

FIFTY-FIRST DAY - APRIL 1, 2008**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
SECOND SESSION****FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 1, 2008

PRAYER

The prayer was offered by Father Lloyd Gnirk, St. Pius X Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Carlson, Christensen, Cornett, Dubas, Engel, Heidemann, Nantkes, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 1154A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1174. Committee AM2319, found on page 960 and considered on page 1237, was renewed.

SPEAKER FLOOD PRESIDING

Senator Dubas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

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

Senator Dierks requested a roll call vote on the committee amendment.

Voting in the affirmative, 20:

Ashford	Dubas	Kopplin	McGill	Schimek
Avery	Howard	Kruse	Nantkes	Synowiecki
Chambers	Hudkins	Lathrop	Nelson	Wallman
Christensen	Karpisek	McDonald	Preister	White

Voting in the negative, 27:

Adams	Fischer	Harms	Louden	Rogert
Aguilar	Flood	Heidemann	Pahls	Stuthman
Burling	Friend	Janssen	Pankonin	Wightman
Carlson	Fulton	Johnson	Pedersen	
Cornett	Gay	Langemeier	Pirsch	
Erdman	Hansen	Lautenbaugh	Raikes	

Present and not voting, 2:

Dierks	Engel
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The committee amendment lost with 20 ayes, 27 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator Dierks offered the following motion:

MO162

Unanimous consent to bracket until April 17, 2008.

No objections. So ordered.

MESSAGE FROM THE GOVERNOR

April 1, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1094e and 1094Ae were received in my office on March 31, 2008.

I signed these bills and delivered them to the Secretary of State on April 1, 2008.

Sincerely,

(Signed) Dave Heineman
Governor

COMMITTEE REPORT

Transportation and Telecommunications

The Transportation and Telecommunications 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.

Trev Peterson - Nebraska Information Technology Commission
Janie Park - Nebraska Information Technology Commission

Aye: 7 Senators Aguilar, Fischer, Hudkins, Loudon, Pedersen, Schimek, Stuthman. Nay: 0. Absent: 1 Senator Lautenbaugh.

(Signed) Deb Fischer, Chairperson

AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB928:
AM2519

(Amendments to Standing Committee amendments, AM2435)

- 1 1. Insert the following new section:
- 2 Sec. 23. Section 71-7608, Revised Statutes Supplement,
- 3 2007, as amended by section 7, Legislative Bill 606, One Hundredth
- 4 Legislature, Second Session, 2008, is amended to read:
- 5 71-7608 The Nebraska Tobacco Settlement Trust Fund is
- 6 created. The fund shall include any settlement payments or other
- 7 revenue received by the State of Nebraska in connection with any
- 8 tobacco-related litigation to which the State of Nebraska is a
- 9 party. The Department of Health and Human Services shall remit such
- 10 revenue to the State Treasurer for credit to the fund, except that
- 11 ~~(1) of such revenue received on or after April 1, 2005, two million~~
- 12 ~~five hundred thousand dollars shall be credited annually to the~~
- 13 ~~Tobacco Prevention and Control Cash Fund. Beginning in July 2008~~
- 14 ~~and (2) within seven days after the effective date of this act,~~
- 15 ~~and on July 1 of each year thereafter, on or before July 25, five~~
- 16 ~~hundred thousand dollars shall be credited~~ transferred from the
- 17 Nebraska Tobacco Settlement Trust Fund to the Stem Cell Research
- 18 Cash Fund created under section 5 of this act. Subject to the
- 19 terms and conditions of such litigation, money from the Nebraska
- 20 Tobacco Settlement Trust Fund shall be transferred to the Nebraska
- 21 Health Care Cash Fund as provided in section 71-7611. Any money in
- 22 the Nebraska Tobacco Settlement Trust Fund available for investment
- 1 shall be invested by the state investment officer pursuant to
- 2 the Nebraska Capital Expansion Act and the Nebraska State Funds
- 3 Investment Act.

- 4 2. On page 36, line 6, strike "30" and insert "31".
 5 3. On page 44, line 21, strike "32, and 34" and insert
 6 "33, and 35"; in line 22 strike "23,"; and in line 23 strike "36,
 7 and 37" and insert "32, 37, and 38".
 8 4. On page 45, line 3, strike "is" and insert "and
 9 section 71-7608, Revised Statutes Supplement, 2007, as amended by
 10 section 7, Legislative Bill 606, One Hundredth Legislature, Second
 11 Session, 2008, are".
 12 5. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1130A. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1130, One Hundredth Legislature, Second Session, 2008.

GENERAL FILE

LEGISLATIVE BILL 245. Committee AM542, found on page 730, First Session, 2007, and considered on page 1189, was renewed.

Senator Johnson renewed his amendment, AM2317, found on page 987 and considered on page 1189, to the committee amendment.

SENATOR AGUILAR PRESIDING

The Johnson amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Langemeier withdrew his amendment, FA256, found on page 1190.

Senator Langemeier renewed his amendment, FA257, found on page 1198, to the committee amendment.

Senator Langemeier withdrew his amendment.

The committee amendment, as amended, was adopted with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 4 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 245A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 2 nays, 17 present and not voting, and 2 excused and not voting.

AMENDMENTS - Print in Journal

Senator Johnson filed the following amendment to LB928A:
AM2620

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. There is hereby appropriated (1) \$56,101 for
4 the Health and Human Services Cash Fund for FY2008-09 and (2)
5 \$97,949 from the Health and Human Services Cash Fund for FY2009-10
6 to the Department of Health and Human Services, for Program 33, to
7 aid in carrying out the provisions of Legislative Bill 928, One
8 Hundredth Legislature, Second Session, 2008.
9 Sec. 2. There is hereby appropriated (1) \$25,000 from the
10 General Fund for FY2008-09 and (2) \$9,000 from the General Fund for
11 FY2009-10 to the University of Nebraska, for Program 781, to aid in
12 carrying out the provisions of Legislative Bill 928, One Hundredth
13 Legislature, Second Session, 2008.
14 Sec. 3. The General Fund appropriation for FY2009-10 to
15 the Department of Health and Human Services, for Program 33, is
16 hereby reduced by \$42,000.

Senator Chambers filed the following amendment to LB853:
FA258

P. 54, line 19, reinstate stricken matter and strike new matter.

Senator Chambers filed the following amendment to LB853:
FA259

P. 54, line 15, reinstate stricken matter and strike new matter.

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1154A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1116A. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1116, One Hundredth

Legislature, Second Session, 2008.

UNANIMOUS CONSENT - Add Cointroducer

Senator Synowiecki asked unanimous consent to add his name as cointroducer to LB920. No objections. So ordered.

VISITORS

Visitors to the Chamber were Roland and Adelyne Koranda from Wahoo and Janet Koranda from Fremont; 72 fourth-grade students from Aldridge Elementary, Millard; Stan Sibley from Glenwood, Iowa; Senator Fischer's mother, Florence Strobel, and Vivian Haun from Lincoln; 40 fourth-grade students from Lexington Bryan Elementary, Lexington; Senator Erdman's mother, Cathy Erdman, and 16 student senators from District 47; and 18 fourth-grade students and sponsors from St. Paul's Lutheran School, Beatrice.

RECESS

At 11:52 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Ashford, Christensen, Dierks, and Johnson who were excused until they arrive.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR282 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR282.

SELECT FILE

LEGISLATIVE BILL 846. ER8217, found on page 1125, was adopted.

Senator Hudkins renewed her amendment, AM2063, found on page 1110.

Senator Hudkins withdrew her amendment.

Senator Raikes renewed his amendment, AM2181, found on page 955.

Senator Raikes withdrew his amendment.

Senator Raikes renewed his amendment, AM1967, found on page 956.

Senator Raikes withdrew his amendment.

Senator Erdman renewed his amendment, AM2602, found on page 1237.

Senator Kruse moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Erdman moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Erdman requested a record vote on his amendment.

Voting in the affirmative, 17:

Ashford	Gay	Lathrop	Pankonin	White
Chambers	Hansen	Lautenbaugh	Pirsch	
Erdman	Kopplin	Louden	Rogert	
Friend	Langemeier	McGill	Stuthman	

Voting in the negative, 25:

Adams	Christensen	Heidemann	Kruse	Raikes
Aguilar	Engel	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	Nantkes	Synowiecki
Burling	Flood	Johnson	Nelson	Wallman
Carlson	Harms	Karpisek	Pedersen	Wightman

Present and not voting, 6:

Cornett	Dubas	Howard
Dierks	Fulton	Preister

Excused and not voting, 1:

Pahls

The Erdman amendment lost with 17 ayes, 25 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

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

Voting in the affirmative, 26:

Adams	Dierks	Janssen	Nelson	Wallman
Aguilar	Fischer	Johnson	Pedersen	Wightman
Avery	Flood	Karpisek	Preister	
Burling	Harms	Kruse	Raikes	
Carlson	Heidemann	McDonald	Rogert	
Christensen	Hudkins	Nantkes	Schimek	

Voting in the negative, 14:

Chambers	Friend	Howard	Lautenbaugh	Pirsch
Dubas	Fulton	Kopplin	McGill	White
Erdman	Hansen	Lathrop	Pankonin	

Present and not voting, 8:

Ashford	Engel	Langemeier	Stuthman
Cornett	Gay	Louden	Synowiecki

Excused and not voting, 1:

Pahls

Advanced to Enrollment and Review for Engrossment with 26 ayes, 14 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 846A. Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Adams	Christensen	Heidemann	Kruse	Raikes
Aguilar	Dierks	Hudkins	McDonald	Rogert
Avery	Fischer	Janssen	Nantkes	Schimek
Burling	Flood	Johnson	Nelson	Wallman
Carlson	Harms	Karpisek	Preister	Wightman

Voting in the negative, 17:

Chambers	Erdman	Hansen	Lautenbaugh	White
Cornett	Friend	Howard	McGill	
Dubas	Fulton	Kopplin	Pankonin	
Engel	Gay	Lathrop	Pirsch	

Present and not voting, 6:

Ashford	Louden	Stuthman
Langemeier	Pedersen	Synowiecki

Excused and not voting, 1:

Pahls

Advanced to Enrollment and Review for Engrossment with 25 ayes, 17 nays, 6 present and not voting, and 1 excused and not voting.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 1121. Placed on General File with amendment.
AM2605

1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 68-949, Revised Statutes Supplement,
4 2007, is amended to read:
5 68-949 (1) It is the intent of the Legislature that the
6 department implement reforms to the medical assistance program
7 such as those contained in the Medicaid Reform Plan, including (a)
8 an incremental expansion of home and community-based services for
9 aged persons and persons with disabilities consistent with such
10 plan, (b) an increase in care coordination or disease management
11 initiatives to better manage medical assistance expenditures
12 on behalf of high-cost recipients with multiple or chronic
13 medical conditions, and (c) other reforms as deemed necessary and
14 appropriate by the department, in consultation with the committee
15 and the Medicaid Reform Council.

16 (2)(a) ~~The department shall develop recommendations~~
17 ~~relating to the provision of health care and related services~~
18 ~~for medicaid eligible children under the state children's health~~
19 ~~insurance program as allowed under Title XIX and Title XXI of the~~
20 ~~federal Social Security Act. Such study and recommendations shall~~
21 ~~include, but not be limited to, the organization and administration~~
22 ~~of such program, the establishment of premiums, copayments, and~~
23 ~~deductibles under such program, and the establishment of limits on~~
1 ~~the amount, scope, and duration of services offered to recipients~~
2 ~~under such program, based on a comprehensive analysis of various~~
3 options available to the state under applicable federal law for
4 the provision of medical assistance to persons with disabilities
5 who are employed, including persons with a medically improved
6 disability, to enhance and replace current eligibility provisions
7 contained in subsection (8) of section 68-915.

8 (b) The department shall provide a draft report of such
9 recommendations to the committee and the Medicaid Reform Council
10 no later than October 1, ~~2007~~, 2008. The council shall conduct a
11 public meeting no later than October 15, ~~2007~~, 2008, to discuss

12 and receive public comment regarding such report. The council shall
 13 provide any comments and recommendations regarding such report in
 14 writing to the department and the committee no later than November
 15 1, ~~2007-2008~~. The department shall provide a final report of such
 16 recommendations to the Governor, the committee, and the council no
 17 later than December 1, ~~2007-2008~~.

18 (3)(a) The department shall develop recommendations
 19 for further modification or replacement of the defined benefit
 20 structure of the medical assistance program. Such recommendations
 21 shall be consistent with the public policy in section 68-905 and
 22 shall consider the needs and resources of low-income Nebraska
 23 residents who are eligible or may become eligible for medical
 24 assistance, the experience and outcomes of other states that have
 25 developed and implemented such changes, and other relevant factors
 26 as determined by the department.

27 (b) The department shall provide a draft report of such
 1 recommendations to the committee and the Medicaid Reform Council
 2 no later than October 1, 2008. The council shall conduct a public
 3 meeting no later than October 15, 2008, to discuss and receive
 4 public comment regarding such report. The council shall provide any
 5 comments and recommendations regarding such report in writing to
 6 the department and the committee no later than November 1, 2008.
 7 The department shall provide a final report of such recommendations
 8 to the Governor, the committee, and the council no later than
 9 December 1, 2008.

10 Sec. 2. Original section 68-949, Revised Statutes
 11 Supplement, 2007, is repealed.

LEGISLATIVE BILL 1176. Placed on General File with amendment.
 AM2630

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

3 Section 1. Section 68-909, Revised Statutes Cumulative
 4 Supplement, 2006, is amended to read:

5 68-909 (1) All contracts, agreements, rules, and
 6 regulations relating to the medical assistance program as entered
 7 into or adopted and promulgated by the department prior to July 1,
 8 2006, and all provisions of the medicaid state plan and waivers
 9 adopted by the department prior to July 1, 2006, shall remain in
 10 effect until revised, amended, repealed, or nullified pursuant to
 11 law.

12 (2) Prior to the adoption and promulgation of (proposed
 13 rules and regulations under section 68-912 or relating to the
 14 implementation of medicaid state plan amendments or waivers,
 15 the department shall provide a report to the Governor, the
 16 Legislature, and the Medicaid Reform Council no later than December
 17 15 summarizing the purpose and content of such proposed rules
 18 and regulations and the projected impact of such proposed rules
 19 and regulations on recipients of medical assistance and medical

20 assistance expenditures.

21 (3) The Medicaid Reform Council, no later than thirty
22 days after the date of receipt of any report under subsection
23 (2) of this section, may conduct a public meeting to receive
1 public comment regarding such report. The council shall promptly
2 provide any comments and recommendations regarding such report in
3 writing to the department. Such comments and recommendations shall
4 be advisory only and shall not be binding on the department, but
5 the department shall promptly provide a written response to such
6 comments or recommendations to the council.

7 (4) The department shall monitor and shall periodically,
8 as necessary, but no less than biennially, report to the
9 Governor, the Legislature, and the Medicaid Reform Council on
10 the implementation of rules and regulations, medicaid state plan
11 amendments, and waivers adopted under the Medical Assistance Act
12 and the effect of such rules and regulations, amendments, or
13 waivers on eligible recipients of medical assistance and medical
14 assistance expenditures.

15 Sec. 2. Original section 68-909, Revised Statutes
16 Cumulative Supplement, 2006, is repealed.

(Signed) Joel Johnson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 830A. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 830, One Hundredth Legislature, Second Session, 2008.

SELECT FILE

LEGISLATIVE BILL 888. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1068. ER8213, found on page 1101, was adopted.

Senator Kruse renewed his amendment, AM2554, found on page 1118.

The Kruse amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1058. ER8214, found on page 1101, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 916. ER8215, found on page 1125, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 965. ER8216, found on page 1125, was adopted.

Senator Raikes renewed his amendment, AM2638, found on page 1242.

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Raikes moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Raikes requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Aguilar	Fulton	Kruse	Nelson	Synowiecki
Avery	Gay	Langemeier	Pedersen	White
Burling	Howard	Lathrop	Preister	
Chambers	Janssen	Lautenbaugh	Raikes	
Friend	Johnson	McGill	Schimek	

Voting in the negative, 19:

Adams	Engel	Harms	Louden	Rogert
Carlson	Erdman	Heidemann	McDonald	Stuthman
Cornett	Flood	Hudkins	Pankonin	Wallman
Dubas	Hansen	Karpisek	Pirsch	

Present and not voting, 4:

Ashford	Christensen	Kopplin	Wightman
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Excused and not voting, 4:

Dierks	Fischer	Nantkes	Pahls
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The Raikes amendment lost with 22 ayes, 19 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1154. ER8220, found on page 1138, was adopted.

Senator Raikes asked unanimous consent to withdraw his amendment, AM2639, found on page 1248, and replace it with his substitute amendment, AM2655. No objections. So ordered.
AM2655

(Amendments to Standing Committee amendments, AM2449)

- 1 1. Strike section 10 and insert the following new
- 2 sections:
- 3 Section 10. Section 46, Legislative Bill 988, One
- 4 Hundredth Legislature, Second Session, 2008, is amended to read:
- 5 For school fiscal year 2008-09 and each school fiscal
- 6 year thereafter, a school district may exceed its maximum general
- 7 fund budget of expenditures minus the special education budget of
- 8 expenditures by a specific dollar amount for:
 - 9 (1) Expenditures for repairs to infrastructure damaged by
 - 10 a natural disaster which is declared a disaster emergency pursuant
 - 11 to the Emergency Management Act;
 - 12 (2) Expenditures for judgments, except judgments or
 - 13 orders from the Commission of Industrial Relations, obtained
 - 14 against a school district which require or obligate a school
 - 15 district to pay such judgment, to the extent such judgment is not
 - 16 paid by liability insurance coverage of a school district;
 - 17 (3) Expenditures pursuant to the Retirement Incentive
 - 18 Plan authorized in section 79-855 or the Staff Development
 - 19 Assistance authorized in section 79-856;
 - 20 (4) Expenditures of incentive payments or base fiscal
 - 21 year incentive payments to be received in such school fiscal year
 - 22 pursuant to section 79-1011;
 - 1 (5) Expenditures of amounts received from educational
 - 2 entities as defined in section 79-1201.01 for providing distance
 - 3 education courses through the Educational Service Unit Coordinating
 - 4 Council to such educational entities; ~~and~~
 - 5 (6) ~~A school district may exceed its applicable allowable~~
 - 6 ~~growth rate for either (a) the first and second school fiscal~~
 - 7 ~~years the district will be participating in Network Nebraska for~~
 - 8 ~~the full school fiscal year or (b) school fiscal year 2008-09, if~~
 - 9 ~~the school district participated in Network Nebraska for all of~~
 - 10 ~~school fiscal year 2007-08, by a specific dollar amount equal to~~
 - 11 ~~the estimated expenditures, to be made in the school fiscal year~~
 - 12 ~~in which the district may exceed its applicable allowable growth~~
 - 13 ~~rate, for (i) telecommunication services, (ii) access to data~~
 - 14 ~~transmission networks that transmit data to and from the school~~
 - 15 ~~district, and (iii) the transmission of data on such networks~~
 - 16 ~~as such expenditures are defined by the department for purposes~~

17 ~~of the distance education and telecommunications allowance minus~~
 18 ~~the dollar amount of such expenditures for the school fiscal~~
 19 ~~year immediately preceding the first full school fiscal year the~~
 20 ~~district participates in Network Nebraska. Districts shall estimate~~
 21 ~~expenditures on forms prescribed by the department. The department~~
 22 ~~shall approve, deny, or modify the estimated expenditures. Either~~
 23 ~~(a) the first and second school fiscal years the district will~~
 24 ~~be participating in Network Nebraska for the full school fiscal~~
 25 ~~year or (b) school fiscal year 2008-09, if the school district~~
 26 ~~participated in Network Nebraska for all of school fiscal year~~
 27 ~~2007-08, for the difference of the estimated expenditures for~~
 1 ~~such school fiscal year for telecommunications services, access~~
 2 ~~to data transmission networks that transmit data to and from the~~
 3 ~~school district, and the transmission of data on such networks as~~
 4 ~~such expenditures are defined by the department for purposes of~~
 5 ~~the distance education and telecommunications allowance minus the~~
 6 ~~dollar amount of such expenditures for the second school fiscal~~
 7 ~~year preceding the first full school fiscal year the district~~
 8 ~~participates in Network Nebraska; and~~

9 (7) Expenditures to pay another school district for the
 10 transfer of land from such other school district.

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

15 Sec. 13. Section 79-1210, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 79-1210 The State Board of Education shall grant or deny
 18 any petition to change educational service unit boundaries based
 19 upon the following criteria:

20 (1) The educational needs of students in the affected
 21 school districts and the affected educational service units;

22 (2) The economic viability of the proposal as it relates
 23 to affected established educational service units or affected
 24 proposed educational service units;

25 (3) Any community of interest among affected school
 26 districts and affected educational service units;

27 (4) Geographic proximity as such would affect the ability
 1 of affected educational service units to deliver service in a
 2 cost-effective manner; ~~and~~

3 (5) Compliance with the requirements of the Educational
 4 Service Units Act; and

5 ~~(5)-(6)~~ (6) In the dissolution of one or more entire
 6 educational service units, evidence of consent from each
 7 educational service unit board and two-thirds of the school boards
 8 or boards of education of member school districts representing a
 9 majority of students in each affected educational service unit.

10 For petitions that change educational service unit
 11 boundaries by transferring a learning community member district

12 from one educational service unit to another educational service
 13 unit with existing territory in such learning community, the
 14 requirements of subdivisions (1), (2), (3), and (4) of this section
 15 shall be deemed to have been met if the affected educational
 16 service units will each have at least two member school districts
 17 after such transfer.

18 2. On page 34, line 26, strike "section 79-1007.02" and
 19 insert "the Tax Equity and Educational Opportunities Support Act".

20 3. On page 38, lines 24 and 25, strike "plus all member
 21 districts of learning communities".

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

5 5. On page 45, strike beginning with "in" in line
 6 15 through "79-1007.02" in line 17 and insert "sparse or very
 7 sparse as determined pursuant to the Tax Equity and Educational
 8 Opportunities Support Act".

9 6. Amend the repealer, renumber the remaining sections,
 10 and correct the internal references accordingly.

The Raikes amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Senator Synowiecki offered the following amendment:

AM2650

(Amendments to Standing Committee amendments, AM2449)

- 1 1. On page 64, line 27, strike "families" and insert
- 2 "persons".

The Synowiecki amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Kopplin offered the following amendment:

AM2653

(Amendments to Standing Committee amendments, AM2449)

- 1 1. Strike section 14 and all amendments thereto.
- 2 2. Amend the repealer, renumber the remaining sections,
- 3 and correct internal references accordingly.

Senator Kopplin moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Kopplin amendment lost with 20 ayes, 13 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1154A. Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 1128. Placed on General File.

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 853. Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

SELECT FILE

LEGISLATIVE BILL 736. ER8218, found on page 1139, was adopted.

Senator Fulton offered the following amendment:

AM2606

(Amendments to Standing Committee amendments, AM2148)

- 1 1. On page 9, line 19, after the period insert "The State
- 2 Treasurer shall transfer an amount equal to forty dollars times
- 3 the number of ignition interlock permits issued pursuant to section
- 4 60-4,118.06 during the previous year from the General Fund to the
- 5 Ignition Interlock Device Fund.".
- 6 2. On page 33, strike beginning with "(1)" in line 4
- 7 through "(2)" in line 16; and strike beginning with "The" in line
- 8 19 through the period in line 21.

The Fulton amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 736A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1147. ER8175, found on page 746, was adopted.

Senator Synowiecki renewed his amendment, AM2391, found on page 1067.

The Synowiecki amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Synowiecki renewed his amendment, AM2600, found on page 1189.

The Synowiecki amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator White renewed his amendment, AM2574, found on page 1208.

Senator Synowiecki offered the following motion:

MO163

Suspend Rule 5, Section 15(a) to permit consideration of AM2574.

The Synowiecki motion to suspend the rules prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

The White amendment, AM2574, found on page 1208 and considered in this day's Journal, was renewed.

The White amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1001. ER8188, found on page 954, was adopted.

Senator White renewed his amendment, AM2632, found on page 1241.

The White amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1001A. Senator White renewed his amendment, AM2424, found on page 1012.

The White amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 245. Placed on Select File with amendment.
ER8231

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 71-3305, Revised Statutes Supplement,
4 2007, is amended to read:
5 71-3305 (1) Except as otherwise provided in subsection
6 (2) of this section, any political subdivision as defined in
7 section 13-702; that provides the water supply ~~of for human~~
8 consumption for any city or village for human consumption having
9 a population of one thousand or more inhabitants shall, no later
10 than June 1, 2010, add fluoride to such water supply in the amount
11 and manner prescribed by or have sufficient amounts of naturally
12 occurring fluoride in such water supply as provided in the rules
13 and regulations of the Department of Health and Human Services.

14 (2) ~~Fluoride shall not be added to the water supply of~~
15 ~~any city or village in which the voters have, after September 2,~~
16 ~~1973, adopted an ordinance by initiative prohibiting the adding of~~
17 ~~fluoride to its water supply. The procedure for the adoption of~~
18 ~~any such ordinance shall be that provided in sections 18-2501 to~~
19 ~~18-2536. No such ordinance may be adopted in a city or village~~
20 ~~receiving, or which has contracted to receive, its water supply,~~
21 ~~or any part thereof, from another political subdivision, or public~~
22 ~~or private entity, which adds fluoride to its water supply in~~
23 ~~compliance with subsection (1) of this section, or section 71-3306,~~
1 ~~or which has available only purchased fluoridated water with which~~
2 ~~to supply such city or village. In any city or village which is~~
3 ~~subject to the requirements of subsection (1) of this section,~~
4 ~~which does not have sufficient amounts of naturally occurring~~
5 ~~fluoride in its water supply, and in which fluoride is not added~~
6 ~~to its water supply, the voters of the city or village may adopt~~
7 ~~an ordinance, after the effective date of this act, but before June~~
8 ~~1, 2010, to prohibit the adding of fluoride to the water supply of~~
9 ~~such city or village. The ordinance may be placed on the ballot by~~
10 ~~a majority vote of the governing body of the city or village or by~~
11 ~~initiative pursuant to sections 18-2501 to 18-2538.~~

12 Sec. 2. Original section 71-3305, Revised Statutes
13 Supplement, 2007, is repealed.

14 Sec. 3. Since an emergency exists, this act takes effect
15 when passed and approved according to law.

16 2. On page 1, line 2, strike "Reissue Revised Statutes
17 of Nebraska" and insert "Revised Statutes Supplement, 2007"; and in
18 line 4 strike "and" and after "section" insert "; and to declare an
19 emergency".

LEGISLATIVE BILL 245A. Placed on Select File with amendment.
ER8232

- 1 1. On page 1, line 3, strike "First Session, 2007" and
- 2 insert "Second Session, 2008".
- 3 2. On page 2, lines 2 and 4, strike "Department of"; in
- 4 lines 3 and 11 strike "FY2007-08" and insert "FY2008-09"; in lines
- 5 5 and 11 strike "FY2008-09" and insert "FY2009-10"; and in line 8
- 6 strike "First Session, 2007" and insert "Second Session, 2008".

(Signed) Amanda McGill, Chairperson

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB754:
AM2648

- 1 1. On page 3, line 9, strike "three" and show as
- 2 stricken; in line 21 strike "and" and show as stricken; and in line
- 3 23 after "two" insert "voting" and before the period insert "; and
- 4 (iv) Each member of the Legislature whose legislative
- 5 district is wholly or in part within the area with a high
- 6 concentration of poverty serving as a nonvoting, ex officio member
- 7 of the committee".

GENERAL FILE

LEGISLATIVE BILL 983. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM2320, found on page 938, was considered.

PRESIDENT SHEEHY PRESIDING

Senator Chambers offered the following amendment to the committee amendment:

FA261

Amend AM2320

Line 15, strike "and" and place a semi-colon after "25" and add "and in lines 6-9 strike new matter".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the committee amendment:

FA262

Amend AM2320

Add new amendment: (5) On page 9 lines 6 through 8 strike the new matter.

Senator Cornett offered the following motion:

MO164

Unanimous consent to bracket until April 17, 2008.

No objections. So ordered.

LEGISLATIVE BILL 1165. Title read. Considered.

Committee AM2056, found on page 788, was considered.

Senator Nelson offered the following amendment to the committee amendment:

AM2637

(Amendments to Standing Committee amendments, AM2056)

1 1. Insert the following new section:

2 Section 1. Section 82-331, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 82-331 (1) There is hereby established in the state
5 treasury a trust fund to be known as the Nebraska Cultural
6 Preservation Endowment Fund. The fund shall consist of funds
7 appropriated or transferred by the Legislature, and only the
8 earnings of the fund may be used as provided in this section.

9 (2) On August 1, 1998, the State Treasurer shall transfer
10 five million dollars from the General Fund to the Nebraska Cultural
11 Preservation Endowment Fund.

12 (3) It is the intent of the Legislature that the State
13 Treasurer shall transfer two million dollars from the General Fund
14 to the Nebraska Cultural Preservation Endowment Fund on August 1 of
15 each of the following years: 2009 and 2010.

16 (4) On the effective date of this act, prior to the
17 transfer of funds from any state account into the Nebraska Cultural
18 Preservation Endowment Fund, the Nebraska Arts Council shall
19 provide documentation to the budget division of the Department
20 of Administrative Services that qualified endowments have generated
21 a dollar-for-dollar match of new money as defined in section
22 82-332 that is equal to the amount of state funds authorized
1 by the Legislature to be transferred to the Nebraska Cultural
2 Preservation Endowment Fund. The budget division of the Department
3 of Administrative Services shall notify the State Treasurer to
4 execute a transfer in an amount as specified by the Legislature
5 only to the extent that the Nebraska Arts Council has provided
6 documentation of a dollar-for-dollar match.

7 ~~(3)-(5)~~ The Legislature shall not appropriate or transfer
8 money from the Nebraska Cultural Preservation Endowment Fund for
9 any purpose other than the purposes stated in sections 82-330 to
10 82-333, except that the Legislature may appropriate or transfer
11 money from the fund upon a finding that the purposes of such
12 sections are not being accomplished by the fund.

13 ~~(4)-(6)~~ Any money in the Nebraska Cultural Preservation
 14 Endowment Fund available for investment shall be invested by the
 15 state investment officer pursuant to the Nebraska Capital Expansion
 16 Act and the Nebraska State Funds Investment Act.

17 ~~(5)-(7)~~ All investment earnings from the Nebraska
 18 Cultural Preservation Endowment Fund shall be credited to the
 19 Nebraska Arts and Humanities Cash Fund.

20 2. On page 4, strike lines 23 through 26 and insert the
 21 following:

22 (23) Within five days after the budget division of the
 23 Department of Administrative Services notifies the State Treasurer
 24 that matching fund requirements under section 82-331 have been met,
 25 the State Treasurer shall transfer one million dollars from the
 26 Cash Reserve Fund to the Nebraska Cultural Preservation Endowment
 27 Fund."; and in line 27 after "Original" insert "section 82-331,

1 Reissue Revised Statutes of Nebraska, and".

2 3. On page 5, line 1, strike "is" and insert "are".

3 4. Renumber the remaining sections accordingly.

The Nelson amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 1152. Placed on General File.

(Signed) Ron Raikes, Chairperson

AMENDMENTS - Print in Journal

Senator McGill filed the following amendment to LB813:
 AM2577

1 1. On page 2, line 9, strike "a primary" and insert
 2 "the"; and in line 14 strike "and other revenue".
 3 2. On page 3, line 9, strike "in whole or in part"; and
 4 in line 11 after "revenue" insert "and shall mature not later than
 5 twenty-five years after the date of issuance. Annual debt service
 6 on all bonds issued with respect to an urban growth district
 7 pursuant to this section shall not exceed the urban growth local
 8 option sales and use tax revenue with respect to such district
 9 for the fiscal year prior to the fiscal year in which the current
 10 series of such bonds are issued".

Senators Schimek and Synowiecki filed the following amendment to LB956:

AM2641

- 1 1. On page 3, line 1, strike "and" and insert
- 2 "employers."; in line 2 after "employers" insert ", and poverty
- 3 area employers"; in line 3 strike the second "or" and insert
- 4 an underscored comma; in line 4 after "Nebraska" insert ", or
- 5 (c) located in areas of high concentration of poverty within the
- 6 corporate limits of a city or village consisting of one or more
- 7 contiguous census tracts, as determined by the most recent federal
- 8 decennial census, which contain a percentage of persons below the
- 9 poverty line of greater than thirty percent, and all census tracts
- 10 contiguous to such tract or tracts, as determined by the most
- 11 recent federal decennial census"; and in line 6 strike "and rural"
- 12 and insert ", rural, or poverty area".

Senator Raikes filed the following amendment to LB983:

FA260

On page 9, line 5, strike "2016" and insert "2012".

VISITORS

Visitors to the Chamber were Senator Janssen's uncle and cousins, Waldo Janssen and Renee and Nicholas Rasmussen from North Bend; Fred and Janet Smith and family from Lincoln and Chapel Hill, North Carolina; 21 fourth-grade students from Humphrey; Drs. Bob and Mary Ann Sullivan and Doug Justice from Cape Coral, Florida; and Steve and Jeanne Kline from Norfolk.

The Doctor of the Day was Dr. Rubab Husain from Lincoln.

ADJOURNMENT

At 8:25 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, April 2, 2008.

Patrick J. O'Donnell
Clerk of the Legislature