

SEVENTY-FOURTH DAY - MAY 3, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 3, 2007

PRAYER

The prayer was offered by Father Paul Rutten, Madonna Rehabilitation Hospital, Lincoln.

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 Senator Pedersen who was excused; and Senators Ashford, Dierks, Engel, Flood, Loudon, Mines, Synowiecki, and White who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-third day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 98. Introduced by Howard, 9.

PURPOSE: To evaluate how child support disregards/pass-throughs impact the economic self sufficiency of participants in Temporary Assistance for Needy Families programs.

This study shall include, but not be limited to:

(1) Examination of the history of child support disregards/pass-throughs in Nebraska;

(2) Examination of the effectiveness of child support disregards/pass-throughs in motivating sustained transition from public assistance to work in other states;

(3) Examination of the effectiveness of child support disregards/pass-throughs in increasing paternity identification in other states;

(4) Examination of the effectiveness of child support disregards/pass-throughs in motivating child support payment compliance in other states;

(5) Examination of the levels of child support disregards/pass-throughs in other states (particularly those similar in population and socioeconomic distribution to Nebraska); and

(6) Examination of the potential costs that would be incurred as a result of an increase in the percentage of child support disregards/pass-throughs.

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

MOTION - Approve Appointment

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1345:

Coordinating Commission for Postsecondary Education

Ronald D. Hunter

Voting in the affirmative, 35:

Adams	Erdman	Howard	Langemeier	Pirsch
Aguilar	Fischer	Hudkins	McDonald	Raikes
Burling	Friend	Janssen	McGill	Rogert
Carlson	Gay	Johnson	Nantkes	Schimek
Chambers	Hansen	Karpisek	Nelson	Stuthman
Christensen	Harms	Kopplin	Pahls	Wallman
Cornett	Heidemann	Kruse	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 5:

Avery	Dubas	Fulton	Lathrop	Preister
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Excused and not voting, 9:

Ashford	Engel	Louden	Pedersen	White
Dierks	Flood	Mines	Synowiecki	

The appointment was confirmed with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 236A. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 588A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 540. Title read. Considered.

Committee AM737, found on page 1061, was considered.

Senator Synowiecki renewed his amendment, AM1143, found on page 1371, to the committee amendment.

The Synowiecki amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

SENATOR ERDMAN PRESIDING

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB 321:
AM1209

- 1 1. On page 1, strike line 6.

Senator Langemeier filed the following amendment to LB 321:
AM1213

(Amendments to Standing Committee amendments, AM728)

- 1 1. Strike sections 150 and 151 and insert:
 - 2 Sec. 150. AGENCY NO. 32 - BOARD OF EDUCATIONAL LANDS AND
 - 3 FUNDS
 - 4 Program No. 529 - Land Surveys
 - 5
 - 6 GENERAL FUND
 - 7 CASH FUND
 - 8 PROGRAM TOTAL
 - 9 SALARY LIMIT
 - 10 Any General Funds expended for costs associated with the
- | | FY2007-08 | FY2008-09 |
|--|-----------|-----------|
| | 326,691 | 335,211 |
| | 33,839 | 34,541 |
| | 360,530 | 369,752 |
| | 237,855 | 241,947 |

11 administration of school lands shall be reimbursed, on a quarterly
 12 basis, to the General Fund by the Board of Educational Lands and
 13 Funds.

14 Sec. 151. AGENCY NO. 32 - BOARD OF EDUCATIONAL LANDS AND
 15 FUNDS

16 Program No. 554 - Disputed Survey Settlements

17		FY2007-08	FY2008-09
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18	CASH FUND	-0-	-0-
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19	PROGRAM TOTAL	-0-	-0-
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20 In the event of a disputed survey request, there may
 21 be an administrative increase of appropriation allowed to cover
 22 the expenses incurred. The State Budget Administrator may, upon
 1 verification of a valid disputed survey, increase the appropriation
 2 for program 554 up to \$25,000 in Cash Funds per each verified
 3 disputed survey.

SELECT FILE

LEGISLATIVE BILL 367. Senator White renewed his amendment, AM1196, found on page 1373.

SENATOR PREISTER PRESIDING

Senator Erdman offered the following motion:
 Bracket LB 367 until May 4, 2007.

Senator Erdman withdrew his motion to bracket.

The White amendment, AM1196, found on page 1373 and considered in this day's Journal, was renewed.

Senator Chambers offered the following motion:
 Bracket until May 4, 2007.

Senator Chambers withdrew his motion to bracket.

The White amendment, AM1196, found on page 1373 and considered in this day's Journal, was renewed.

SENATOR SCHIMEK PRESIDING

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 99.** Introduced by Schimek, 27.

PURPOSE: To examine policies relating to the incarceration of persons with mental illness in Nebraska's state, county, and local correctional facilities, including juvenile facilities.

The Bureau of Justice Statistics estimated that, in 2000, sixteen percent of the national prison population had a mental illness. Human Rights Watch noted that nationally, in 2003, there were three times more individuals with mental illness in prisons than in mental health hospitals, and rates for mental illnesses within the prison population were two to four times more prevalent than in the general public. Jails and prisons, although not designed to offer a therapeutic mental health continuum of care, are quickly becoming our nation's front-line mental health providers.

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

(1) The effectiveness of current policies and treatment of offenders with mental illness from incarceration to release and potential improvements to such policies;

(2) Pertinent issues raised by LB 666, One Hundredth Legislature, First Session, 2007 and LB 669, One Hundredth Legislature, First Session, 2007, specifically the use of diversion programs for offenders with mental illness and discharge planning for offenders upon release from the correctional system, including the provision of public assistance benefits and supports for offenders with severe and persistent mental illness; and

(3) Issues and testimony stemming from Laws 2005, LR 191, Laws 2004, LB 1000, and Laws 2004, LR 346. The committee shall consult and solicit input from the Department of Correctional Services, the Department of Health and Human Services, the protection and advocacy system, mental health advocacy organizations, and other interested parties as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST 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 100. Introduced by Langemeier, 23.

PURPOSE: The purpose of this resolution is to study whether the insurance laws of this state should be amended in order to allow property and casualty insurance producers to charge fees for services they perform, subject to regulation by the Department of Insurance. The study should include a review of issues raised during consideration of LB 62 (Langemeier), which

is currently pending in the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek and consider the input of the Department of Insurance and interested persons, including insurance producers, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance 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.

AMENDMENTS - Print in Journal

Senator Stuthman filed the following amendment to LB 321:
AM1216

(Amendments to Standing Committee amendments, AM728)

- 1 Purpose: To reinstate the reduction to the public health
- 2 departments.
- 3 1. On page 55, line 5, strike "3,391,250 3,391,250"
- 4 and insert "3,525,000 3,525,000"; in line 7 strike "11,971,250
- 5 11,971,250" and insert "12,105,000 12,105,000"; in lines 9 and 12
- 6 strike "\$3,391,250" and insert "\$3,525,000"; and in line 25 strike
- 7 "\$1,666,250" and insert "\$1,800,000".
- 8 2. On page 56, line 1, strike "\$1,666,250" and insert
- 9 "\$1,800,000".

Senator Hudkins filed the following amendment to LB 334:
AM1198

- 1 1. Insert the following new sections:
- 2 Sec. 74. Section 77-1345.01, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 77-1345.01 (1) On or before July 15 in the year of
- 5 application, the county assessor shall approve or deny the
- 6 application for special valuation filed pursuant to section
- 7 77-1345. On or before July 22, the county assessor shall issue
- 8 notice of approval or denial.
- 9 (2) If the application is approved by the county
- 10 assessor, the land shall be valued as provided in section 77-1344
- 11 and, on or before July 22, the county board of equalization shall
- 12 send a property valuation notice for special value and recapture
- 13 value to the owner and, if not the same, the applicant. Within
- 14 thirty days after the mailing of the notice, a written protest of
- 15 the special value or recapture value may be filed.

16 (3)(a) If the application is denied by the assessor, (i)
17 the applicant may request an informal review by the county assessor
18 at which the applicant may present evidence of agricultural or
19 horticultural use of the land or (ii) a written protest of the
20 denial of the application may be filed within thirty days after the
21 mailing of the denial.

22 (b) If the denial of an application for special valuation
23 is reversed on the informal review or appeal and the application is
1 approved, the land shall be valued as provided in section 77-1344
2 and the county board of equalization shall send the property
3 valuation notice for special value and recapture value to the owner
4 and, if not the same, the applicant or his or her successor in
5 interest, within fourteen days after the date of the final order.
6 Within thirty days after the mailing of the notice, a written
7 protest of the special value or recapture value may be filed.

8 (4) If the county board of equalization takes action
9 pursuant to section 77-1504 or 77-1507 and the applicant filed
10 an application for special valuation pursuant to subsection (3)
11 of section 77-1345, the county assessor shall approve or deny the
12 application within fifteen days after the filing of the application
13 and issue notice of the approval or denial as prescribed in
14 subsection (1) of this section. If the application is denied by
15 the county assessor, a written protest of the denial may be filed
16 within thirty days of the mailing of the denial.

17 (5) The assessor shall mail notice of any action taken
18 by him or her on an application to the owner and the applicant if
19 different than the owner.

20 (6) All provisions of section 77-1502 except dates for
21 filing of a protest, the period for hearing protests, and the date
22 for mailing notice of the county board of equalization's decision
23 are applicable to any protest filed pursuant to this section.

24 (7) The county board of equalization shall decide any
25 protest filed pursuant to this section within thirty days after the
26 filing of the protest.

27 (8) The clerk shall mail a copy of any decision made by
1 the county board of equalization on a protest filed pursuant to
2 this section to the owner and the applicant if different than the
3 owner within seven days after the board's decision.

4 (9) Any decision of the county board of equalization
5 may be appealed to the Tax Equalization and Review Commission, in
6 accordance with section 77-5013, within thirty days after the date
7 of the decision.

8 (10) Any applicant may petition the Tax Equalization and
9 Review Commission in accordance with section 77-5013, on or before
10 December 31 of each year, to determine whether the land will
11 receive special valuation for that year if a failure to give notice
12 as prescribed by this section prevented timely filing of a protest
13 or appeal provided for in this section.

14 Sec. 76. Section 77-1347.01, Revised Statutes Cumulative

15 Supplement, 2006, is amended to read:

16 77-1347.01 (1) The county assessor may make a
17 determination that land no longer qualifies for special valuation
18 pursuant to sections 77-1344 and 77-1347. If the county assessor's
19 disqualification determination is made on or before March 19 of the
20 year for which the land is deemed disqualified, the county assessor
21 shall send a written notice of the determination to the applicant
22 or owner within fifteen days after his or her determination,
23 including the reason for the disqualification. The applicant or
24 owner may request an informal review by the county assessor
25 at which the applicant may present evidence of agricultural or
26 horticultural use of the land. A protest of the county assessor's
27 determination may be filed with the county board of equalization
1 within thirty days after the mailing of the notice. The county
2 board of equalization shall decide the protest within thirty days
3 after the filing of the protest. The county clerk shall, within
4 seven days after the county board of equalization's final decision,
5 mail to the protester written notification of the board's decision.
6 The decision of the county board of equalization may be appealed
7 to the Tax Equalization and Review Commission in accordance with
8 section 77-5013 within thirty days after the date of the decision.
9 The valuation notice relating to the land subject to the county
10 assessor's disqualification notice shall be sent in accordance
11 with subsection (2) of section 77-1315 and the valuation may be
12 protested pursuant to section 77-1502.

13 (2) If the county assessor's disqualification
14 determination is made after March 19 and on or before July
15 25 of the year for which the land is deemed disqualified, the
16 county assessor shall prepare a report for the county board of
17 equalization setting forth the parcel the county assessor believes
18 should be disqualified, the reason for the disqualification, and
19 the valuation of the property after disqualification. If the report
20 recommends disqualification of the parcel, the applicant or owner
21 may request an informal review by the county assessor at which the
22 applicant may present evidence of agricultural or horticultural
23 use of the land. The county board of equalization may meet on or
24 after June 1 and on or before July 25 to consider the question of
25 the disqualification and valuation of a parcel or parcels reported
26 to the county board of equalization pursuant to this section.
27 Upon review of the report from the county assessor, the county
1 board of equalization may issue a written notice to the taxpayer
2 determining that the parcel should be disqualified and determining
3 the valuation of the parcel after disqualification. A protest of
4 either the disqualification determination or the valuation of the
5 parcel, or both, may be filed with the county board of equalization
6 within thirty days after the mailing of the notice. The county
7 board of equalization shall decide the protest within thirty days
8 after the filing of the protest. The county clerk shall, within
9 seven days after the county board of equalization's final decision,

10 mail to the protester written notification of the board's decision.
11 The decision of the county board of equalization may be appealed
12 to the Tax Equalization and Review Commission in accordance with
13 section 77-5013 within thirty days after the date of the decision.

14 2. Renumber the remaining sections and correct the
15 repealer and internal references accordingly.

Senator Hudkins filed the following amendment to LB 334:
AM1197

1 1. Insert the following new section:

2 Sec. 73. Section 77-1344, Revised Statutes Cumulative

3 Supplement, 2006, is amended to read:

4 77-1344 (1) Agricultural or horticultural land which has
5 an actual value as defined in section 77-112 reflecting purposes
6 or uses other than agricultural or horticultural purposes or
7 uses shall be assessed as provided in subsection (3) of section
8 77-201 if the land meets the qualifications of this subsection and
9 an application for such special valuation is filed and approved
10 pursuant to section 77-1345. In order for the land to qualify
11 for special valuation all of the following criteria shall be met:

12 (a) The land is located outside the corporate boundaries of any
13 sanitary and improvement district, city, or village except as
14 provided in subsection (2) of this section; and (b) the land is
15 agricultural or horticultural land. The determination of whether
16 land is agricultural or horticultural land shall be made on an
17 acre-by-acre basis for each parcel.

18 (2) Special valuation may be applicable to agricultural
19 or horticultural land included within the corporate boundaries
20 of a city or village if the land is subject to a conservation
21 or preservation easement as provided in the Conservation and
22 Preservation Easements Act and the governing body of the city or
23 village approves the agreement creating the easement.

1 (3) The eligibility of land for the special valuation
2 provisions of this section shall be determined as of January 1, but
3 upon notice from the county assessor that the land is disqualified
4 pursuant to section 77-1347 prior to July 25 of the same year, it
5 shall be valued and carried on the assessment roll according to
6 section 77-201. If the land becomes disqualified after the date of
7 levy, its valuation for that year shall continue as provided in
8 this section.

9 (4) The special valuation placed on such land by the
10 county assessor under this section shall be subject to equalization
11 by the county board of equalization and the Tax Equalization and
12 Review Commission.

13 (5) Recapture value shall be determined only through tax
14 year 2009. The recapture valuation placed on such land by the
15 county assessor under this section shall be subject to equalization
16 by the county board of equalization and the Tax Equalization and
17 Review Commission.

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 540A. 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 540, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

VISITORS

Visitors to the Chamber were 50 fourth-grade students from Parkview Heights Elementary, La Vista; 49 fourth-grade students, teachers, and sponsors from Louisville; 20 fourth-grade students from Emerson; and 69 fourth-grade students from Arbor Park, Blair.

RECESS

At 12:00 p.m., on a motion by Senator Langemeier, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Pedersen who was excused; and Senators Avery, Heidemann, McDonald, and Nantkes who were excused until they arrive.

AMENDMENT - Print in Journal

Senator Synowiecki filed the following amendment to LB 324:
AM1184

(Amendments to AM653)

- 1 1. On page 7, after line 20, insert the following new
2 subdivision:
3 "(e) During the DROP period, the Nebraska State Patrol
4 shall not be assessed the amount required under subsection (2) of
5 section 81-2017 nor shall such amount be credited to the State
6 Patrol Retirement Fund;"; and in line 21 strike "(e)" and insert
7 "(f)".
8 2. On page 8, line 3, strike "(f)" and insert "(g)"; in

9 line 20 strike "(g)" and insert "(h)"; and in line 23 strike "(h)"
 10 and insert "(i)".

SELECT FILE

LEGISLATIVE BILL 367. The White amendment, AM1196, found on page 1373 and considered in this day's Journal, was renewed.

Senator Rogert moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Senator White moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator White requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 15:

Ashford	Karpisek	Lathrop	Nantkes	Schimek
Chambers	Kopplin	Louden	Preister	Synowiecki
Howard	Kruse	McGill	Rogert	White

Voting in the negative, 24:

Adams	Engel	Hansen	Johnson	Pirsch
Aguilar	Erdman	Harms	McDonald	Raikes
Burling	Fischer	Heidemann	Nelson	Stuthman
Carlson	Flood	Hudkins	Pahls	Wightman
Cornett	Friend	Janssen	Pankonin	

Present and not voting, 8:

Christensen	Dubas	Gay	Mines
Dierks	Fulton	Langemeier	Wallman

Excused and not voting, 2:

Avery	Pedersen
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The White amendment lost with 15 ayes, 24 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Mines offered the following motion:
 Reconsider vote on AM1196.

SENATOR MCDONALD PRESIDING

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

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

The motion to cease debate prevailed with 26 ayes, 6 nays, 16 present and not voting, and 1 excused and not voting.

Senator Mines asked unanimous consent to withdraw his motion to reconsider the vote on AM1196. No objections. So ordered.

The Chair declared the call raised.

Senator Mines offered the following motion:
Bracket LB 367 to May 10, 2007.

SENATOR FISCHER PRESIDING

SENATOR MCDONALD PRESIDING

SENATOR ERDMAN PRESIDING

Pending.

COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 317. Placed on Select File - ER8100.
ER8100

- 1 1. In the Standing Committee amendments, AM726:
- 2 a. On page 7, line 17, strike "2004" and insert "2005";
- 3 b. On page 12, line 14, strike "use", show as stricken,
- 4 and insert "used"; and
- 5 c. On page 33, line 17, strike the third comma and insert
- 6 a semicolon.
- 7 2. On page 1, line 3, after "92," insert "145," and after
- 8 "161," insert "223,"; in line 4 after the second semicolon insert
- 9 "Laws 2006, LB 1024A, section 2,"; in line 6 after "197," insert
- 10 "200, 202,"; and in line 8 after the second semicolon insert "to
- 11 outright repeal Laws 2005, LB 126A, section 1,;"

LEGISLATIVE BILL 318. Placed on Select File.

LEGISLATIVE BILL 319. Placed on Select File.

LEGISLATIVE BILL 320. Placed on Select File.

LEGISLATIVE BILL 321. Placed on Select File - ER8103.

ER8103

- 1 1. In the Standing Committee amendments, AM728:
- 2 a. On page 8, line 21, after "behavioral" insert
- 3 "health";
- 4 b. On page 43, lines 13 and 27; and page 114, lines 5 and
- 5 19, strike "Office of the" and insert "office of";
- 6 c. On page 52, line 20, strike "Office" and insert
- 7 "Analyst";
- 8 d. On page 101, line 22, strike "State Budget
- 9 Administrator" and insert "budget administrator of the budget
- 10 division of the Department of Administrative Services";
- 11 e. On page 128, line 4, after "shall" insert a comma; and
- 12 in line 5 after "allotted" insert a comma; and
- 13 f. On page 137, line 5, strike "and".

LEGISLATIVE BILL 322. Placed on Select File - ER8099.

(Amendment is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 323. Placed on Select File - ER8101.

ER8101

- 1 1. On page 1, strike beginning with "section" in line 1
- 2 through line 4 and insert "sections 72-730, 81-179, 84-612, and
- 3 84-613, Revised Statutes Cumulative Supplement, 2006; to change and
- 4 eliminate provisions relating to the Cash Reserve Fund; to provide
- 5 for and eliminate transfers of funds and interest as prescribed;
- 6 to harmonize provisions; to provide operative dates; to repeal the
- 7 original sections; and to declare an emergency.".

LEGISLATIVE BILL 88. Placed on Select File.**LEGISLATIVE BILL 339.** Placed on Select File - ER8102.

ER8102

- 1 1. In the Standing Committee amendment, AM1125, on page
- 2 1, line 16, strike "this chapter", show as stricken, and insert
- 3 "Chapter 25".
- 4 2. On page 1, strike lines 2 through 8 and insert
- 5 "sections 25-213 and 81-8,294, Reissue Revised Statutes of
- 6 Nebraska; to provide for a limitation of actions and its tolling
- 7 under the State Miscellaneous Claims Act as prescribed; to
- 8 harmonize provisions; and to repeal the original sections.".

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Preister filed the following amendment to LB 343:
AM1146

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
 2 Sec. 4. Section 77-2715.08, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 77-2715.08 For purposes of this section and section
 5 77-2715.09, unless the context otherwise requires:
 6 (1) Capital stock ~~shall mean~~ means common or preferred
 7 stock, either voting or nonvoting. Capital stock ~~shall does~~ not
 8 include stock rights, stock warrants, stock options, or debt
 9 securities;
 10 (2)(a) Corporation ~~shall mean~~ means any corporation
 11 which, at the time of the first sale or exchange for which
 12 the election is made, has been in existence and actively doing
 13 business in this state for at least three years.
 14 (b) Corporation ~~shall also include~~ includes:
 15 (i) Any corporation which is a member of a unitary group
 16 of corporations, as defined in section 77-2734.04, which includes a
 17 corporation defined in subdivision (2)(a) of this section; and
 18 (ii) Any predecessor or successor corporation of a
 19 corporation defined in subdivision (2)(a) of this section.
 20 (c) All corporations issuing capital stock for which an
 21 election under section 77-2715.09 is made shall, at the time of the
 22 first sale or exchange for which the election is made, have (i)
 1 at least five shareholders and (ii) at least two shareholders or
 2 groups of shareholders who are not related to each other and each
 3 of which owns at least ten percent of the capital stock.
 4 For purposes of this subdivision, two persons shall
 5 be considered to be related when, under section 318 of the
 6 Internal Revenue Code of 1986, one is a person who owns, directly
 7 or indirectly, capital stock that if directly owned would be
 8 attributed to the other person or is the brother, sister, aunt,
 9 uncle, cousin, niece, or nephew of the other person who owns
 10 capital stock either directly or indirectly; ~~and~~
 11 (3) Extraordinary dividend means any dividend exceeding
 12 twenty percent of the fair market value of the stock on which it is
 13 paid as of the date the dividend is declared; and
 14 ~~(3)-(4)~~ Predecessor or successor corporation shall mean
 15 means a corporation that was a party to a reorganization that was
 16 entirely or substantially tax free and that occurred during or
 17 after the employment of the individual making an election under
 18 section 77-2715.09.
 19 Sec. 5. Section 77-2715.09, Reissue Revised Statutes of
 20 Nebraska, is amended to read:
 21 77-2715.09 ~~(4)(a)-(1)~~ (1) Every resident individual may elect
 22 under this section to subtract from federal adjusted gross income,

23 or, for trusts qualifying under subdivision (2)(c) of this section,
 24 from taxable income, the extraordinary dividends paid on and the
 25 capital gain from the sale or exchange of capital stock of a
 26 corporation acquired by the individual ~~(i)-(a)~~ on account of
 27 employment by such corporation or ~~(ii)-(b)~~ while employed by such
 1 corporation.

2 ~~(b) The election may be made for all taxable years~~
 3 ~~beginning or deemed to begin on or after January 1, 1989, except~~
 4 ~~that such election may be made with respect to one half of such~~
 5 ~~gain included in federal adjusted gross income for taxable years~~
 6 ~~beginning or deemed to begin on or after January 1, 1988.~~

7 (2)(a) Each individual shall be entitled to one election
 8 under subsection (1) of this section during his or her lifetime for
 9 the capital stock of one corporation.

10 (b) The election shall apply to subsequent extraordinary
 11 dividends paid and sales and exchanges in any taxable year if the
 12 dividend is received on, or the sale or exchange is of, capital
 13 stock in the same corporation and such capital stock was acquired
 14 as provided in subsection (1) of this section.

15 (c) After the individual makes an election, such election
 16 shall apply to extraordinary dividends paid on, and the sale or
 17 exchange of, capital stock of the corporation transferred by inter
 18 vivos gift from the individual to his or her spouse or issue or a
 19 trust for the benefit of the individual's spouse or issue if such
 20 capital stock was acquired as provided in subsection (1) of this
 21 section. This subdivision shall apply, in the case of the spouse,
 22 only if the spouse was married to such individual on the date of
 23 the extraordinary dividend or sale or exchange or the date of death
 24 of the individual.

25 (d) If the individual dies without making an election,
 26 the surviving spouse or, if there is no surviving spouse, the
 27 oldest surviving issue may make the election for capital stock that
 1 would have qualified under subdivision (c) of this subsection.

2 (3) An election under subsection (1) of this section
 3 shall be made by including a written statement with the taxpayer's
 4 Nebraska income tax return or an amended return for the taxable
 5 year for which the election is made. The written statement shall
 6 identify the corporation that issued the stock and the grounds for
 7 the election under this section and shall state that the taxpayer
 8 elects to have this section apply.

9 2. On page 10, line 16, after "Original" insert "sections
 10 77-2715.08 and 77-2715.09, Reissue Revised Statutes of Nebraska,
 11 and".

12 3. On page 1, line 1, strike "biodiesel" and insert
 13 "revenue and taxation" and after "amend" insert "sections
 14 77-2715.08 and 77-2715.09, Reissue Revised Statutes of Nebraska,
 15 and"; and in line 4 after the first semicolon insert "to provide an
 16 adjustment to income for extraordinary dividends;".

17 4. Renumber the remaining sections accordingly.

Senator Johnson filed the following amendment to LB 482:
AM1192

(Amendments to Standing Committee amendments, AM932)

- 1 1. On page 4, strike beginning with "The" in line 2
- 2 through "transfers" in line 5 and insert "One million dollars in
- 3 the Nebraska Health Care Cash Fund is designated for the Autism
- 4 Treatment Program Act for five fiscal years beginning in fiscal
- 5 year 2007-08. The distribution of the one million dollars shall
- 6 be as follows: (a) First, to the Department of Health and Human
- 7 Services for costs related to application and implementation of
- 8 the waiver; (b) second, to the department for other medical costs
- 9 for children who would not otherwise qualify for medicaid except
- 10 for the waiver; and (c) third, the balance to the Autism Treatment
- 11 Program Cash Fund. The State Treasurer shall transfer the balance
- 12 of the funding to the Autism Treatment Program Cash Fund based on
- 13 the estimated costs of administrative and other medical costs as
- 14 determined by the Legislature through the appropriation process.
- 15 The transfers to the Autism Treatment Program Cash Fund".

Senator Johnson filed the following amendment to LB 463:
AM1114

- 1 1. On page 13, after line 20 insert the following new
- 2 paragraph:
- 3 "If there is any conflict between any provision of
- 4 sections 1 to 139 of this act and any provision of a practice act,
- 5 the provision of the practice act shall prevail.".

Senator Raikes filed the following amendment to LB 641:
AM1211

(Amendments to Standing Committee amendments, AM1141)

- 1 1. On page 95, line 27, strike "and one-half".

Senator Raikes filed the following amendment to LB 641:
AM1212

(Amendments to Standing Committee amendments, AM1141)

- 1 1. Insert the following new section:
- 2 Sec. 76. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 108, line 26, strike "January" and insert
- 5 "October".
- 6 3. On page 110, line 2, strike "December" and insert
- 7 "September"; and in line 4 strike "October" and insert "July".

Senator Raikes filed the following amendment to LB 603:
AM1171

(Amendments to E & R amendments, ER8090)

- 1 1. Insert the following new section:
- 2 Sec. 7. Section 79-1103, Revised Statutes Cumulative

3 Supplement, 2006, is amended to read:

4 79-1103 (1)(a) The State Department of Education shall
5 establish and administer the Early Childhood Education Grant
6 Program. Upon the effective date of an endowment agreement,
7 administration of the Early Childhood Education Grant Program
8 with respect to programs for children from birth to age three
9 shall transfer to the board of trustees. If there is no endowment
10 agreement in effect, the department shall request proposals in
11 accordance with this section for all early childhood education
12 programs from school districts, individually or in cooperation
13 with other school districts or educational service units, working
14 in cooperation with existing nonpublic programs which meet the
15 requirements of subsection (2) of section 79-1104. If there is
16 an endowment agreement in effect, the board of trustees shall
17 administer the Early Childhood Education Grant Program with respect
18 to programs for children from birth to age three pursuant to
19 section 79-1104.02 and the department shall continue to administer
20 the Early Childhood Education Grant Program with respect to
21 other prekindergarten programs pursuant to sections 79-1101 to
22 79-1104.05. All administrative procedures of the board of trustees,
1 including, but not limited to, rules, grant applications, and
2 funding mechanisms, shall harmonize with those established by the
3 department for other prekindergarten programs.

4 (b) The first priority shall be for (i) continuation
5 grants for programs that received grants in the prior school fiscal
6 year and for which the state aid calculation pursuant to the Tax
7 Equity and Educational Opportunities Support Act does not include
8 early childhood education students, in an amount equal to the
9 amount of such grant, except that if the grant was a first-year
10 grant the amount shall be reduced by thirty-three percent, ~~and~~
11 (ii) continuation grants for programs for which the state aid
12 calculation pursuant to the act includes early childhood education
13 students, in an amount equal to the amount of the grant for the
14 school fiscal year prior to the first school fiscal year for
15 which early childhood education students were included in the state
16 aid calculation for the school district's local system minus the
17 calculated state aid amount, and (iii) for school fiscal year
18 2007-08, continuation grants for programs for which the state aid
19 calculation pursuant to the act includes early childhood education
20 students, but such state aid calculation does not result in the
21 school district receiving any equalization aid, in an amount equal
22 to the amount of the grant received in school fiscal year 2006-07.
23 The calculated state aid amount shall be calculated by multiplying
24 the cost grouping cost per student for the school district's local
25 system cost grouping by the adjusted formula students attributed to
26 the early childhood education programs pursuant to the Tax Equity
27 and Educational Opportunities Support Act.

1 (c) The second priority shall be for new grants and
2 expansion grants for programs that will serve at-risk children who

3 will be eligible to attend kindergarten the following school year.
4 New grants may be given for up to three years in an amount up to
5 one-half of the total budget of the program per year. Expansion
6 grants may be given for one year in an amount up to one-half
7 of the budget for expanding the capacity of the program to serve
8 additional children.

9 (d) The third priority shall be for new grants, expansion
10 grants, and continuation grants for programs serving children
11 younger than those who will be eligible to attend kindergarten
12 the following school year. New grants may be given for up to
13 three years in an amount up to one-half the total budget of the
14 program per year. Expansion grants may be given for one year in
15 an amount up to one-half the budget for expanding the capacity of
16 the program to serve additional children. Continuation grants under
17 this priority may be given annually in an amount up to one-half the
18 total budget of the program per year minus any continuation grants
19 received under the first priority.

20 (e) Programs serving children who will be eligible to
21 attend kindergarten the following school year shall be accounted
22 for separately for grant purposes from programs serving younger
23 children, but the two types of programs may be combined within the
24 same classroom to serve multi-age children. Programs that receive
25 grants for school fiscal years prior to school fiscal year 2005-06
26 to serve both children who will be eligible to attend kindergarten
27 the following school year and younger children shall account for
1 the two types of programs separately for grant purposes beginning
2 with school year 2005-06 and shall be deemed to have received
3 grants prior to school fiscal year 2005-06 for each year that
4 grants were received for the types of programs representing the age
5 groups of the children served.

6 (2) Each program proposal which is approved by the
7 department shall include (a) a planning period, (b) an agreement
8 to participate in periodic evaluations of the program to be
9 specified by the department, (c) evidence that the program will
10 be coordinated or contracted with existing programs, including
11 those listed in subdivision (d) of this subsection and nonpublic
12 programs which meet the requirements of subsection (2) of section
13 79-1104, (d) a plan to coordinate and use a combination of
14 local, state, and federal funding sources, including, but not
15 limited to, programs for children with disabilities below five
16 years of age funded through the Special Education Act, the Early
17 Intervention Act, funds available through the flexible funding
18 provisions under the Special Education Act, the federal Head
19 Start program, 42 U.S.C. 9831 et seq., the federal Even Start
20 Family Literacy Program, 20 U.S.C. 6361 et seq., Title I of
21 the federal Improving America's Schools Act of 1994, 20 U.S.C.
22 6301 et seq., and child care assistance through the Department
23 of Health and Human Services, (e) a plan to use sliding fee
24 scales and the funding sources included in subdivision (d) of

25 this subsection to maximize the participation of economically and
26 categorically diverse groups and to ensure that participating
27 children and families have access to comprehensive services, (f)
1 the establishment of an advisory body which includes families
2 and community members, (g) the utilization of appropriately
3 qualified staff, (h) an appropriate child-to-staff ratio, (i)
4 appropriate group size, (j) compliance with minimum health and
5 safety standards, (k) appropriate facility size and equipment,
6 (l) a strong family development and support component recognizing
7 the central role of parents in their children's development, (m)
8 developmentally and culturally appropriate curriculum, practices,
9 and assessment, (n) sensitivity to the economic and logistical
10 needs and circumstances of families in the provision of services,
11 (o) integration of children of diverse social and economic
12 characteristics, (p) a sound evaluation component, including at
13 least one objective measure of child performance and progress, (q)
14 continuity with programs in kindergarten and elementary grades,
15 (r) instructional hours that are similar to or less than the
16 instructional hours for kindergarten, (s) well-defined language
17 development and early literacy emphasis, including the involvement
18 of parents in family literacy activities, (t) a plan for ongoing
19 professional development of staff, and (u) inclusion of children
20 with disabilities as defined in the Special Education Act, all as
21 specified by rules and regulations of the department in accordance
22 with sound early childhood educational practice.

23 (3) The department shall make an effort to fund programs
24 widely distributed across the state in both rural and urban areas.

25 (4) A report evaluating the programs shall be made to the
26 State Board of Education and the Legislature by January 1 of each
27 odd-numbered year. Up to five percent of the total appropriation
1 for the Early Childhood Education Grant Program may be reserved
2 by the department for evaluation and technical assistance for the
3 programs.

4 (5) Programs may be approved for purposes of the Tax
5 Equity and Educational Opportunities Support Act, expansion grants,
6 and continuation grants on the submission of a continuation
7 plan demonstrating that the program will continue to meet the
8 requirements of subsection (2) of this section and a proposed
9 operating budget demonstrating that the program will continue to
10 receive resources from other sources equal to or greater than the
11 sum of any grant received pursuant to this section for the prior
12 school year plus any calculated state aid as calculated pursuant to
13 subsection (1) of this section for the prior school year.

14 (6) The State Board of Education may adopt and promulgate
15 rules and regulations to implement the Early Childhood Education
16 Grant Program, except that if there is an endowment agreement
17 in effect, the board of trustees shall recommend any rules and
18 regulations relating specifically to the Early Childhood Education
19 Grant Program with respect to programs for children from birth to

20 age three. It is the intent of the Legislature that the rules and
 21 regulations for programs for children from birth to age three be
 22 consistent to the greatest extent possible with those established
 23 for other prekindergarten programs.

24 2. On page 7, line 10; and page 15, line 1, strike
 25 "79-1332", show as stricken, and insert "79-1201.01".

26 3. On page 15, line 20, after "Act" insert "and sections
 27 79-1336 and 79-1337".

1 4. On page 23, line 24, after the period insert "Such
 2 districts shall be compact and contiguous and substantially equal
 3 in population.".

4 5. On page 24, strike line 6 and insert "core services
 5 and technology infrastructure funding appropriated pursuant to
 6 section 24 of this act.".

7 6. On page 57, line 24, strike "8,".

8 7. On page 58, strike beginning with "section" in line
 9 3 through "and" in line 4; and in line 7 after the second comma
 10 insert "79-1201.01,".

11 8. Amend the operative date and repealer sections so
 12 that section 7 added by this amendment becomes operative on its
 13 effective date with the emergency clause.

14 9. Renumber the remaining sections and correct internal
 15 references accordingly.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 641. Placed on General File - Com AM1141.
 (Amendment is printed separately and available in the Bill Room, Room
 1104.)

(Signed) Ron Raikes, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 342A. 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 342, One Hundredth Legislature, First Session, 2007; to authorize certain transfers; to provide an operative date; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 367. The Mines motion, found in this day's Journal, to bracket LB 367 to May 10, 2007, was renewed.

Senator Janssen offered the following motion:

To invoke cloture on LB 367, pursuant to Rule 7, Section 10.

Senator Janssen moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Janssen requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 38:

Adams	Dierks	Gay	Kopplin	Pankonin
Aguilar	Dubas	Hansen	Kruse	Pirsch
Ashford	Engel	Harms	Langemeier	Raikes
Avery	Erdman	Heidemann	Louden	Stuthman
Burling	Fischer	Howard	McDonald	Wallman
Carlson	Flood	Hudkins	Nantkes	Wightman
Christensen	Friend	Janssen	Nelson	
Cornett	Fulton	Johnson	Pahls	

Voting in the negative, 9:

Chambers	Lathrop	Mines	Schimek	White
Karpisek	McGill	Rogert	Synowiecki	

Excused and not voting, 2:

Pedersen	Preister
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The Janssen motion to invoke cloture prevailed with 38 ayes, 9 nays, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the Mines motion to bracket.

Voting in the affirmative, 5:

Chambers	Kruse	Mines	Synowiecki	White
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Voting in the negative, 39:

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

Present and not voting, 3:

Friend Lathrop Schimek

Excused and not voting, 2:

Pedersen Preister

The Mines motion to bracket failed with 5 ayes, 39 nays, 3 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 44:

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

Voting in the negative, 3:

Chambers Mines Schimek

Excused and not voting, 2:

Pedersen Preister

Advanced to E & R for engrossment with 44 ayes, 3 nays, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 367A. Considered.

SENATOR ERDMAN PRESIDING

Senator Chambers offered the following amendment:

FA97

P. 2, line 1 strike "\$100,000,000" and insert "\$99,000,000"

Senator Chambers offered the following amendment to his amendment:

FA98

Amend FA97 Strike "\$99,000,000" and insert "\$95,000,000".

SENATOR FRIEND PRESIDING**SPEAKER FLOOD PRESIDING**

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

Senator Chambers requested a roll call vote on his amendment, FA98.

Voting in the affirmative, 0.

Voting in the negative, 39:

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

Present and not voting, 8:

Chambers	Dierks	Louden	Synowiecki
Cornett	Kruse	McGill	White

Excused and not voting, 2:

Pedersen	Preister
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The Chambers amendment lost with 0 ayes, 39 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider vote on FA98.

SENATOR FRIEND PRESIDING**SPEAKER FLOOD PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 45:

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

Present and not voting, 1:

White

Excused and not voting, 2:

Pedersen Preister

The Chambers motion to reconsider failed with 1 aye, 45 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Commit to Revenue for further review and recommendations.

The Chair ruled the Chambers motion is out of order, because Rule 5, Section 7(f) requires "A" bills to be placed on General File upon introduction, and to accompany the original bill through all stages of the legislative process.

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

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Chambers requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 21:

Adams	Hansen	McGill	Pirsch	White
Ashford	Howard	Mines	Rogert	
Chambers	Kopplin	Nantkes	Schimek	
Cornett	Lathrop	Pahls	Synowiecki	
Gay	Louden	Pankonin	Wallman	

Voting in the negative, 24:

Avery	Dubas	Friend	Janssen	Nelson
Burling	Engel	Fulton	Johnson	Raikes
Carlson	Erdman	Harms	Karpisek	Stuthman
Christensen	Fischer	Heidemann	Kruse	Wightman
Dierks	Flood	Hudkins	McDonald	

Present and not voting, 2:

Aguilar	Langemeier
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Excused and not voting, 2:

Pedersen	Preister
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The Chambers motion to overrule the Chair failed with 21 ayes, 24 nays, 2 present and not voting, and 2 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Bracket until May 31, 2007.

SENATOR LANGEMEIER PRESIDING

SENATOR FRIEND PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Chambers requested a record vote on his motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 45:

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

Present and not voting, 2:

Chambers Synowiecki

Excused and not voting, 2:

Pedersen Preister

The Chambers motion to bracket lost with 0 ayes, 45 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 101. Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Heidemann, 1; Karpisek, 32; Loudon, 49; White, 8.

PURPOSE: The purpose of this study is to review the actuarial assumptions used to perform the annual actuarial valuation for the retirement systems administered by the Public Employees Retirement Board. The actuarial assumptions reviewed by this study shall include, but not be limited to, investment return, inflation, salary increase, interest on employee contributions, increases on compensation and benefit limits, mortality, retirement, and disability.

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

1. That the Nebraska Retirement Systems 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 102. Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Heidemann, 1; Karpisek, 32; Loudon, 49; White, 8.

PURPOSE: The purpose of this study is to examine the public employee retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System, the County Employees Retirement System, the School Employees' Retirement System, the Nebraska State Patrol Retirement System, and the judges retirement system. The study may also examine the Class V School Employees Retirement System administered under the Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits, contributions, and the administration of each retirement system.

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

1. That the Nebraska Retirement Systems 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

Correctly Engrossed

The following bills were correctly engrossed: LBs 5, 195, 199, 226, 256, 368A, 388, 396, and 658.

ST9028

Enrollment and Review Change to LB 658

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

1. The Engel-Raikes amendment, AM1046, has been incorporated into the Raikes amendment, AM1122.

2. In the E & R amendments, ER8064:

a. On page 4, line 27; page 6, line 20; page 42, line 12; and page 44, line 5, "5" has been struck and "6" inserted;

b. On page 7, line 23, "(2)" has been struck; and in line 24 "7" has been struck and "8" inserted;

c. On page 17, line 10, "8" has been struck and "9" inserted;

d. On page 69, line 16, "69" has been struck and "71" inserted;

e. On page 124, line 12, "8" has been struck and "9" inserted; and in line 13 "79-234," has been inserted after the first comma.

3. On page 1, line 1, "79-234," has been inserted after the first comma.

4. On page 2, line 7, "and" has been struck; and in line 14 "; and to declare an emergency" has been inserted after "422".

(Signed) Amanda McGill, Chairperson

AMENDMENT - Print in Journal

Senator Janssen filed the following amendment to LB 367:
AM1238

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 24. There is hereby appropriated (1) \$105,000,000
- 3 from the Property Tax Credit Cash Fund for FY2007-08 and (2)
- 4 \$115,000,000 from the Property Tax Credit Cash Fund for FY2008-09
- 5 to the Department of Property Assessment and Taxation, for Program
- 6 132, to aid in carrying out the provisions of Legislative Bill 367,
- 7 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 2. Renumber the remaining sections and correct internal
- 12 references accordingly.
- 13 3. Correct the operative date so that the section added
- 14 by this amendment becomes operative on its effective date.

SELECT FILE

LEGISLATIVE BILL 367A. Senator Chambers offered the following motion:

Reconsider vote to bracket until May 31, 2007.

Senator Chambers moved for a call of the house. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

The Chambers motion to reconsider failed with 1 aye, 39 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Chambers amendment, FA97, found in this day's Journal, was renewed.

Senator Janssen offered the following amendment to the Chambers amendment:

AM1235

(Amendments to FA97)

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

4 new section:
 5 Section 1. There is hereby appropriated (1) \$105,000,000
 6 from the Property Tax Credit Cash Fund for FY2007-08 and (2)
 7 \$115,000,000 from the Property Tax Credit Cash Fund for FY2008-09
 8 to the Department of Property Assessment and Taxation, for Program
 9 132, to aid in carrying out the provisions of Legislative Bill 367,
 10 One Hundredth Legislature, First Session, 2007.
 11 No expenditures for permanent and temporary salaries and
 12 per diems for state employees shall be made from funds appropriated
 13 in this section.

SPEAKER FLOOD PRESIDING

Senator Janssen offered the following motion:

To invoke cloture on LB 367A, pursuant to Rule 7, Section 10.

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

Senator Chambers requested a record vote on the Janssen motion to invoke cloture.

Voting in the affirmative, 40:

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

Voting in the negative, 2:

Chambers Schimek

Present and not voting, 5:

Ashford Lathrop Mines Synowiecki White

Excused and not voting, 2:

Pedersen Preister

The Janssen motion to invoke cloture prevailed with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

Senator Chambers requested a record vote on the Janssen amendment,

AM1235.

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Chambers Mines

Excused and not voting, 2:

Pedersen Preister

The Janssen amendment was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Senator Chambers requested a record vote on his amendment, FA97, as amended.

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Mines

Excused and not voting, 2:

Pedersen Preister

The Chambers amendment, as amended, was adopted with 45 ayes, 1 nay, 1 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Pedersen Preister

Advanced to E & R for engrossment with 46 ayes, 1 nay, and 2 excused and not voting.

The Chair declared the call raised.

BILL ON FIRST READING

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

LEGISLATIVE BILL 516A. 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 516, One Hundredth Legislature, First Session, 2007; to reduce an appropriation; and to declare an emergency.

SENATOR ERDMAN PRESIDING

SELECT FILE

LEGISLATIVE BILL 305. Senator Chambers renewed his motion, found on page 935, to recommit to Transportation Committee.

The Chambers motion to recommit to committee failed with 1 aye, 27 nays, 19 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:

FA100

P. 2, line 18, after "semitrailers," insert "and the sale of any parts used in the repair or rebuilding of any motor vehicles, trailers, and semitrailers".

The Chambers amendment lost with 3 ayes, 27 nays, 17 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following motion:

Indefinitely postpone LB 305.

SPEAKER FLOOD PRESIDING

Senator Fischer offered the following motion:

To invoke cloture on LB 305, pursuant to Rule 7, Section 10.

Senator Fischer moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Fischer requested a roll call vote on her motion to invoke cloture.

Voting in the affirmative, 44:

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

Voting in the negative, 2:

Chambers Schimek

Present and not voting, 1:

Stuthman

Excused and not voting, 2:

Pedersen Preister

The Fischer motion to invoke cloture prevailed with 44 ayes, 2 nays, 1 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 46:

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

Excused and not voting, 2:

Pedersen Preister

The Chambers motion to indefinitely postpone failed with 1 aye, 46 nays, and 2 excused and not voting.

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Pedersen Preister

Advanced to E & R for engrossment with 46 ayes, 1 nay, and 2 excused and not voting.

The Chair declared the call raised.

VISITORS

Visitors to the Chamber were Scott Price from Bellevue; 19 fourth-grade students, teacher, and sponsors from Oakland-Craig Elementary, Oakland; 101 fourth-grade students, teachers, and sponsors from Pawnee Elementary, Omaha; and 14 fourth-grade students, teacher, and sponsors from Silver Lake, Bladen.

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

ADJOURNMENT

At 11:47 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Friday, May 4, 2007.

Patrick J. O'Donnell
Clerk of the Legislature