raised.

SENATOR FRIEND PRESIDING

Senator Hudkins moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Hudkins requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 7:

Chambers	Howard	Karpisek	Wallman
Dierks	Hudkins	Lathrop	

Voting in the negative, 34:

Adams	Cornett	Hansen	McDonald	Rogert
Aguilar	Dubas	Harms	McGill	Schimek
Ashford	Engel	Janssen	Nantkes	Stuthman
Avery	Fischer	Johnson	Pahls	Synowiecki
Burling	Friend	Kopplin	Pankonin	White
Carlson	Fulton	Lautenbaugh	Pirsch	Wightman
Christensen	Gay	Louden	Raikes	

Present and not voting, 4:

Kruse	Nelson	Pedersen	Preister
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Excused and not voting, 4:

Erdman	Flood	Heidemann	Langemeier
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The Hudkins motion to reconsider failed with 7 ayes, 34 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Hudkins renewed her amendment, AM2354, found on page 979.

SPEAKER FLOOD PRESIDING

Senator Pahls offered the following motion:

MO161

Invoke cloture pursuant to Rule 7, Section 10.

Senator Pahls moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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

Voting in the affirmative, 33:

Adams	Engel	Harms	Louden	Rogert
Aguilar	Erdman	Heidemann	McDonald	Stuthman
Ashford	Flood	Janssen	McGill	Synowiecki
Burling	Friend	Kopplin	Pahls	White
Carlson	Fulton	Kruse	Pankonin	Wightman
Christensen	Gay	Langemeier	Pirsch	
Dubas	Hansen	Lautenbaugh	Raikes	

Voting in the negative, 8:

Avery	Howard	Lathrop	Schimek
Chambers	Hudkins	Nelson	Wallman

Present and not voting, 5:

Cornett Johnson Nantkes Pedersen Preister

Excused and not voting, 3:

Dierks Fischer Karpisek

The Pahls motion to invoke cloture prevailed with 33 ayes, 8 nays, 5 present and not voting, and 3 excused and not voting.

The Hudkins amendment, AM2354, lost with 4 ayes, 26 nays, 16 present and not voting, and 3 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Adams	Dubas	Hansen	Louden	Rogert
Aguilar	Engel	Harms	McDonald	Synowiecki
Ashford	Erdman	Heidemann	McGill	White
Burling	Fischer	Janssen	Nantkes	Wightman
Carlson	Flood	Kopplin	Pahls	
Christensen	Friend	Kruse	Pankonin	
Cornett	Fulton	Langemeier	Pirsch	
Dierks	Gay	Lautenbaugh	Raikes	

Voting in the negative, 5:

Chambers Howard Hudkins Lathrop Nelson

Present and not voting, 7:

Avery Pedersen Schimek Wallman
Johnson Preister Stuthman

Excused and not voting, 1:

Karpisek

Advanced to Enrollment and Review for Engrossment with 36 ayes, 5 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS**LEGISLATIVE RESOLUTION 356.** Introduced by Preister, 5.

PURPOSE: To examine whether there is a need to adopt additional financing mechanisms relating to taxation and revenue potential for a natural resource district encompassing a city of the metropolitan class in order to implement necessary flood control and water quality projects.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 357. Introduced by Preister, 5.

PURPOSE: To examine policies relating to livestock friendly county programs in the state.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 358. Introduced by Cornett, 45.

PURPOSE: The purpose of this resolution is to direct the Business and Labor Committee of the Legislature to conduct a study on LB 1073 (2008), a bill that proposed to adopt the Nebraska Construction Prompt Pay Act. The committee may examine any issues related to the bill and may review similar laws or legislation from other states.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 359. Introduced by Raikes, 25.

PURPOSE: To review recent changes to Nebraska's statewide assessment statutes and the Quality Education Accountability Act and to evaluate models for implementing statewide assessment. The Education Committee of the Legislature may conduct a study of the following:

- (1) Explore models of statewide assessment from other states;
- (2) Review practices of local assessment developed in Nebraska by school districts, educational service units, assessment consortia, or other joint efforts by school districts;
- (3) Examine the use of online assessment or other computer-based assessment;
- (4) Consider the appropriate use of student assessment data for policy making purposes; and
- (5) Study other student assessment-related issues as appropriate.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 360. Introduced by Lautenbaugh, 18.

PURPOSE: To examine the feasibility of including Highway 133 as part of the expressway system in Nebraska.

In 1988, the Legislature initiated the beginnings of the expressway system in order to connect communities north and south of Interstate 80 to further encourage economic growth throughout these communities and the state.

Presently, this system has yet to be fully completed, connecting many of the state's four-lane highways with one another. The Legislature has acknowledged the need for completion of this project and its need to be placed on a higher priority level by the Department of Roads.

Highway 133 is a four-lane divided highway of the sort intended to be connected as part of the expressway system, yet it presently remains unconnected to the system.

The issues addressed by this interim study shall include, but not be limited to:

- (1) The total distance of Highway 133 that consists of four lanes;

- (2) The total distance of Highway 133 that consists of two lanes;
- (3) The costs of connecting Highway 133 to the expressway system;
- (4) The availability of funds for the connection of Highway 133 to the system;
- (5) An approximate timeline for when such connection would be completed;
- (6) The economic and physical impact of connecting Highway 133 to the system; and
- (7) What improvements, if any, need to be made to Highway 133 to keep the highway at a level acceptable to be included in the expressway system.

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

- 1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
- 2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 361. Introduced by Dierks, 40.

PURPOSE: The purpose of this resolution is to examine the impact of federal and state bans on the slaughter of horses, the transport of horses for slaughter, and the options available for the disposal of horses. The study shall seek to determine the availability of rendering and the utilization of land burial as a means of disposal and examine whether states that allow humane slaughter of horses are in conflict with applicable federal law.

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

- 1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
- 2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 362. Introduced by Ashford, 20.

PURPOSE: The purpose of this interim study is to:

- (1) Access and utilize all available resources in our state to develop a response to the issues surrounding the increasing population of undocumented persons in Nebraska;
- (2) Consult with Nebraska businesses, educational institutions, law enforcement agencies, and faith-based organizations to identify pragmatic

solutions to the problems facing Nebraskans as a result of illegal immigration;

(3) Research what governmental and nongovernmental organizations are doing at the local level to address the growing immigrant population;

(4) Explore the lack of federal response to immigration issues and its impact upon state policy;

(5) Research what other states are doing to address illegal immigration and the impact of such laws; and

(6) Research the naturalization process.

Issues to be examined include, but are not limited to: Public benefits; law enforcement; employment; health care; identification; licensure; human trafficking; legal services; guest workers; and educational opportunities for children of undocumented persons.

Until the 1880s, the federal government maintained a relatively open immigration policy that encouraged migration from Europe. The Naturalization Act of 1790 provided, "Any alien, being a free white person, may be admitted to become a citizen of the United States." The law required the person applying for citizenship to establish residency in the country for two years and one year in the state of residence prior to being naturalized.

The law also provided that children of citizens shall be considered natural born citizens of the United States.

The open border policy was maintained through the 1880s when the United States Government began to enact laws to control the flow of immigration. The Chinese Exclusion Act of 1882, prohibiting Chinese laborers from immigrating to the United States, was the first significant restriction enacted in the wake of a period of mass immigration starting in the 1840s.

The flow of immigrants to the United States reached a peak between the 1890s and the 1920s, which led to the Immigration Act of 1924, limiting the number of visas granted each year and allocating them based on the number of people from that country already living in the United States in 1890. The 1924 law also placed a ban on all immigration from the Asia-Pacific Triangle. The national quotas established in the 1924 law did not apply to the Western Hemisphere, a policy which allowed the United States Government to recruit thousands of temporary workers from Mexico under the Bracero Program to meet farm labor shortages brought about by World War II. These workers were not eligible for citizenship, but were given temporary work permits which had to be turned in upon their return to Mexico after their contracts expired. The 1942 Bracero Program lasted for twenty years and brought more than three million workers to the United States. However, temporary workers continued to cross our southern border and this program is widely believed to have been the foundation for illegal immigration from Mexico.

The Immigration and Nationality Act of 1965 created the fundamental structure of today's immigration system. It was enacted shortly after the 1964 Civil Rights Act which prohibited discrimination based on "national origin." Accordingly, the national origin quotas were replaced by hemispheric quotas including the first quotas on immigration from the Western Hemisphere. The 1965 law limited the annual maximum of Eastern

Hemisphere immigrants to 170,000, and no more than 20,000 per country. The Western Hemisphere limit was set at 120,000 per year with no per-country limit. Another provision established that visas would be granted on a first-come, first-served basis with priority given to family reunification, attracting needed skills to the United States and refugees.

Since 1965, sources of immigration to this country have shifted from Europe to Latin America and Asia.

The last comprehensive immigration reform was passed over twenty years ago when President Reagan supported and signed the Immigration Reform and Control Act of 1986 in an effort to address illegal immigration. The law provided for amnesty to immigrants who entered the United States illegally prior to January 1, 1982, and resided here continuously. The law also made it illegal for employers to knowingly hire or recruit undocumented immigrants. The 1986 law did little to solve the illegal immigration problem due to extensive document fraud and the number of people applying for amnesty far exceeding projections. Furthermore, enforcement of the employer sanction policy proved difficult due to the prevalence of document fraud and a lack of political will to enforce the sanctions. As a result, it is estimated that there are anywhere from eight million to twenty million undocumented persons living in the United States today.

The framework for the current United States immigration quota system stems from the 1986 law and is divided into three primary quota categories: Immediate relative immigrants; family-based immigrants; and employment-based immigrants. Immediate relatives are not numerically limited and are defined as the spouse of an adult United States citizen, unmarried minor child (under 21) of an adult United States citizen, or the parent of a United States citizen. Current law provides for 226,000 lawful admittances into the United States for persons in the family-based category. The family-based category allows for up to 23,400 unmarried sons and daughters of United States citizens, 114,200 dependents of green card holders (includes spouses, minor children, and unmarried adult children), 23,400 married sons and daughters of United States citizens, and 65,000 brothers and sisters of United States citizens. Finally, 195,000 immigrants receive green cards pursuant to the employment quota category.

Although the quota numbers are modestly adjusted annually, the number of green cards issued as part of the employment category over the past two decades has not kept pace with the demand for immigrant labor within the United States economy. There are 40,000 green cards available for unskilled workers each year. There are 66,000 temporary work visas available for nonagricultural workers each year. Because of the large demand for unskilled labor in the American economy, the overall lack of available unskilled laborers among those in the United States legally, and the enormous demand for unskilled employment by foreign nationals in countries lacking adequate employment opportunities, the number of available visas are grossly inadequate. Furthermore, the number of temporary work visas available for agricultural workers is unlimited and many temporary workers who get into the country on temporary work visas stay here beyond their legal status, adding to the eight to twenty million undocumented people in the United States.

In 2006, Congress considered the Comprehensive Immigration Reform Act to address the enormous population of undocumented persons living and working in this country. The version of the legislation passed by the United States Senate provided for increased border security, a citizenship path for undocumented persons who have been in the United States for a length of time, and expansion of the number of guest workers allowed to enter the United States. The version advanced by the United States House of Representatives solely focused on United States-Mexican border security and penalties for employers, smugglers, and those providing assistance to illegal immigrants, such as churches and charity workers. Further, the House version sought to change illegal presence in the United States from a civil offense to a felony. The varying versions of this legislation were both ultimately stymied as the House and Senate were unable to come to an agreement in conference.

Due to the failure of the federal government to enforce current immigration policies or enact comprehensive immigration reform, states are attempting to address immigration-related issues on their own. In 2007, at least 1,562 immigration bills were introduced among the fifty state legislatures, a three-fold increase from the previous year. Of the 1,562 immigration bills introduced in 2007, 240 bills became law in forty-six states.

Nebraska is a state populated by immigrants. Our history is marked by two significant waves of immigration. The first wave came from Europe in the second half of the Nineteenth century when German, Swedes, Irish, Bohemians from the modern-day Czech Republic, and Mexicans came to this state in search of economic opportunity. The Homestead Act of 1862 promoted early immigration to Nebraska with the availability of cheap land. Additional immigrants were drawn to the state when the Union Pacific Railroad triggered expansion of Nebraska's agricultural and meatpacking industries. In the last twenty years, a new wave of immigrants has come to Nebraska from Latin America, some documented and some undocumented. According to the Pew Hispanic Center, the undocumented immigrant population in Nebraska grew from 6,000 in 1990 to 24,000 in 2000, faster than any other Midwestern state.

While Nebraska has been economically and culturally enriched throughout its history by immigration, the current influx of undocumented persons has presented the state with a variety of challenges. According to the Pew Hispanic Center, there were between 35,000 and 55,000 undocumented persons in Nebraska in 2005. Because undocumented immigrants typically lack strong English language skills and live on a low income, many communities that have recently experienced a rapid increase in immigrant population find it increasingly difficult to provide access to education, health care, and housing to all residents. The lack of documentation, language barriers, and cultural differences cause many undocumented persons in our state to face a daily struggle for health, safety, and security. Despite the high demand for manual labor, some Nebraskans have expressed concerns regarding the potential unavailability of some employment opportunities for lawful Nebraska residents resulting from the hiring of undocumented persons by some employers. Finally, while state government

has experienced increased costs associated with providing undocumented persons with certain public benefits such as health care and public education, there are economic benefits to the state associated with having a large immigrant population, including meeting workforce needs, increased tax revenue, and significant entrepreneurial activity.

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

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

2. That the committee shall access community leaders from businesses, educational institutions, law enforcement agencies, and faith-based organizations across the state to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363. Introduced by Erdman, 47; Gay, 14; Hansen, 42; Howard, 9; Johnson, 37; Pankonin, 2; Stuthman, 22.

PURPOSE: (1) The Legislature finds that:

(a) The Department of Health and Human Services has been entrusted by the Legislature with numerous powers and duties relating to the protection and promotion of the health and welfare of persons in Nebraska;

(b) The department has initiated and expanded numerous programs and services under its administration to carry out such powers and duties;

(c) The Legislature has appropriated General Funds and other funds for such programs and services, but the amount of such appropriations is often less than the amount identified by the department as being necessary and appropriate for such purpose, despite repeated legislative action to increase such appropriations;

(d) State budget constraints are inconsistent with increasing budget needs of programs and services administered by the department; and

(e) Further legislative action is necessary and appropriate to identify and prioritize core responsibilities of the department, to adequately fund such priorities, and to identify nongovernmental alternatives for the administration and funding of nonpriority programs and services.

(2) The Department of Health and Human Services, in consultation with the Health and Human Services Committee of the Legislature, shall:

(a) Identify and categorize the statutory powers and duties of the department and prioritize the programs and services administered by the department to carry out such powers and duties;

(b) Indicate the amount of funding necessary to adequately fund each program or service;

(c) Identify those programs and services which would not be funded if the FY2008-09 budget for the department was first allocated to each program and service in the order of priority at its adequately funded level; and

(d) Recommend nongovernmental alternatives for the administration and funding of such nonpriority programs and services.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 364. Introduced by Louden, 49.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Natural Resources Committee of the Legislature.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 365. Introduced by Louden, 49.

PURPOSE: Nebraskans depend on safe rail transportation through their communities. The purpose of this study is to examine railroads' responsibilities to the citizens of this state. The study should focus on community safety as it may be affected by using "helper locomotives" to push trains up and over steep grades such as those near Crawford, Nebraska. This study should be conducted by the Transportation and Telecommunications Committee of the Legislature which may seek the input of the chairperson of the Business and Labor Committee of the Legislature, the Public Service Commission, representatives of railroads operating in Nebraska, locomotive engineers, elected city officials, volunteer firefighters, and emergency responders.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 366. Introduced by Christensen, 44; Avery, 28; Carlson, 38; White, 8.

PURPOSE: Past efforts to address water shortage have focused on buying water appropriation rights or otherwise limiting production agriculture. Research indicates that significant amounts of water can be saved through more efficient methods of irrigation. Center pivot irrigation uses forty to sixty percent less water than surface irrigation. Low-pressure irrigation systems lose approximately fifty percent less water to evaporation than high-pressure systems. Reducing or eliminating end guns results in significant water savings, while limiting the number of acres removed from production. Educating farmers for improved irrigation scheduling for first and last irrigation is effective and results in significant water savings. The Legislature should investigate the impact that improved irrigation efficiency could have on Nebraska's water shortage. The Legislature should also determine whether improved efficiency can be achieved through education of farmers on the most efficient uses of water, incentives to convert from surface irrigation to low-pressure irrigation systems, tax credits or other incentives to convert from high-pressure irrigation systems to low-pressure irrigation systems, promotion of development of more drought-resistant crop strains, and other methods of improving efficiency of water use.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 367. Introduced by Fischer, 43.

PURPOSE: This study shall investigate issues related to the current and future availability and access to telecommunications and information services throughout Nebraska. Study topics shall include, but not be limited to:

(1) Existing state and federal efforts and programs to ensure quality telecommunications and information services at just, reasonable, and affordable rates throughout the state;

(2) Results achieved by existing state and federal programs;

(3) Existing statutory authority of the Public Service Commission to ensure accountability for funding supporting telecommunications and information services throughout the state; and

(4) Future challenges to the provision of quality telecommunications and information services at just, reasonable, and affordable rates throughout the state.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 368. Introduced by Schimek, 27.

PURPOSE: To examine policy changes that should be pursued in order to provide cooperation between governmental agencies and tribal governments when it comes to the discovery and removal or borrowing of paleontological resources from tribal lands. The committee shall conduct a study of the following:

(1) Current practice when paleontological resources are discovered;

(2) How other states have provided in statute for dealing with this issue;

(3) Methods of preventing any governmental agency or private entity or individual from entering tribal lands and removing paleontological resources without tribal permission and cooperation; and

(4) Potential improvements that can be made statutorily to the process in order to promote cooperation between the governmental agency and the tribes.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 369. Introduced by Schimek, 27.

PURPOSE: To examine policy changes that should be pursued in order to provide further guidance and oversight of Nebraska's home schools. The committee shall conduct a study of the following:

(1) Current statutory framework established for the creation of all types of nonaccredited schools in Nebraska and how that relates to original legislative intent;

(2) Potential improvements that can be made to existing statute due to the increased number of home schools, in order to reflect current trends;

(3) Any data that can be drawn from only Nebraska home schools to demonstrate how well the state's home school students are performing;

(4) Existing case law enabling states to provide oversight to home schools; and

(5) Proposals that would enable Nebraska to provide sufficient oversight through the testing of home school students or other mechanisms in order to evaluate home school students.

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

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

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

Referred to the Executive Board.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 765. Placed on Final Reading.

ST9082

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

1. On page 1, line 1, "section 71-5829.03" has been struck and "sections 71-5829.03 and 71-5829.06" inserted; and in line 4 "section" has been struck and "sections" inserted.

LEGISLATIVE BILL 777. Placed on Final Reading.**LEGISLATIVE BILL 889.** Placed on Final Reading.**LEGISLATIVE BILL 952.** Placed on Final Reading.

ST9080

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

1. On page 1, the matter beginning with "state" in line 1 through line 7 and all amendments thereto have been struck and "laws; to amend section 81-119, Reissue Revised Statutes of Nebraska, and section 86-2,112,

Revised Statutes Cumulative Supplement, 2006; to change provisions relating to investigatory powers of state administrative departments and investigatory and enforcement powers of the Attorney General and county attorneys; and to repeal the original sections." inserted.

LEGISLATIVE BILL 973. Placed on Final Reading.

LEGISLATIVE BILL 988. Placed on Final Reading.

ST9081

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

1. Sections have been renumbered and internal references corrected to reflect all adopted amendments.

2. In the Friend amendment, AM2431, on page 6, line 16, "subdivision" has been struck and "subsection" inserted.

3. In the Raikes amendment, AM2545:

a. On page 3, line 22, "(1)" has been struck, shown as stricken, and "(a)" inserted; and in line 23 "(2)" has been struck, shown as stricken, and "(b)" inserted;

b. On page 11, line 15, "districts" has been struck, shown as stricken, and "district" inserted;

c. On page 12, lines 9 and 10, 15 and 16, and 22, "in the sparse cost grouping or the very sparse cost grouping" has been struck, shown as stricken, and "sparse or very sparse" inserted;

d. On page 18, line 15, an underscored comma has been inserted after "later"; and in line 26 "(a)" has been struck and "(i)" inserted and "(b)" has been struck and "(ii)" inserted; and

e. On page 19, line 1, "(c)" has been struck and "(iii)" inserted.

4. In the Raikes amendment, AM2507, on page 1, line 4, "state aid calculated for" has been inserted after "For".

5. In the E & R amendments, ER8211:

a. On page 19, line 27, "year" has been inserted after "fiscal";

b. On page 21, line 20, "subsection" has been struck and "section" inserted; and

c. On page 53, line 8, "section" has been inserted after "to".

6. On page 1, the matter beginning with "state" in line 1 through line 14 and all amendments thereto have been struck and "education funding; to amend sections 44-4317, 79-8,137, 79-1022.02, 79-1023, 79-1029, and 79-1229, Reissue Revised Statutes of Nebraska, sections 79-233, 79-1005.01, 79-1008.01, 79-1009, and 79-1024, Revised Statutes Cumulative Supplement, 2006, and sections 77-3442, 79-458, 79-4,108, 79-4,111, 79-1001, 79-1003, 79-1003.01, 79-1007.02, 79-1007.04, 79-1007.06, 79-1007.07, 79-1007.08, 79-1007.09, 79-1007.10, 79-1008.02, 79-1013, 79-1014, 79-1015.01, 79-1016, 79-1018.01, 79-1022, 79-1028, 79-1031.01, 79-1073, 79-1083.03, 79-1336, 79-1337, and 79-2102, Revised Statutes Supplement, 2007; to change provisions relating to tax levies for members of risk management pools, learning communities, and certain school districts, to freeholding, and to unified systems; to define and redefine terms; to change provisions relating to the Tax Equity and

Educational Opportunities Support Act, educational service unit financial reporting, and distance education reimbursement; to harmonize provisions; to eliminate provisions relating to calculation of state aid; to repeal the original sections; to outright repeal section 79-1009.01, Reissue Revised Statutes of Nebraska, and section 79-1007.03, Revised Statutes Supplement, 2007; and to declare an emergency." inserted.

LEGISLATIVE BILL 988A. Placed on Final Reading.

ST9077

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

1. On page 1, line 4, "to state intent regarding appropriations;" has been inserted after the semicolon.

LEGISLATIVE BILL 1049. Placed on Final Reading.

ST9079

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

1. On page 1, line 4, "to provide an operative date;" has been inserted after the semicolon.

LEGISLATIVE BILL 1055. Placed on Final Reading.

ST9078

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

1. On page 1, the matter beginning with "dogs" in line 1 through line 10 and all amendments thereto have been struck and "animals; to amend sections 54-607, 54-608, 54-610, 54-611, 54-613, 54-614, 54-615, 54-616, 54-617, 54-618, 54-619, 54-620, 54-623, and 54-624, Reissue Revised Statutes of Nebraska, sections 28-1014, 28-1015, and 28-1016, Revised Statutes Cumulative Supplement, 2006, and sections 28-101, 28-1008, and 28-1013, Revised Statutes Supplement, 2007; to prohibit certain association with animals as prescribed; to change and eliminate provisions relating to dogs running at large and dangerous dogs; to define and redefine terms; to provide and change penalties; to provide powers and duties for certain political subdivisions; to harmonize provisions; to repeal the original sections; to outright repeal section 54-609, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

LEGISLATIVE BILL 1157. Placed on Final Reading.

LEGISLATIVE BILL 1157A. Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1174. Title read. Considered.

Committee AM2319, found on page 960, was considered.

Senator Stuthman renewed his amendment, FA252, found on page 1174, to the committee amendment.

SENATOR AGUILAR PRESIDING

SENATOR FRIEND PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 911A. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 911, One Hundredth Legislature, Second Session, 2008.

LEGISLATIVE BILL 1154A. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1154, One Hundredth Legislature, Second Session, 2008.

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB846:
AM2602

(Amendments to E & R amendments, ER8217)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) On July 1, 2009, and each July 1
- 4 thereafter, the State Treasurer shall transfer an amount equal
- 5 to one-half of one percent of the appropriations and express
- 6 obligations for the current biennial budget period from the General
- 7 Fund to the Highway Trust Fund.
- 8 (2) The amount transferred pursuant to subsection (1) of
- 9 this section shall be allocated as follows:
- 10 (a) Ninety percent to the Highway Cash Fund for the
- 11 Department of Roads;
- 12 (b) Five percent to the Highway Allocation Fund for
- 13 allocation to the various counties for road purposes; and

14 (c) Five percent to the Highway Allocation Fund for
15 allocation to the various municipalities for street purposes.

16 Sec. 2. Section 84-612, Revised Statutes Supplement,
17 2007, is amended to read:

18 84-612 (1) There is hereby created within the state
19 treasury a fund known as the Cash Reserve Fund which shall be under
20 the direction of the State Treasurer. The fund shall only be used
21 pursuant to this section.

22 (2) The State Treasurer shall transfer funds from the
1 Cash Reserve Fund to the General Fund upon certification by the
2 Director of Administrative Services that the current cash balance
3 in the General Fund is inadequate to meet current obligations. Such
4 certification shall include the dollar amount to be transferred.
5 Any transfers made pursuant to this subsection shall be reversed
6 upon notification by the Director of Administrative Services that
7 sufficient funds are available.

8 (3) The State Treasurer, at the direction of the
9 budget administrator of the budget division of the Department
10 of Administrative Services, shall transfer such amounts not to
11 exceed seven million seven hundred fifty-three thousand two hundred
12 sixty-three dollars in total from the Cash Reserve Fund to the
13 Nebraska Capital Construction Fund between July 1, 2003, and June
14 30, 2007.

15 (4) The State Treasurer, at the direction of the budget
16 administrator, shall transfer an amount equal to the total amount
17 transferred pursuant to subsection (3) of this section from the
18 General Fund to the Cash Reserve Fund on or before June 30, 2008.

19 (5) In addition to receiving transfers from other funds,
20 the Cash Reserve Fund shall receive federal funds received by the
21 State of Nebraska for undesignated general government purposes,
22 federal revenue sharing, or general fiscal relief of the state.

23 (6) On June 15, 2007, the State Treasurer shall transfer
24 fifteen million six hundred seventy-four thousand one hundred seven
25 dollars from the Cash Reserve Fund to the General Fund.

26 (7) On June 16, 2008, the State Treasurer shall transfer
27 seventeen million nine hundred thirty-one thousand thirty dollars
1 from the Cash Reserve Fund to the General Fund.

2 (8) On June 15, 2009, the State Treasurer shall transfer
3 four million nine hundred ninety thousand five hundred five dollars
4 from the Cash Reserve Fund to the General Fund.

5 (9) On or before June 16, 2008, the State Treasurer, at
6 the direction of the budget administrator, shall transfer fifty
7 million dollars from the Cash Reserve Fund to the General Fund.

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

11 (11) From the effective date of an endowment agreement
12 as defined in subdivision (3)(c) of section 79-1101 until June
13 30, 2007, forty million dollars of the Cash Reserve Fund shall be

14 deemed to constitute the Early Childhood Education Endowment Fund.
15 Such funds shall remain part of the Cash Reserve Fund for all
16 purposes, except that the interest earned on such forty million
17 dollars shall accrue as provided in section 84-613.

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

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

27 (14) On July 9, 2007, the State Treasurer shall transfer
1 five million dollars from the Cash Reserve Fund to the Job Training
2 Cash Fund. The State Treasurer shall transfer from the Job Training
3 Cash Fund to the Cash Reserve Fund such amounts as directed in
4 section 81-1201.21.

5 (15) On July 7, 2008, the State Treasurer shall transfer
6 five million dollars from the Cash Reserve Fund to the Job Training
7 Cash Fund. The State Treasurer shall transfer from the Job Training
8 Cash Fund to the Cash Reserve Fund such amounts as directed in
9 section 81-1201.21.

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

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

18 (18) The State Treasurer, at the direction of the budget
19 administrator, shall transfer an amount equal to the total amount
20 transferred pursuant to subsection (12) of this section from
21 the appropriate health insurance accounts of the State Employees
22 Insurance Fund in such amounts as certified by the Director of
23 Administrative Services to the Cash Reserve Fund on or before June
24 30, 2011.

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

1 (20) On July 9, 2007, the State Treasurer shall transfer
2 two hundred fifty thousand dollars from the Cash Reserve Fund to
3 the Building Entrepreneurial Communities Cash Fund.

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

7 (22) On July 7, 2008, the State Treasurer shall transfer
8 two hundred fifty thousand dollars from the Cash Reserve Fund to

- 9 the Building Entrepreneurial Communities Cash Fund.
 10 (23) Within seven days after the effective date of this
 11 act, the State Treasurer shall transfer fourteen million five
 12 hundred thirteen thousand nine hundred thirty dollars from the Cash
 13 Reserve Fund to the Roads Operations Cash Fund.
 14 (24) Within seven days after the effective date of this
 15 act, the State Treasurer shall transfer sixteen million one hundred
 16 two thousand dollars from the Cash Reserve Fund to the Highway Cash
 17 Fund.
 18 Sec. 3. Original section 84-612, Revised Statutes
 19 Supplement, 2007, is repealed.

Senator Janssen filed the following amendment to LB895:
 AM2590

(Amendments to E & R amendments, ER8219)

- 1 1. On page 24, line 6, strike "a"; and strike lines 11
- 2 through 20.

Senators Cornett, Burling, Dierks, Flood, Gay, Heidemann, Janssen,
 Kopplin, Lautenbaugh, Pahls, Pankonin, Preister, and White filed the
 following amendment to LB895:
 AM2601

(Amendments to E & R amendments, ER8219)

- 1 1. On page 25, line 16, after the period insert "A
- 2 taxpayer who has a project for an Internet web portal and who has
- 3 met the required level of investment for a tier 5 project shall
- 4 receive the incentive provided in this subsection for property in
- 5 subdivision (8)(b)(ii) of this section."
- 6 2. On page 34, line 3, after "77-5725" insert "or any
- 7 reduction in the personal property tax under section 77-5725"; and
- 8 in line 4 after "refunds" insert "and reductions in tax".

Senator McDonald filed the following amendment to LB895:
 AM2617

(Amendments to E & R amendments, ER8219)

- 1 1. Insert the following new section:
- 2 Section 1. Section 18-2720, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2720 (1) If the economic development program involves
- 5 the establishment of a loan fund, the governing body of the
- 6 city shall designate an appropriate individual to assume primary
- 7 responsibility for loan servicing and shall provide such other
- 8 assistance or additional personnel as may be required. The
- 9 individual may be an employee of the city, or the city may
- 10 contract with an appropriate business or financial institution for
- 11 loan servicing functions. The governing body of the city shall be
- 12 provided with an account of the status of each loan outstanding,
- 13 program income, and current investments of unexpended funds on a
- 14 monthly basis. Program income shall mean payments of principal and

15 interest on loans made from the loan fund and the interest earned
16 on these funds.

17 (2) ~~The individual responsible for loan servicing shall~~
18 ~~establish a separate account in a financial institution for each~~
19 ~~loan made from the loan fund.~~ Records kept on such accounts and
20 reports made to the governing body of the city shall include, but
21 not be limited to, the following information: (a) The name of the
22 borrower; (b) the purpose of the loan; (c) the date the loan was
1 made; (d) the amount of the loan; (e) the basic terms of the loan,
2 including the interest rate, the maturity date, and the frequency
3 of payments; and (f) the payments made to date and the current
4 balance due.

5 (3) The individual responsible for loan servicing shall
6 monitor the status of each loan and, with the cooperation of the
7 governing body of the city and the primary lender or lenders, take
8 appropriate action when a loan becomes delinquent. The governing
9 body shall establish standards for the determination of loan
10 delinquency, when a loan shall be declared to be in default, and
11 what action shall be taken to deal with the default to protect
12 the interests of the qualifying business, third parties, and the
13 city. The governing body shall establish a process to provide for
14 consultation, agreement, and joint action between the city and
15 the primary lender or lenders in pursuing appropriate remedies
16 following the default of a qualifying business in order to collect
17 amounts owed under the loan.

18 2. Renumber the remaining sections and correct internal
19 references and the repealer accordingly.

Senator White filed the following amendment to LB1001:
AM2632

(Amendments to E & R amendments, ER8188)

1 1. On page 2, line 14, after the comma insert "a
2 nonprofit corporation organized for the purpose of furnishing
3 electric service".

4 2. On page 2, line 27; and page 3, lines 3, 5, and 10,
5 before "sales" insert "state".

6 3. On page 3, line 3, strike "Any" and insert "For time
7 periods after July 1, 2007, any"; and strike beginning with "The"
8 in line 12 through line 13.

9 4. On page 4, after line 9, insert the following new
10 subsection:

11 "(4) The eligible entity shall certify to the department
12 the amount of money to be distributed from the applicable subfund
13 of the Energy Conservation Improvement Fund for payments of
14 the energy conservation grants approved in subsection (2) of
15 this section. Requests for distribution may be filed no more
16 frequently than monthly. The department shall distribute money
17 only to the eligible entity."; in line 11 after "to" insert
18 "administer a program for eligible energy conservation grants under

19 the Low-Income Home Energy Conservation Act or to"; and strike
 20 beginning with "under" in line 12 through "Act" in line 13.
 21 5. On page 8, line 16, after "made" insert "or made
 22 during the same calendar year as such determination is made".

Senator Raikes filed the following amendment to LB965:
 AM2638

(Amendments to E & R amendments, ER8216)

1 1. Insert the following new sections:
 2 Sec. 17. Section 77-1704.02, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 77-1704.02 (1) Until such time as the real property is
 5 sold for taxes under section 77-1806, each county treasurer shall
 6 accept payments of five hundred dollars or more for the partial
 7 discharge of current or delinquent real property taxes, personal
 8 property taxes, or both or any charges for interest, publication,
 9 penalties, or other charges by reason of the delinquency of such
 10 taxes. Such partial payment shall be in an amount of at least five
 11 hundred dollars unless the partial payment is for the remaining
 12 obligation. The county treasurer shall distribute partial payments
 13 to the entities levying taxes on the property in proportion to the
 14 total amount of taxes levied on the property by each entity levying
 15 taxes on such property. Partial payment shall stop the accumulation
 16 of interest with regard to the amount of payment made. Partial
 17 payments for delinquent taxes shall be applied to the oldest
 18 delinquencies first. Partial payment of delinquent taxes shall not
 19 affect any collection procedure that is underway or available to
 20 the county until the delinquency is fully satisfied.
 21 ~~(1)-(2)~~ Any county board may pass a resolution to allow
 22 payments ~~for the~~ of amounts less than five hundred dollars for
 1 the partial discharge of current or delinquent real property taxes,
 2 personal property taxes, or both, any amounts after the real
 3 property has been sold for taxes under section 77-1806, or any
 4 charges for interest, publication, penalties, or other charges by
 5 reason of the delinquency of such taxes to be held in escrow by
 6 the county treasurer or may contract with another party to hold
 7 such payments in escrow. Upon passage of such a resolution or such
 8 other effective date as the resolution may provide, the county
 9 treasurer shall accept payments in accordance with the resolution
 10 or any subsequent amendments thereto and hold such amounts until
 11 the accumulated payments are sufficient to pay at least one-half
 12 the taxes currently due on the property or the full amount of
 13 delinquency and any interest, penalties, or other charges due to
 14 the delinquency. The resolution of the county board may require
 15 a minimum, limited, or periodic payment amount as a condition
 16 for acceptance of payments to be held in escrow. The resolution
 17 may also require that an escrow agreement be executed between the
 18 person making payment and the county treasurer as a condition for
 19 accepting payments.

20 ~~(2)~~(3) Payments held in escrow under this section may be
 21 held in a designated bank account or may be commingled with other
 22 county funds. Such amounts are the property of the person making
 23 payment and shall be held in trust for the benefit of such person
 24 and be accounted for with respect to the property for which the
 25 current or delinquent taxes are to be paid. The county may pay
 26 interest on amounts held in escrow at a rate to be determined by
 27 the county board or may retain any interest received. Upon sale
 1 of the property, any amounts held in escrow with respect to that
 2 property shall be returned to the person that made the payment or
 3 applied as directed by such person.

4 ~~(3)~~(4) Payments held in escrow for payment of delinquent
 5 taxes shall be applied to the oldest delinquencies first. Payments
 6 held in escrow for payment of delinquent taxes shall not affect any
 7 collection procedure that is underway or available to the county
 8 until the delinquency is fully satisfied.

9 Sec. 18. Section 77-1716, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 77-1716 The county treasurer ~~may, shall,~~ at any time
 12 prior to January 1 of each year, send by mail to the last-known
 13 address a notice to each person on the personal tax roll and each
 14 person owing real estate taxes on mobile homes, cabin trailers,
 15 manufactured homes, or similar property assessed and taxed as
 16 improvements to leased land, advising such taxpayer of the amount
 17 of such taxes owed for that year. At any time ~~after May 1 and~~
 18 ~~before September 1 next following,~~ on or before May 15 in counties
 19 with more than one hundred thousand inhabitants, as of the last
 20 federal decennial census, or on or before June 15 in all other
 21 counties, the county treasurer is required to notify by mail, at
 22 the last-known address, any taxpayer, whose personal or real estate
 23 tax under this section is delinquent, on account of such taxpayer
 24 not having paid the taxes, or the first installment thereof, on
 25 ~~May 1, or before such dates,~~ as required by law, of the amount of
 26 such delinquent tax. The delinquency notice shall also recite that
 27 unless the entire tax is paid by September 1, next following, a
 1 distress warrant will be issued therefor. One dollar may be charged
 2 by the county treasurer as a cost to the taxpayer to defray the
 3 cost of sending the delinquency notice. The failure of the taxpayer
 4 to receive the notice shall not affect the validity of the distress
 5 warrant.

6 Sec. 19. Section 77-1719.03, Revised Statutes Cumulative
 7 Supplement, 2006, is amended to read:

8 77-1719.03 In any case ~~where in which~~ any distress
 9 warrant includes taxes for one year or more, the sheriff may,
 10 in his or her discretion, accept partial payment and shall pay
 11 the same, as received, to the county treasurer, who shall accept
 12 the same and receipt the sheriff therefor. ~~Pursuant to section~~
 13 ~~77-1704.02, the~~ The county treasurer may accept the partial payment
 14 ~~and hold such amounts until the accumulated payments are sufficient~~

15 ~~to pay the full amount of the delinquency for one year and any~~
 16 ~~interest, penalties, or other charges due to the delinquency, in~~
 17 ~~the manner provided in section 77-1704.02. Notwithstanding any~~
 18 ~~partial payment, the sheriff shall make levy and return thereof, on~~
 19 ~~the distress warrant, as required by law.~~

20 Sec. 20. Except for delinquent taxes on mobile homes,
 21 cabin trailers, manufactured homes, or similar property assessed
 22 and taxed as improvements to leased land, the county treasurer
 23 shall, at any time on or before May 15 in counties with more than
 24 one hundred thousand inhabitants, as of the last federal decennial
 25 census, or on or before June 15 in all other counties, notify by
 26 mail, at the last-known address, any taxpayer whose real estate
 27 tax is delinquent, on account of such taxpayer not having paid the
 1 taxes, or the first installment thereof, on or before such dates,
 2 as required by law, of the amount of such delinquent tax. The
 3 notice shall also recite that unless the entire tax is paid on or
 4 before the first Monday of March after the tax becomes delinquent,
 5 the real estate will be sold or foreclosed on as provided by law
 6 in order to pay the delinquent real estate taxes. One dollar may
 7 be charged by the county treasurer as a cost to the taxpayer to
 8 defray the cost of sending the delinquency notice. The failure of
 9 the taxpayer to receive the notice shall not affect the validity of
 10 a sale under Chapter 77, article 18.

11 Sec. 31. Original sections 77-1704.02 and 77-1716,
 12 Reissue Revised Statutes of Nebraska, and section 77-1719.03,
 13 Revised Statutes Cumulative Supplement, 2006, are repealed.

14 2. Renumber the remaining sections, correct internal
 15 references, and correct the operative date section and the repealer
 16 so that the sections added by this amendment become operative on
 17 January 1, 2011.

RESOLUTIONS

LEGISLATIVE RESOLUTION 370. Introduced by Cornett, 45.

PURPOSE: The State of Nebraska has a duty and a keen interest in providing quality care to those individuals who are entrusted to the state's twenty-four-hour care facilities and a duty to provide reasonable working conditions to its citizens who are in the employment of our state. This shall be a joint study between the Business and Labor Committee of the Legislature and the Health and Human Services Committee of the Legislature to: (1) Study the effect of mandatory overtime at our twenty-four-hour care facilities on the morale of the employees who are forced to repeatedly work mandatory overtime, and the inadequacy of care to the patients; (2) the cost to the state for overtime; (3) how many full-time employees could be hired in lieu of overtime payment; (4) explore and investigate how these vacant positions are covered including use of agency temps and outside temporary pools; and (5) explore methods to decrease

staffing shortages, improve retention, and improve the care of individuals in twenty-four-hour state care.

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

1. That the Business and Labor and Health and Human Services Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 371. Introduced by Kopplin, 3.

PURPOSE: Energy efficient schools can provide many benefits, such as saving tax dollars, reducing the amount of money expended on imported fuel sources, reducing the need for new power plants because of energy conservation, reducing negative environmental impacts of energy generation and consumption, and improved student performance. It is the goal of this study to determine current energy usage by schools and school districts, document effective energy efficiency methods currently being used by school districts in the state, determine effective energy efficiency measures developed by the state's public power districts, research effective energy efficiency methods being utilized by other states, research methods of providing funding for energy efficient schools, and research any other methods or information necessary for a complete examination of this issue.

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

1. That the Natural Resources and Education Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 372. Introduced by Friend, 10.

PURPOSE: Under our existing scheme of classification of cities and villages, over the course of time, different provisions and standards have been adopted in statutes regarding the adoption, implementation, and enforcement of municipal ordinances. This study would review those statutes, their application, extent, and use, and would seek to determine which, if any, of these statutes should be updated and whether

standardization among the different classes of cities and villages would be appropriate public policy.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373. Introduced by Friend, 10.

PURPOSE: LB1117 (2008), introduced by Sen. Pedersen and heard by the Urban Affairs Committee, dealt with homeowner's associations in sanitary and improvement districts (SIDs), seeking to address concerns about the mandatory membership requirements of some of the associations, their fee structure, and the voting rights granted to the members. This study would review the use of homeowners associations in SIDs and the functions they serve as well as the issues raised by LB1117. The study would seek to determine the most efficient and appropriate method for informing persons purchasing property in SIDs of the existence of such associations and the duties, rights, and obligations arising from mandatory membership in such associations.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 374. Introduced by Friend, 10.

PURPOSE: This study will provide the opportunity for the Urban Affairs Committee of the Legislature to investigate and review matters and issues arising during the interim which are within its jurisdiction and which may be the subject of bills to be introduced in the 2009 legislative session.

The study will involve:

(1) A review of any legislation considered by the Urban Affairs Committee during the 2007-08 legislative biennium which failed to advance from committee or to be adopted to determine what further action by the committee might be warranted with regard to the particular subjects of the individual bills;

(2) A review of problems, concerns, or legislation proposed for introduction by senators or other parties for study, technical discussion, or conceptual refinement before the start of the next legislative session; and

(3) The conduct of at least one public hearing to provide an opportunity for public comment and discussion with members of the committee and the public on issues involving matters within the committee's jurisdiction.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 375. Introduced by Friend, 10; Janssen, 15.

PURPOSE: This study would review the issues raised by LB899 (2008), considered by the Urban Affairs Committee, which proposed the establishment of a land reutilization authority within metropolitan-class cities. Currently, under the Land Reutilization Act, such authorities are set up on a county basis, their establishment being discretionary. Land reutilization authorities were first created in 1973 for the purpose of setting up a public authority to take control over tax delinquent property and then exercise its discretion in selling the property or keeping it for future use to encourage housing, new industry, jobs, and increased future tax revenue.

The Urban Affairs Committee's consideration of the legislation revealed that the issues involving land reutilization and tax delinquent property were broader than those addressed by this particular legislation and should be the subject of greater study and scrutiny. Additionally, it was clear that those issues also involved matters within the jurisdiction of the Revenue Committee which shares overlapping concerns regarding tax delinquent property, its treatment under state law, and the impact upon political subdivisions that rely upon property tax revenue.

This study would review those issues through the joint efforts of the Urban Affairs Committee and the Revenue Committee.

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

1. That the Urban Affairs Committee of the Legislature and the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1174. The Stuthman amendment, FA252, found on page 1174 and considered in this day's Journal, to the committee amendment, was renewed.

PRESIDENT SHEEHY PRESIDING

Senator Rogert moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Stuthman withdrew his amendment.

Senator Stuthman withdrew his amendments, FA253, FA254, and FA255, found on page 1174.

Pending.

AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB1154:
AM2639

(Amendments to Standing Committee amendments, AM2449)

- 1 1. Insert the following new section:
- 2 Sec. 11. Section 46, Legislative Bill 988, One Hundredth
- 3 Legislature, Second Session, 2008, is amended to read:
- 4 For school fiscal year 2008-09 and each school fiscal
- 5 year thereafter, a school district may exceed its maximum general
- 6 fund budget of expenditures minus the special education budget of
- 7 expenditures by a specific dollar amount for:
 - 8 (1) Expenditures for repairs to infrastructure damaged by
 - 9 a natural disaster which is declared a disaster emergency pursuant
 - 10 to the Emergency Management Act;
 - 11 (2) Expenditures for judgments, except judgments or
 - 12 orders from the Commission of Industrial Relations, obtained
 - 13 against a school district which require or obligate a school
 - 14 district to pay such judgment, to the extent such judgment is not
 - 15 paid by liability insurance coverage of a school district;
 - 16 (3) Expenditures pursuant to the Retirement Incentive
 - 17 Plan authorized in section 79-855 or the Staff Development
 - 18 Assistance authorized in section 79-856;
 - 19 (4) Expenditures of incentive payments or base fiscal
 - 20 year incentive payments to be received in such school fiscal year
 - 21 pursuant to section 79-1011;
 - 22 (5) Expenditures of amounts received from educational
 - 1 entities as defined in section 79-1201.01 for providing distance

2 education courses through the Educational Service Unit Coordinating
3 Council to such educational entities; and

4 ~~(6) A school district may exceed its applicable allowable~~
5 ~~growth rate for either (a) the first and second school fiscal~~
6 ~~years the district will be participating in Network Nebraska for~~
7 ~~the full school fiscal year or (b) school fiscal year 2008-09, if~~
8 ~~the school district participated in Network Nebraska for all of~~
9 ~~school fiscal year 2007-08, by a specific dollar amount equal to~~
10 ~~the estimated expenditures, to be made in the school fiscal year~~
11 ~~in which the district may exceed its applicable allowable growth~~
12 ~~rate, for (i) telecommunication services, (ii) access to data~~
13 ~~transmission networks that transmit data to and from the school~~
14 ~~district, and (iii) the transmission of data on such networks~~
15 ~~as such expenditures are defined by the department for purposes~~
16 ~~of the distance education and telecommunications allowance minus~~
17 ~~the dollar amount of such expenditures for the school fiscal~~
18 ~~year immediately preceding the first full school fiscal year the~~
19 ~~district participates in Network Nebraska. Districts shall estimate~~
20 ~~expenditures on forms prescribed by the department. The department~~
21 ~~shall approve, deny, or modify the estimated expenditures. Either~~
22 ~~(a) the first and second school fiscal years the district will~~
23 ~~be participating in Network Nebraska for the full school fiscal~~
24 ~~year or (b) school fiscal year 2008-09, if the school district~~
25 ~~participated in Network Nebraska for all of school fiscal year~~
26 ~~2007-08, for the difference of the estimated expenditures for~~
27 ~~such school fiscal year for telecommunications services, access~~
1 ~~to data transmission networks that transmit data to and from the~~
2 ~~school district, and the transmission of data on such networks as~~
3 ~~such expenditures are defined by the department for purposes of~~
4 ~~the distance education and telecommunications allowance minus the~~
5 ~~dollar amount of such expenditures for the second school fiscal~~
6 ~~year preceding the first full school fiscal year the district~~
7 ~~participates in Network Nebraska.~~

8 The state board shall approve, deny, or modify the amount
9 allowed for any exception to the maximum general fund budget of
10 expenditures minus the special education budget of expenditures
11 pursuant to this section.

12 2. On page 38, lines 24 and 25, strike "plus all member
13 districts of learning communities".

14 3. On page 39, line 4, strike the new matter; and in line
15 8 after "section" insert "except that such adjusted valuation
16 for member school districts that are also member districts of a
17 learning community shall be reduced by fifty percent. The adjusted
18 valuation for each learning community shall equal fifty percent
19 of the total adjusted valuation of the member school districts
20 pursuant to section 79-1016 used for the calculation of state aid
21 for school districts pursuant to the act for the school fiscal year
22 for which the distribution is being calculated pursuant to this
23 section".

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

Senator Fischer filed the following amendment to LB911:
AM2180 is available in the Bill Room.

Senator Kopplin filed the following amendment to LB911:
AM2634

(Amendments to Standing Committee amendments, AM1971)

- 1 1. On page 11, lines 19 and 27; page 19, line 19; page
- 2 25, lines 5 and 6; page 29, lines 9 and 10; page 32, lines 18 and
- 3 19; page 33, lines 18 and 22 and 23; page 35, line 10; page 39,
- 4 lines 6, 10, and 15; page 40, line 22; page 41, line 22; and page
- 5 44, line 26, strike "and surcharge".
- 6 2. On page 17, strike lines 20 through 27.
- 7 3. On page 18, strike lines 1 through 6.
- 8 4. On page 28, lines 16 and 17, strike the new matter.

VISITORS

Visitors to the Chamber were 9 students and teacher from Papillion La Vista High School, Papillion; and 38 fourth-grade students, teachers, and sponsor from Meadows Elementary, Omaha.

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

ADJOURNMENT

At 7:58 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, April 1, 2008.

Patrick J. O'Donnell
Clerk of the Legislature