

SEVENTH DAY - NOVEMBER 13, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, November 13, 2009

PRAYER

The prayer was offered by Senator Gloor.

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.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 17. Introduced by Howard, 9; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Cook, 13; Cornett, 45; Dierks, 40; Fischer, 43; Flood, 19; Fulton, 29; Gay, 14; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; Heidemann, 1; Janssen, 15; Karpisek, 32; Krist, 10; Langemeier, 23; Lathrop, 12; Louden, 49; McCoy, 39; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Pirsch, 4; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30.

WHEREAS, Mission of Mercy events across America have been providing free dental services for the underserved since 2000; and

WHEREAS, Nebraska held its first Mission of Mercy project in North Platte in 2005, and Mission of Mercy projects have provided patients with over four million seven hundred fifty thousand dollars in free dental care over the last five years; and

WHEREAS, the 2009 Nebraska Mission of Mercy project was held July 10-11 at Papillion-La Vista South High School, treating one thousand four hundred twenty-seven patients and providing over six hundred eight thousand dollars in dental services, where dentists, dental hygienists, dental

assistant staff, lab techs, and volunteers donated time over the two-day event; and

WHEREAS, Nebraska Mission of Mercy participants have honored the calling of their profession by providing care for the dental needs of low-income families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Nebraska Mission of Mercy for its beneficent efforts in serving over six thousand dental patients in Nebraska.

2. That a copy of this resolution be sent to the Nebraska Dental Association.

Laid over.

LEGISLATIVE RESOLUTION 18. Introduced by Council, 11; Cook, 13.

WHEREAS, Wilda Chue Stephenson was born on December 19, 1922, in Omaha, Nebraska, to Chandler and Willard Chue; and

WHEREAS, Wilda Chue Stephenson followed her family tradition of valuing higher education; and

WHEREAS, Wilda Chue Stephenson earned her bachelor's degree in business education from the University of Nebraska-Lincoln, graduated from Creighton University with a master's degree in education, and received an honorary doctorate from Midland Lutheran College; and

WHEREAS, Wilda Chue Stephenson was an activist and an educator who worked to improve race relations and break down barriers in a tumultuous period of Omaha history; and

WHEREAS, during World War II, Wilda Chue Stephenson fought discrimination in Nebraska that barred people of color from being student teachers or teaching in public high schools; and

WHEREAS, in 1962, Wilda Chue Stephenson participated in a national Presbyterian summer teaching program in Monrovia, Liberia, and traveled to Shanghai, China, in 1980 to support the rededication of the first Presbyterian church to open after China's ten-year ban on churches; and

WHEREAS, Wilda Chue Stephenson maintained her dedication to public service and education throughout her life. She served as a board member of the National Council of Negro Women and vice moderator for issues of the Churchwide Coordinating Team of Presbyterian Women. A former teacher at Omaha's Central High School, she later served as director of the Goodrich Scholarship Program at the University of Nebraska at Omaha and chairwoman of the education committee for the Presbyterian Commission on Church and Race; and

WHEREAS, Wilda Chue Stephenson has been recognized by the University of Nebraska at Omaha's College of Public Affairs and Community Service, the National Black Caucus of the Presbyterian Church, the Urban League of Nebraska, the United Way, the University of Nebraska-Lincoln, Zeta Phi Beta Sorority, Inc., and the YWCA; and

WHEREAS, Wilda Chue Stephenson died on October 10, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature expresses its deep and sincere appreciation of Wilda Chue Stephenson for her dedication and service to the people of Nebraska.

2. That the Legislature extends its condolences to the family of Wilda Chue Stephenson.

3. That a copy of this resolution be sent to the family of Wilda Chue Stephenson as a token of the high regard the people of Nebraska have for her and her achievements.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 5. Title read. Considered.

Committee AM7, found on page 83, was considered.

Senators McGill, Cook, Cornett, Dubas, Fulton, Giese, Haar, Lathrop, Rogert, Wallman, and White offered the following amendment to the committee amendment:

AM10

(Amendments to Standing Committee amendments, AM7)

- 1 1. On page 1, line 1, strike "section" and insert
- 2 "sections".
- 3 2. On page 2, after line 21, insert the following new
- 4 sections:
- 5 Sec. 12. Prior to reducing expenditures for classroom
- 6 instruction to offset a reduction in state aid for school fiscal
- 7 year 2010-11 below the amount authorized pursuant to the Tax Equity
- 8 and Educational Opportunities Support Act as such act existed prior
- 9 to the effective date of this act, school districts shall first
- 10 reduce noninstructional expenditures. For purposes of sections 12
- 11 to 15 of this act, noninstructional expenditures includes, but is
- 12 not limited to:
- 13 (1) Transportation of persons other than students;
- 14 (2) Administration;
- 15 (3) Noninstructional vacancies;
- 16 (4) Capital and equipment expenditures;
- 17 (5) Capital construction and renovation;
- 18 (6) Service contracts, including, but not limited to,
- 19 legal and professional services; and
- 20 (7) Cash reserves.
- 21 Sec. 13. On or before July 1, 2010, each school district
- 22 shall post on its web site or publish in a newspaper published or
- 1 of general circulation in the county in which the administrative
- 2 office of such school district is located a list of all proposed

3 reductions in the school district's budget necessary to comply with
 4 section 12 of this act. The list shall provide separate detail for
 5 reductions in instructional and noninstructional expenditures.

6 Sec. 14. The budget submitted to the Auditor of Public
 7 Accounts and the department pursuant to section 79-1024 for school
 8 fiscal year 2010-11 shall include an itemized list of the budget
 9 reductions made to comply with reductions in state aid pursuant
 10 to this legislative bill. The Auditor of Public Accounts shall
 11 post on its web site or publish in a newspaper of statewide
 12 circulation such itemized list for all school districts. The
 13 itemized list shall provide separate detail for instructional and
 14 noninstructional expenditures.

15 Sec. 15. For state aid to be distributed in school
 16 fiscal year 2011-12, a noninstructional priority adjustment shall
 17 be calculated and applied to any local system that decreased its
 18 instructional expenditures for school fiscal year 2010-11 as a
 19 result of a reduction in state aid pursuant to this legislative
 20 bill. To calculate the noninstructional priority adjustment, the
 21 department shall multiply the total of the itemized list of
 22 instructional expenditure reductions, as reported to the department
 23 and the Auditor of Public Accounts pursuant to section 14 of this
 24 act, by fifty percent. The noninstructional priority adjustment
 25 shall be added to the formula resources of the local system for the
 26 determination of equalization aid pursuant to section 79-1008.01.
 27 If the noninstructional priority adjustment is greater than or
 1 equal to the allocated income tax funds calculated pursuant to
 2 section 79-1005.01, the local system shall not receive allocated
 3 income tax funds. If the noninstructional priority adjustment is
 4 less than the allocated income tax funds calculated pursuant to
 5 section 79-1005.01, the local system shall receive allocated income
 6 tax funds in the amount of the difference between the allocated
 7 income tax funds calculated pursuant to section 79-1005.01 and
 8 the noninstructional priority adjustment. The department shall
 9 establish annual financial report codes and expedite reporting
 10 of the annual financial report to implement the noninstructional
 11 priority adjustment.

12 3. Insert the following new amendments:

13 3. On page 3, line 18; page 7, line 24; and page 35, line
 14 16, strike "section 8" and insert "sections 8 and 12 to 15".

15 9. Renumber the remaining sections accordingly.

16 4. Renumber the remaining amendments accordingly.

Senator McGill withdrew the McGill et al. amendment.

SPEAKER FLOOD PRESIDING

SENATOR LANGEMEIER PRESIDING

The committee amendment was adopted with 43 ayes, 2 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 11 nays, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 19. Introduced by White, 8.

WHEREAS, Jacob David Campbell, of Troop 558, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jacob has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. Jacob's community service project was a yearlong beautification program for his school, Morton Magnet Middle School, in cooperation with the principal, student council, and parent-teacher association; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jacob was awarded the rank of Eagle Scout on September 9, 2009, thereby joining other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Jacob David Campbell on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jacob David Campbell.

Laid over.

VISITOR

Visitor to the Chamber was Emily Gonderinger from Omaha.

ADJOURNMENT

At 12:08 p.m., on a motion by Speaker Flood, the Legislature adjourned until 1:30 p.m., Monday, November 16, 2009.

Patrick J. O'Donnell
Clerk of the Legislature