

SIXTY-FIFTH DAY - APRIL 17, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 17, 2007

PRAYER

The prayer was offered by Pastor Jim Miller, Grace United Methodist Church, Hastings.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Adams, Ashford, Pahls, and Pedersen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fourth day was approved.

BILL ON FIRST READING

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

LEGISLATIVE BILL 368A. 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 368, One Hundredth Legislature, First Session, 2007.

RESOLUTION

LEGISLATIVE RESOLUTION 81. Introduced by Flood, 19.

WHEREAS, Randy A. Nelson, Superintendent of Norfolk Public Schools, will retire after a lifelong career in education and educational administration; and

WHEREAS, Dr. Nelson began his career in education as an instrumental music director in 1972 at Superior Public Schools and later at Holdrege Public Schools. He became an elementary school principal in 1981, the

Superintendent of Lexington Public Schools in 1986, and the Superintendent of Norfolk Public Schools in 1992; and

WHEREAS, Dr. Nelson helped reorganize the Lexington Public School system, led successful bond issues in Lexington and Norfolk for the building of school buildings and school building renovations, and provided leadership in those school districts; and

WHEREAS, Dr. Nelson is active in several Nebraska school activity and administration groups and has received many distinguished teaching and administration awards throughout his long career, including Nebraska Superintendent of the Year in 2003.

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

1. That the Legislature congratulates Randy A. Nelson on his 35 years in education, 26 of those as an administrator, and on his retirement.

2. That a copy of this resolution be sent to Randy A. Nelson.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 674. Title read. Considered.

Committee AM805, found on page 1121, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 73. Placed on Select File - ER8072.

ER8072

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 79-10,138, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-10,138 The ~~Legislature~~ State Department of Education
- 6 shall reimburse each qualified public school in Nebraska a portion
- 7 of the cost of such school's school breakfast program in the
- 8 amount of five cents per school breakfast served by such school
- 9 in the second preceding school year. To qualify, a school district
- 10 shall operate a school lunch program and shall submit information
- 11 regarding the number of breakfasts served in a manner prescribed
- 12 by the department. The Legislature shall appropriate money from
- 13 the General Fund to carry out this section. If the Legislature
- 14 does not appropriate sufficient funds to fully reimburse each
- 15 qualified public school under this section, each such school shall
- 16 be reimbursed a pro rata amount based on the proportion that the

17 amount appropriated by the Legislature bears to the total amount
 18 needed to fully reimburse each qualified public school under this
 19 section.

20 Sec. 2. This act becomes operative on July 1, 2007.

21 Sec. 3. Original section 79-10,138, Reissue Revised
 22 Statutes of Nebraska, is repealed.

23 Sec. 4. Since an emergency exists, this act takes effect
 1 when passed and approved according to law.

2 2. On page 1, line 3, strike "and" and insert "to provide
 3 an operative date;"; and in line 4 after "section" insert "; and to
 4 declare an emergency".

LEGISLATIVE BILL 73A. Placed on Select File - ER8073.
 ER8073

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 Section 1. There is hereby appropriated (1) \$107,693 from
 4 the General Fund for FY2007-08 and (2) \$139,722 from the General
 5 Fund for FY2008-09 to the State Department of Education, for
 6 Program 158, to aid in carrying out the provisions of Legislative
 7 Bill 73, One Hundredth Legislature, First Session, 2007.

8 No expenditures for permanent and temporary salaries and
 9 per diems for state employees shall be made from funds appropriated
 10 in this section.

11 Sec. 2. Since an emergency exists, this act takes effect
 12 when passed and approved according to law.

13 2. On page 1, line 3, after "2007" insert "; and to
 14 declare an emergency".

(Signed) Amanda McGill, Chairperson

GENERAL FILE

LEGISLATIVE BILL 367. Title read. Considered.

Committee AM911, printed separately and referred to on page 1050, was considered.

Senator Cornett requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

(Amendment, AM970, is on file and available in the Clerk's Office, Room 2014.)

Senator Janssen renewed his amendment, AM921, found on page 1064, to the first committee amendment.

SENATOR MCDONALD PRESIDING

Pending.

VISITORS

Visitors to the Chamber were 43 fourth-grade students and teachers from Centennial School, Utica; 30 fourth-grade students and teachers from Tecumseh; Senator Pedersen's wife, Priscilla, and daughter and son-in-law, Megan and Michael Nelson, from Elkhorn; and 55 fourth-grade students and teachers from La Vista West Elementary, La Vista.

RECESS

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

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Burling, Chambers, Dierks, Engel, Flood, Heidemann, Kruse, Loudon, Nantkes, and Synowiecki who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 367. Senator Janssen renewed his amendment, AM921, found on page 1064 and considered in this day's Journal, to the first committee amendment.

Senator Janssen withdrew his amendment.

Senator Janssen renewed his amendment, AM934, found on page 1073, to the first committee amendment.

Senator Langemeier moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 3 nays, and 12 not voting.

Senator White requested a record vote on the Janssen amendment.

Voting in the affirmative, 44:

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

Voting in the negative, 2:

Wallman White

Present and not voting, 2:

Christensen Snowiewiecki

Excused and not voting, 1:

Chambers

The Janssen amendment was adopted with 44 ayes, 2 nays, 2 present and not voting, and 1 excused and not voting.

Senator Langemeier asked unanimous consent to withdraw his amendment, AM1024, found on page 1185, and replace it with his substitute amendment, AM1032, to the first committee amendment. No objections. So ordered.
AM1032

(Amendments to Standing Committee amendments, AM911)

- 1 1. Insert the following new section:
- 2 Sec. 29. Original section 77-3442, Revised Statutes
- 3 Cumulative Supplement, 2006, is repealed.
- 4 2. On page 1, line 17; and page 3, line 7, strike
- 5 "fifty million" and insert "one hundred nine million six hundred
- 6 thousand".
- 7 3. On page 59, line 11, strike "2007-08" and insert
- 8 "2008-09"; and in line 13 strike "2008-09" and insert "2009-10".
- 9 4. On page 67, line 23, strike "23,"; and in line 24
- 10 after the period insert "Sections 23 and 29 of this act become
- 11 operative on July 1, 2008."
- 12 5. On page 68, strike beginning with "and" in line 3
- 13 through "are" in line 4 and insert "is".
- 14 6. Renumber the remaining sections and correct internal
- 15 references accordingly.

Senator Langemeier withdrew his amendment.

SPEAKER FLOOD PRESIDING

Senator White offered the following amendment to the first committee amendment:
(Amendment, AM950, is printed separately and available in the Bill Room, Room 1104.)

Senator Cornett requested a ruling of the Chair on whether the White amendment is germane to the first committee amendment.

The Chair ruled the White amendment is not germane to the first committee amendment.

Senator White challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator White withdrew his motion to overrule the Chair.

The first committee amendment, AM970, on file and referred to in this day's Journal, as amended, was renewed.

The first committee amendment, as amended, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

The second committee amendment is as follows:
(Amendment, AM972, is on file and available in the Clerk's Office, Room 2014.)

Senator Janssen withdrew his amendment, AM923, found on page 1065.

Senator Janssen renewed his amendment, AM935, found on page 1074, to the second committee amendment.

The Janssen amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Friend offered the following amendment to the second committee amendment:
(Amendment, AM1027, is printed separately and available in the Bill Room, Room 1104.)

Senator Friend withdrew his amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB 367:
AM1030

(Amendments to Standing Committee amendments, AM911)

- 1 1. On page 46, line 23, strike "eight", show as stricken,
- 2 and insert "fifteen".

Senator White filed the following amendment to LB 367:
(Amendment, AM1031, is printed separately and available in the Bill Room, Room 1104.)

Senator White filed the following amendment to LB 367:
FA82

Strike the enacting clause.

VISITORS

Visitors to the Chamber were Jose Mejia from Doane College; 44 fourth-grade students, teachers, and sponsors from Springfield; Megan Scheffler and Matthew Sazama from Norfolk, Demi Beatty from Winnebago, and Kathy Rutenbeck from Wayne; 23 fifth-grade students and teachers from Creighton; and 10 ninth-grade students and teachers from Roosevelt Elementary, Scottsbluff.

ADJOURNMENT

At 5:03 p.m., on a motion by Senator Karpisek, the Legislature adjourned until 9:00 a.m., Wednesday, April 18, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

