

SEVENTY-SECOND DAY - MAY 5, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 5, 2009

PRAYER

The prayer was offered by Pastor Mary Ellen Gaither, First Presbyterian Church, Humboldt.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Loudon who was excused; and Senators Ashford, Howard, and Rogert who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 107. Introduced by Lathrop, 12.

WHEREAS, Dr. Virginia Moon became the superintendent of Ralston Public Schools in 1998 during a time of financial crisis that she diligently worked to alleviate; and

WHEREAS, Dr. Moon helped lead the successful passage of a bond issue in 2001 to renovate Ralston High School; and

WHEREAS, as executive director of the Ralston Schools Foundation, Dr. Moon helped lead the Capital Campaign, which raised over one million dollars; and

WHEREAS, Dr. Moon worked throughout her tenure to increase and improve early childhood services, resulting in the nearly universal access to quality preschool across the school district; and

WHEREAS, Dr. Moon worked to design and lead the implementation of a premier English language learner program for the Ralston School District; and

WHEREAS, Dr. Moon worked continually with the administration to provide multiple alternative programs for high school students; and

WHEREAS, Dr. Moon strived to maintain a high-quality staff whose focus was to serve the needs of all learners; and

WHEREAS, Dr. Moon is retiring at the end of the 2008-09 school year.

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

1. That the Legislature recognizes Dr. Virginia Moon's lasting contributions in the field of education, including the positive influence she has had on countless students.

2. That a copy of this resolution be sent to Dr. Virginia Moon.

Laid over.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 224. Placed on Select File with amendment.
ER8107

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 2-101, Revised Statutes Cumulative
- 4 Supplement, 2008, is amended to read:
- 5 2-101 (1) The Nebraska State Fair Board, formerly known
- 6 as the State Board of Agriculture, shall hold an annual meeting for
- 7 the purpose of deliberating and consulting as to the wants,
- 8 prospects, and conditions of the agricultural, horticultural,
- 9 industrial, mechanical, and other interests throughout the state,
- 10 as well as those interests in the encouragement and perpetuation of
- 11 the arts, skilled crafts, and sciences.
- 12 (2) The Nebraska State Fair Board may provide in its
- 13 constitution and bylaws for the qualification and participation
- 14 of delegates at the annual meeting from such associations
- 15 incorporated under the laws of the state for purposes of promoting
- 16 and furthering the interests of participants in agricultural,
- 17 horticultural, industrial, mechanical, or other pursuits or for the
- 18 encouragement and perpetuation of the arts, skilled crafts, and
- 19 sciences, and from such associations as provide for the training,
- 20 encouragement, and competition of the youth of Nebraska in such
- 21 endeavors. The annual meeting shall be held in every odd-numbered
- 22 year at the capital of the state and in every even-numbered year at
- 23 such location as the board determines. The chairperson of the board
- 1 shall also have the power to call meetings of the board whenever he
- 2 or she may deem it expedient. All meetings of the board shall be
- 3 conducted in accordance with the Open Meetings Act.
- 4 (3) The Nebraska State Fair shall be under the direction
- 5 and supervision of the Nebraska State Fair Board. The board may, at
- 6 its discretion, hold or dispense with the holding of the fair, in
- 7 any year.
- 8 (4)(a) It is the intent of the Legislature that no later

9 than 2010 the Nebraska State Fair be permanently located within
10 the city of Grand Island upon the site and tract of land owned
11 by the Hall County Livestock Improvement Association and known as
12 Fonner Park ~~no later than 2010, and, as available and necessary,~~
13 upon other parcels of land adjacent to Fonner Park. The Nebraska
14 State Fair Board shall cooperate and coordinate with the Hall
15 County Livestock Improvement Association, the city of Grand Island,
16 and other appropriate entities to provide for and carry out any
17 plan of improvements to ~~Fonner Park,~~ such location, including
18 the construction of buildings, and other capital facilities,
19 the relocation of existing improvements, and other enhancements,
20 necessary to develop the site as a location suitable for conducting
21 the Nebraska State Fair. Such cooperation and coordination may
22 include financial participation in the costs of site development,
23 new construction, and other capital improvements upon ~~Fonner Park~~
24 such location and includes the execution of any agreement for site
25 governance, revenue sharing, and facility utilization between and
26 among the Nebraska State Fair Board, the Hall County Livestock
27 Improvement Association, and other appropriate entities.

1 (b) The Nebraska State Fair Board, the Department of
2 Administrative Services, and the Board of Regents of the University
3 of Nebraska shall cooperate with each other and with other
4 appropriate entities to provide for and carry out the plan to
5 relocate the Nebraska State Fair and transfer the Nebraska State
6 Fairgrounds in Lancaster County to the Board of Regents, including
7 activities by the Board of Regents to obtain due diligence surveys,
8 reports, and site assessments at the Nebraska State Fairgrounds in
9 Lancaster County and by the Nebraska State Fair Board in connection
10 with providing marketable title to the same in a form acceptable to
11 the Board of Regents.

12 Sec. 2. Section 2-109, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 2-109 The Department of Revenue shall, ~~on a quarterly~~
15 basis, at the conclusion of each calendar quarter, provide to
16 the most populous city within the county in which the ~~state~~
17 ~~fair~~ Nebraska State Fair is located, held written notification of
18 the amount estimated by the department to equal ten percent of
19 the lottery revenue collected during the calendar quarter to be
20 transferred to the Nebraska State Fair Support and Improvement Cash
21 Fund. If the state fair is scheduled to be held in a different
22 county from that in which the most recent state fair was held, the
23 written notification required by this section shall be made to the
24 most populous city within the county in which the state fair is
25 scheduled to be held beginning with the written notification made
26 at the conclusion of the first calendar quarter during the calendar
27 year in which the state fair is held or scheduled to be held in
1 such county. The department shall provide a copy of the written
2 notification to the Department of Administrative Services.

3 Sec. 3. Section 2-110, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 2-110 The most populous city within the county in
6 which the ~~state fair is located~~ Nebraska State Fair is held
7 or scheduled to be held that calendar year shall remit quarterly
8 payments to the State Treasurer in amounts equal to the matching
9 fund requirement established by the Department of Revenue under
10 section 2-109. The State Treasurer shall credit the matching funds
11 to the Nebraska State Fair Support and Improvement Cash Fund.
12 The city shall provide written notification to the Department
13 of Administrative Services regarding its compliance with the
14 matching fund requirement. Upon verification by the Department
15 of Administrative Services that a quarterly transfer of lottery
16 proceeds to the Nebraska State Fair Support and Improvement Cash
17 Fund has been executed and that the full amount of the matching
18 funds requirement has been received from the city, the Department
19 of Administrative Services shall authorize the expenditure of the
20 fund by the Nebraska State Fair Board. Matching fund requirements
21 shall not apply to investment income accruing to the fund and
22 investment income may be expended by the board.

23 Sec. 4. Section 2-111, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 2-111 ~~(4)~~ The Nebraska State Fair Board shall, no later
26 than November 1 of each year, provide an annual report to the
27 Governor and the Legislature regarding the use of the Nebraska
1 State Fair Support and Improvement Cash Fund. The report shall
2 include ~~(a)~~ ~~(1)~~ a detailed listing of how the proceeds of the
3 fund were expended in the prior fiscal year and ~~(b)~~ ~~(2)~~ any
4 distributions from the fund that remain unexpended and on deposit
5 in Nebraska State Fair accounts.

6 ~~(2) The Nebraska State Fair Board shall cooperate with a~~
7 ~~study by the Agriculture Committee of the Legislature of capital~~
8 ~~facilities and infrastructure requirements to serve the purposes~~
9 ~~and goals of the Nebraska State Fair and other uses of the Nebraska~~
10 ~~State Fairgrounds as a year round multipurpose facility sufficient~~
11 ~~to host and accommodate events and attractions of local, state, and~~
12 ~~regional interest and attendance. The Nebraska State Fair Board may~~
13 ~~utilize available funds, not to exceed one hundred fifty thousand~~
14 ~~dollars, including funds disbursed from the Nebraska State Fair~~
15 ~~Support and Improvement Cash Fund and other resources, to assist in~~
16 ~~completion of such study. This subsection terminates on January 1,~~
17 ~~2008.~~

18 Sec. 5. Section 2-113, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 2-113 (1) Upon completion of the conditions specified
21 in subsection (2) of this section, the Director of Administrative
22 Services shall, on or before December 31, 2009, transfer by
23 warranty deed the site and tract of land in Lancaster County known
24 as the Nebraska State Fairgrounds, to the Board of Regents of the
25 University of Nebraska. Such transfer shall occur notwithstanding

26 sections 72-811 to 72-818 or any other provision of law.

27 (2) The transfer described in subsection (1) of this

1 section shall be contingent upon:

2 (a) Funds for the purpose of carrying out subsection

3 (4) of section 2-101 having been provided by or on behalf of the
4 University of Nebraska in a total amount of no less than twenty-one
5 million five hundred thousand dollars in cash or legally binding
6 commitments. Such funds may be provided over time, but they shall
7 in cumulative increments equal at least seven million five hundred
8 thousand dollars by October 1, 2008, fourteen million five hundred
9 thousand dollars by February 1, 2009, and twenty-one million five
10 hundred thousand dollars by July 1, 2009;

11 (b) The University of Nebraska providing a master plan
12 and business plan to carry out the master plan for the Innovation
13 Campus to the Department of Administrative Services and to the
14 Clerk of the Legislature on or before December 1, 2009, and
15 a commitment to provide on or before December 1 of each year
16 thereafter an annual update of the master plan and business plan to
17 the Clerk of the Legislature; and

18 (c) Funds for the purpose of carrying out subsection

19 (4) of section 2-101 having been provided by or on behalf of the
20 city of Grand Island in a total amount of no less than eight
21 million five hundred thousand dollars in cash or legally binding
22 commitments. Such funds may be provided over time, but they shall
23 in cumulative increments equal at least three million dollars by
24 October 1, 2008, six million dollars by February 1, 2009, and eight
25 million five hundred thousand dollars by July 1, 2009.

26 (3) The University of Nebraska and the city of

27 Grand Island shall provide certification to the Department of
1 Administrative Services on October 1, 2008, February 1, 2009, and
2 July 1, 2009, of all funds provided to carry out subsection (4) of
3 section 2-101. All amounts as certified in subdivisions (2)(a) and
4 (c) of this section shall be held and expended as determined by
5 agreement between the Hall County Livestock Improvement Association
6 and the Nebraska State Fair Board.

7 (4)(a) The Nebraska State Fair shall be relocated to
8 the city of Grand Island pursuant to subsection (4) of section
9 2-101 contingent upon completion of the conditions specified in
10 ~~subsection (2) subdivisions (2)(a) and (c)~~ of this section.

11 (b) The Nebraska State Fair Board shall be responsible
12 for any remaining costs associated with site improvements for
13 relocating the Nebraska State Fair, not to exceed seven million
14 dollars.

15 (c) On or before December 31, 2009, the Nebraska
16 State Fair Board shall provide written release or other written
17 instrument acceptable to the State Building Administrator in
18 consultation with the President of the University of Nebraska
19 in connection with the transfer of the Nebraska State Fairgrounds
20 to the Board of Regents.

21 Sec. 6. Section 2-1208.01, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 2-1208.01 (1) There is hereby imposed a tax on the gross
24 sum wagered by the parimutuel method at each race enclosure during
25 a calendar year as follows:

26 ~~(1) For meets conducted on the Nebraska State
27 Fairgrounds, no tax shall be imposed, but the licensee shall apply~~
1 ~~two percent of any amount in excess of ten million dollars for the~~
2 ~~purpose of maintenance of buildings, streets, utilities, and other~~
3 ~~existing improvements on the Nebraska State Fairgrounds; and~~

4 ~~(2) For all other meets:~~

5 (a) The first ten million dollars shall not be taxed;

6 (b) Any amount over ten million dollars but less than or
7 equal to seventy-three million dollars shall be taxed at the rate
8 of two and one-half percent; and

9 (c) Any amount in excess of seventy-three million dollars
10 shall be taxed at the rate of four percent; and

11 ~~(d) An (2)(a) Except as provided in subdivision (2)(b) of~~
12 ~~this section, an amount equal to two percent of the first taxable~~
13 ~~seventy million dollars at each race meeting shall be retained by~~
14 ~~the licensee for capital improvements and for maintenance of the~~
15 ~~premises within the licensed racetrack enclosure and shall be a~~
16 ~~credit against the tax levied in subsection (1) of this section.~~
17 This subdivision includes each race meeting held after January 1,
18 2010, within the licensed racetrack enclosure located in Lancaster
19 County where the Nebraska State Fair was held prior to 2010.

20 (b) For race meetings conducted at the location where
21 the Nebraska State Fair is held, an amount equal to two and
22 one-half percent of the first taxable seventy million dollars at
23 each race meeting shall be retained by the licensee for the purpose
24 of maintenance of the premises within the licensed racetrack
25 enclosure and maintenance of other buildings, streets, utilities,
26 and existing improvements at the location where the Nebraska State
27 Fair is held. Such amount shall be a credit against the tax levied
1 in subsection (1) of this section.

2 (3) A return as required by the Tax Commissioner shall be
3 filed for a racetrack enclosure for each month during which wagers
4 are accepted at the enclosure. The return shall be filed with and
5 the net tax due pursuant to this section shall be paid to the
6 Department of Revenue on the tenth day of the following month.

7 (4) On or before July 1, 2010, and on or before July 1
8 of each year thereafter, the State Treasurer shall remit thirty
9 thousand dollars of the tax collected pursuant to this section to
10 the State Fair Host Facility Maintenance Assistance Fund.

11 Sec. 7. Sections 6 and 9 of this act become operative on
12 January 1, 2010. The other sections of this act become operative on
13 their effective date.

14 Sec. 8. Original sections 2-109, 2-110, and 2-111,
15 Reissue Revised Statutes of Nebraska, and sections 2-101 and

16 2-113, Revised Statutes Cumulative Supplement, 2008, are repealed.

17 Sec. 9. Original section 2-1208.01, Reissue Revised
18 Statutes of Nebraska, is repealed.

19 Sec. 10. The following section is outright repealed:

20 Section 2-131, Reissue Revised Statutes of Nebraska.

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

23 2. On page 1, strike beginning with "section" in line
24 3 through line 9 and insert "sections 2-101 and 2-113, Revised
25 Statutes Cumulative Supplement, 2008; to change and eliminate
26 provisions relating to relocation, matching funds, reports,
27 studies, and taxes on horseracing; to provide operative dates;
1 to repeal the original sections; to outright repeal section
2 2-131, Reissue Revised Statutes of Nebraska; and to declare an
3 emergency.".

LEGISLATIVE BILL 232. Placed on Select File.

LEGISLATIVE BILL 545. Placed on Select File with amendment.
ER8108 is available in the Bill Room.

LEGISLATIVE BILL 187. Placed on Select File with amendment.
ER8109

1 1. On page 1, strike beginning with "the" in line 1
2 through line 5 and insert "school employees retirement; to amend
3 sections 79-958, 79-966, and 79-9,113, Reissue Revised Statutes of
4 Nebraska; to change contribution rates for required deposits by
5 employees and employers; to provide an operative date; to repeal
6 the original sections; and to declare an emergency.".

(Signed) Jeremy Nordquist, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 92. Placed on Final Reading.
ST9028

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

1. On page 1, line 4, "upon the approach of" has been struck and
"approaching stopped" inserted; and in line 5 "to harmonize provisions;" has
been inserted after the semicolon.

LEGISLATIVE BILL 97. Placed on Final Reading.
ST9024

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

1. In the Flood amendment, AM1259:

a. Section 35 has been renumbered as section 36; and

b. On page 1, lines 9 and 10, "33, and 35" has been struck and "34, and 36" inserted.

2. In the Stuthman amendment, AM1234:

a. Amendment 2 has been struck and the following new amendments inserted:

"2. On page 44, line 22, after the period insert "Section 30 of this act becomes operative three calendar months after the adjournment of this legislative session.

3. Renumber the remaining sections accordingly.";

b. On page 1, line 14, "effective date of this act" has been struck and "operative date of this section" inserted.

3. In the E & R amendments, ER8094:

a. On page 5, line 11, "protected persons" has been struck and "a protected individual" inserted;

b. On page 44, line 21, "30" has been struck and "31" inserted;

c. On page 45, line 17, "sexual misconduct and" has been inserted after the first "to" and "and eliminate" has been inserted after "change"; and in line 26 "to prohibit certain convicted or charged individuals from providing transportation services for the Department of Health and Human Services; to provide a penalty;" has been inserted after the first semicolon; and

d. On page 46, line 1, "to outright repeal section 28-321, Reissue Revised Statutes of Nebraska;" has been inserted after the second semicolon.

LEGISLATIVE BILL 188. Placed on Final Reading.

ST9026

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

1. In the Pankonin amendment, AM1153, on page 1, line 2, an underscored comma has been inserted after "1".

LEGISLATIVE BILL 237. Placed on Final Reading.

LEGISLATIVE BILL 237A. Placed on Final Reading.

LEGISLATIVE BILL 286. Placed on Final Reading.

ST9025

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

1. On page 1, the matter beginning with "revenue" in line 1 through line 5 and all amendments thereto have been struck and "gaming; to amend sections 9-255.04, 9-347, 9-347.01, and 9-812, Reissue Revised Statutes of Nebraska; to change provisions relating to definite profit under the Nebraska Bingo Act and the Nebraska Pickle Card Lottery Act; to change provisions relating to lottery funds; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 402. Placed on Final Reading.

LEGISLATIVE BILL 495. Placed on Final Reading.

ST9029

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

1. In the Friend amendment, AM1211, on page 3, line 13, "after" has been struck and "of" inserted.

2. On page 1, the matter beginning with "section" in line 1 through line 4 has been struck and "sections 15-268, 16-117, 16-230, 17-405.01, 17-563, and 19-916, Reissue Revised Statutes of Nebraska; to require notice of annexation as prescribed; to change provisions relating to the control of weeds and worthless vegetation; to provide for annexation by certain cities; to change provisions relating to the platting of additions; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 497. Placed on Final Reading.

ST9027

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

1. In the Council amendment, AM1015, on page 36, line 12, "section 29-2259.01" has been struck and "sections 29-2259.01 and 60-6,197.05" inserted.

2. In the Janssen amendment, AM1240:

a. Amendments 2 and 3 have been struck;

b. On page 2, line 24; and page 4, line 4, "of the" has been struck and "the order of" inserted; and

c. On page 3, lines 8 and 18, "Department of Motor Vehicles" has been struck, shown as stricken, and "department" inserted.

3. On page 1, line 2, "section 29-2259.01" has been struck and "sections 29-2259.01 and 60-6,197.05" inserted; and in line 5 the first "and" has been struck and "relating to employment driving permits and ignition interlock devices; to" inserted.

LEGISLATIVE BILL 497A. Placed on Final Reading.**LEGISLATIVE BILL 603.** Placed on Final Reading.

ST9031

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

1. In the Gay amendment, AM1171, on page 11, line 13, "effective date of this act" has been struck and "operative date of this section" inserted.

2. On page 1, the matter beginning with "section" in line 1 through line 6 has been struck and "sections 68-911, 68-915, 71-801, and 71-808, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to medical assistance and behavioral health services; to adopt the Behavioral Health Workforce Act and the Children and Family Behavioral Health Support Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 603A. Placed on Final Reading.
ST9030

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

1. On page 1, line 3, "; and to reduce appropriations" has been inserted after "2009".

LEGISLATIVE BILL 653. Placed on Final Reading.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARING
General Affairs

Room 1510

Monday, May 18, 2009 1:00 p.m.

Janell Beveridge - State Racing Commission

(Signed) Russ Karpisek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 97A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 246A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 342A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 633A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 671A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 198A. Senator Stuthman offered the following amendment:

AM1277

- 1 1. Strike original section 1 and insert the following new
 2 section:
 3 Section 1. There is hereby appropriated (1) \$30,568 from
 4 the Fire Marshal Cash Fund for FY2009-10 and (2) \$55,175 from the
 5 Reduced Cigarette Ignition Propensity Fund for FY2010-11 to the
 6 State Fire Marshal, for Program 197, to aid in carrying out the
 7 provisions of Legislative Bill 198, One Hundred First Legislature,
 8 First Session, 2009.
 9 Total expenditures for permanent and temporary salaries
 10 and per diems from funds appropriated in this section shall not
 11 exceed \$14,114 for FY2009-10 or \$28,934 for FY2010-11.

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

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 311. Title read. Considered.

Committee AM886, found on page 1252, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 108. Introduced by Wightman, 36.

WHEREAS, Charles E. Bessey was a nationally-known University of Nebraska professor of botany and horticulture from 1884 to 1915, and he served as acting chancellor from 1888 to 1891 and again in 1899; and

WHEREAS, Professor Bessey established one of the leading botany programs in the country, developed modern plant classification, promoted public education and environmental stewardship, and was president of the American Association for the Advancement of Science; and

WHEREAS, Professor Bessey's motto, "Science with Practice," reflected his guiding philosophy that scientific discovery is most useful when put into practice; and

WHEREAS, Professor Bessey was instrumental in establishing agricultural experiment stations in Nebraska and on the national level as a way to take academic research to the public; and

WHEREAS, Professor Bessey was instrumental in creating the only manmade forests in the nation, the Nebraska National Forest near Halsey and the Samuel R. McKelvie National Forest near Valentine; and

WHEREAS, Professor Bessey vigorously opposed efforts to create two separate state universities in Nebraska, laying the foundation for a single, unified state university; and

WHEREAS, Professor Bessey's induction as the twenty-fourth inductee into the Nebraska Hall of Fame is well-justified recognition of his lasting impact on the State of Nebraska and the University of Nebraska through his notable achievements and his conviction that the university's mission was to benefit the public.

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

1. That the Legislature posthumously honors Charles E. Bessey for his induction into the Nebraska Hall of Fame.

2. That a copy of this resolution be sent to the family of Charles E. Bessey and to the University of Nebraska.

Laid over.

AMENDMENTS - Print in Journal

Senator Giese filed the following amendment to LB315:
AM1267

(Amendments to Standing Committee amendments, AM889)

- 1 1. On page 103, after line 24 insert:
- 2 "There is included in the appropriation to this program
- 3 for FY2009-10 \$44,970 General Funds and for FY2010-11 \$44,970
- 4 General Funds which may be expended in remuneration for services
- 5 provided by the Tri-State Graduate Center which facilitate delivery
- 6 of graduate-level courses and programs by Wayne State College
- 7 and other Nebraska public postsecondary institutions to residents
- 8 of South Sioux City and the remainder of the Siouxland area of
- 9 Nebraska, Iowa, and South Dakota."

Senator Gloor filed the following amendment to LB288:
AM1280

(Amendments to Standing Committee amendments, AM846)

- 1 1. Insert the following new section:
- 2 Sec. 24. Section 71-8403, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-8403 (1) A patient may request a copy of the patient's
- 5 medical records or may request to examine such records. Access to
- 6 such records shall be provided upon request pursuant to sections
- 7 71-8401 to 71-8407, except that mental health medical records may
- 8 be withheld if any treating physician, psychologist, or mental
- 9 health practitioner determines in his or her professional opinion
- 10 that release of the records would not be in the best interest of

11 the patient unless the release is required by court order. The
 12 request and any authorization shall be in writing, ~~and shall be~~
 13 ~~valid for one hundred eighty days after the date of execution by~~
 14 ~~the patient.~~

15 (2) Upon receiving a written request for a copy of the
 16 patient's medical records under subsection (1) of this section, the
 17 provider shall furnish the person making the request a copy of such
 18 records not later than thirty days after the written request is
 19 received.

20 (3) Upon receiving a written request to examine the
 21 patient's medical records under subsection (1) of this section, the
 22 provider shall, as promptly as required under the circumstances but
 1 no later than ten days after receiving the request: (a) Make the
 2 medical records available for examination during regular business
 3 hours; (b) inform the patient if the records do not exist or
 4 cannot be found; (c) if the provider does not maintain the records,
 5 inform the patient of the name and address of the provider who
 6 maintains such records, if known; or (d) if unusual circumstances
 7 have delayed handling the request, inform the patient in writing
 8 of the reasons for the delay and the earliest date, not later than
 9 twenty-one days after receiving the request, when the records will
 10 be available for examination. The provider shall furnish a copy of
 11 medical records to the patient as provided in subsection (2) of
 12 this section if requested.

13 (4) This section does not require the retention of
 14 records or impose liability for the destruction of records in the
 15 ordinary course of business prior to receipt of a request made
 16 under subsection (1) of this section. A provider shall not be
 17 required to disclose confidential information in any medical record
 18 concerning another patient or family member who has not consented
 19 to the release of the record.

20 2. On page 43, line 27, strike "24, 25, 27, 28, 29, 31,
 21 32, 33, 36," and insert "25, 26, 28, 29, 30, 32, 33, 34, 37,".

22 3. On page 44, line 1, strike "37" and insert "38"; and
 23 in line 4 after the first comma insert "71-8403,".

24 4. Renumber the remaining sections accordingly.

Senator Pirsch filed the following amendment to LB63:
 AM758

(Amendments to E & R amendments, ER8031)

1 1. Insert the following new sections:

2 Sec. 6. Section 28-603, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 28-603 (1) Whoever, with intent to deceive or harm,
 5 falsely makes, completes, endorses, alters, or utters any written
 6 instrument which is or purports to be, or which is calculated to
 7 become or to represent if completed, a written instrument which
 8 does or may evidence, create, transfer, terminate, or otherwise
 9 affect a legal right, interest, obligation, or status, commits

10 forgery in the second degree.

11 (2) Forgery in the second degree is a Class III felony
12 when the face value, or purported face value, or the amount of any
13 proceeds wrongfully procured or intended to be procured by the use
14 of such instrument, is one thousand dollars or more.

15 (3) Forgery in the second degree is a Class IV felony
16 when the face value, or purported face value, or the amount of any
17 proceeds wrongfully procured or intended to be procured by the use
18 of such instrument, exceeds three hundred dollars but is less than
19 one thousand dollars.

20 (4) Forgery in the second degree is a Class I misdemeanor
21 when the face value, or purported face value, or the amount of any
22 proceeds wrongfully procured or intended to be procured by the use
23 of such instrument, is three hundred dollars or less.

24 (5) For the purpose of determining the class of penalty
25 for forgery in the second degree, the face values, or purported
26 face values, or the amounts of any proceeds wrongfully procured
27 or intended to be procured by the use of more than one such
28 instrument, may be aggregated in the indictment or information if
29 such instruments were part of the same scheme or course of conduct
30 which took place within a sixty-day period and within one county.
31 Such values or amounts shall not be aggregated into more than one
32 offense.

33 Sec. 7. Section 28-604, Reissue Revised Statutes of
34 Nebraska, is amended to read:

35 28-604 (1) Whoever, with knowledge that it is forged and
36 with intent to deceive or harm, possesses any forged instrument
37 covered by section 28-602 or 28-603 commits criminal possession of
38 a forged instrument.

39 (2) Criminal possession of a forged instrument prohibited
40 by section 28-602 is a Class IV felony.

41 (3) Criminal possession of a forged instrument prohibited
42 by section 28-603, the amount or value of which is one thousand
43 dollars or more, is a Class IV felony.

44 (4) Criminal possession of a forged instrument prohibited
45 by section 28-603, the amount or value of which is more than three
46 hundred dollars but less than one thousand dollars, is a Class I
47 misdemeanor.

48 (5) Criminal possession of a forged instrument prohibited
49 by section 28-603, the amount or value of which is three hundred
50 dollars or less, is a Class II misdemeanor.

51 (6) For the purpose of determining the class of penalty
52 for criminal possession of a forged instrument prohibited by
53 section 28-603, the amounts or values of more than one such forged
54 instrument may be aggregated in the indictment or information if
55 such forced instruments were part of the same scheme or course of
56 conduct which took place within a sixty-day period and within one
57 county. Such amounts or values shall not be aggregated into more
58 than one offense.

- 10 2. On page 43, line 21, after the first comma insert
 11 "28-603, 28-604,".
 12 3. Renumber the remaining sections and correct internal
 13 references accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 288A. Introduced by Gay, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 288, One Hundred First Legislature, First Session, 2009; and to declare an emergency.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 216. Placed on General File.

LEGISLATIVE BILL 147. Placed on General File with amendment.
 AM756

- 1 1. Insert the following new section:
 2 Sec. 2. Section 28-376, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 28-376 (1) The department shall establish and maintain
 5 an Adult Protective Services Central Registry for recording each
 6 report of alleged abuse.
 7 (2) Upon request, a vulnerable adult who is the subject
 8 of a report or, if the vulnerable adult is legally incapacitated,
 9 the guardian or guardian ad litem of the vulnerable adult shall
 10 be entitled to receive a copy of all information contained in the
 11 registry pertaining to his or her case. The department shall not
 12 release data that would be harmful or detrimental to the vulnerable
 13 adult or that would identify or locate a person who, in good faith,
 14 made a report or cooperated in a subsequent investigation unless
 15 ordered to do so by a court of competent jurisdiction.
 16 (3) The department shall establish classifications for
 17 all cases in the registry. All cases determined to be unfounded
 18 shall be expunged from the registry.
 19 (4) The department shall determine whether a name-change
 20 order received from the clerk of a district court pursuant to
 21 section 25-21,271 is for a person on the Adult Protective Services
 22 Central Registry and, if so, shall include the changed name with
 23 the former name in the registry and file or cross-reference the
 1 information under both names.
 2 2. On page 2, line 4, strike "may", show as stricken, and
 3 insert "shall"; in line 7 after "(b)" insert "the address of the
 4 petitioner, (c) the date of birth of the petitioner, (d)"; and in

- 5 line 8 strike "(c)", show as stricken, and insert "(e)".
6 3. On page 3, line 12, strike "section" and insert
7 "sections 28-376 and".
8 4. On page 8, line 19, after "25-21,271," insert
9 "28-376,".
10 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 155. Placed on General File with amendment.
AM1271 is available in the Bill Room.

LEGISLATIVE BILL 199. Placed on General File with amendment.
AM1213

- 1 1. Strike original sections 2 and 12 and insert the
2 following new sections:
3 Sec. 2. Section 42-364, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 42-364 (1) In an action under Chapter 42 involving
6 child support, child custody, parenting time, visitation, or other
7 access, the parties and their counsel, if represented, shall
8 develop a parenting plan as provided in the Parenting Act. If
9 the parties and counsel do not develop a parenting plan, the
10 complaint shall so indicate as provided in section 42-353 and
11 before July 1, 2010, the case may be referred to mediation,
12 specialized alternative dispute resolution, or other alternative
13 dispute resolution process and on or after such date the case
14 shall be referred to mediation or specialized alternative dispute
15 resolution as provided in the Parenting Act. The decree in an
16 action involving the custody of a minor child shall include the
17 determination of legal custody and physical custody based upon the
18 best interests of the child, as defined in the Parenting Act, and
19 child support. Such determinations shall be made by incorporation
20 into the decree of (a) a parenting plan developed by the parties,
21 if approved by the court, or (b) a parenting plan developed by the
22 court based upon evidence produced after a hearing in open court if
23 no parenting plan is developed by the parties or the plan developed
1 by the parties is not approved by the court. The decree shall
2 conform to the Parenting Act. The social security number of each
3 parent and the minor child shall be furnished to the clerk of a public
4 district court but shall not be disclosed or considered a public
5 record.
6 (2) In determining legal custody or physical custody,
7 the court shall not give preference to either parent based on the
8 sex of the parent and, except as provided in section 43-2933, no
9 presumption shall exist that either parent is more fit or suitable
10 than the other. Custody shall be determined on the basis of the
11 best interests of the child, as defined in the Parenting Act.
12 Unless parental rights are terminated, both parents shall continue
13 to have the rights stated in section 42-381.
14 (3) Custody of a minor child may be placed with both

15 parents on a joint legal custody or joint physical custody basis,
16 or both, (a) when both parents agree to such an arrangement in the
17 parenting plan and the court determines that such an arrangement is
18 in the best interests of the child or (b) if the court specifically
19 finds, after a hearing in open court, that joint physical custody
20 or joint legal custody, or both, is in the best interests of the
21 minor child regardless of any parental agreement or consent.

22 (4) In determining the amount of child support to be
23 paid by a parent, the court shall consider the earning capacity
24 of each parent and the guidelines provided by the Supreme Court
25 pursuant to section 42-364.16 for the establishment of child
26 support obligations. Upon application, hearing, and presentation of
27 evidence of an abusive disregard of the use of child support money
1 or cash medical support paid by one party to the other, the court
2 may require the party receiving such payment to file a verified
3 report with the court, as often as the court requires, stating the
4 manner in which ~~such child support money~~ or cash medical support
5 is used. Child support money or cash medical support paid to the
6 party having custody of the minor child shall be the property of
7 such party except as provided in section 43-512.07. The clerk of
8 the district court shall maintain a record, separate from all other
9 judgment dockets, of all decrees and orders in which the payment
10 of child support, cash medical support, or spousal support has
11 been ordered, whether ordered by a district court, county court,
12 separate juvenile court, or county court sitting as a juvenile
13 court. Orders for child support or cash medical support in cases
14 in which a party has applied for services under Title IV-D of
15 the federal Social Security Act, as amended, shall be reviewed as
16 provided in sections 43-512.12 to 43-512.18.

17 (5) Whenever termination of parental rights is placed in
18 issue:

19 (a) The court shall transfer jurisdiction to a juvenile
20 court established pursuant to the Nebraska Juvenile Code unless
21 a showing is made that the county court or district court
22 is a more appropriate forum. In making such determination, the
23 court may consider such factors as cost to the parties, undue
24 delay, congestion of dockets, and relative resources available for
25 investigative and supervisory assistance. A determination that the
26 county court or district court is a more appropriate forum shall
27 not be a final order for the purpose of enabling an appeal. If
1 no such transfer is made, the court shall appoint an attorney as
2 guardian ad litem to protect the interests of any minor child.
3 The court may terminate the parental rights of one or both parents
4 after notice and hearing when the court finds such action to be in
5 the best interests of the minor child, as defined in the Parenting
6 Act, and it appears by the evidence that one or more of the grounds
7 for termination of parental rights stated in section 43-292 exist;
8 and

9 (b) The court shall inform a parent who does not have

10 legal counsel of the parent's right to retain counsel and of
11 the parent's right to retain legal counsel at county expense if
12 such parent is unable to afford legal counsel. If such parent
13 is unable to afford legal counsel and requests the court to
14 appoint legal counsel, the court shall immediately appoint an
15 attorney to represent the parent in the termination proceedings.
16 The court shall order the county to pay the attorney's fees and
17 all reasonable expenses incurred by the attorney in protecting the
18 rights of the parent. At such hearing, the guardian ad litem shall
19 take all action necessary to protect the interests of the minor
20 child. The court shall fix the fees and expenses of the guardian ad
21 litem and tax the same as costs but may order the county to pay on
22 finding the responsible party indigent and unable to pay.

23 (6) Modification proceedings relating to support,
24 custody, parenting time, visitation, other access, or removal of
25 children from the jurisdiction of the court shall be commenced
26 by filing a complaint to modify. Modification of a parenting
27 plan is governed by the Parenting Act. Proceedings to modify a
1 parenting plan shall be commenced by filing a complaint to modify.
2 Such actions may be referred to mediation, specialized alternative
3 dispute resolution, or other alternative dispute resolution process
4 before July 1, 2010, and on and after such date shall be referred
5 to mediation or specialized alternative dispute resolution as
6 provided in the Parenting Act. Service of process and other
7 procedure shall comply with the requirements for a dissolution
8 action.

9 (7) In any proceeding under this section relating to
10 custody of a child of school age, certified copies of school
11 records relating to attendance and academic progress of such child
12 are admissible in evidence.

13 Sec. 3. Section 42-369, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 42-369 (1) All orders, decrees, or judgments for
16 temporary or permanent support payments, including child, spousal,
17 or medical support, and all orders, decrees, or judgments for
18 alimony or modification of support payments or alimony shall direct
19 the payment of such sums to be made commencing on the first day
20 of each month for the use of the persons for whom the support
21 payments or alimony have been awarded. Such payments shall be made
22 to the clerk of the district court (a) when the order, decree, or
23 judgment is for spousal support, alimony, or maintenance support
24 and the order, decree, or judgment does not also provide for
25 child support, and (b) when the payment constitutes child care
26 or day care expenses, unless payments under subdivision (1)(a) or
27 (1)(b) of this section are ordered to be made directly to the
1 obligee. All other support order payments shall be made to the
2 State Disbursement Unit. In all cases in which income withholding
3 has been implemented pursuant to the Income Withholding for Child
4 Support Act or sections 42-364.01 to 42-364.14, support order

5 payments shall be made to the State Disbursement Unit. The court
6 may order such payment to be in cash or guaranteed funds.

7 ~~(2)-(2)(a)~~ If the ~~person party~~ against whom an order,
8 decree, or judgment for child support is entered or the custodial
9 ~~parent or guardian party~~ has health insurance available to him
10 or her through an employer, ~~or organization, or other health~~
11 insurance entity which may extend to cover any children affected
12 by the order, decree, or judgment and the health care coverage
13 is accessible to the children and is available to the responsible
14 party at reasonable cost, the court shall require health care
15 coverage to be provided. Health care coverage is accessible if
16 the covered children can obtain services from a plan provider with
17 reasonable effort by the custodial party. When the administrative
18 agency, court, or other tribunal determines that the only health
19 care coverage option available through the noncustodial party
20 is a plan that limits service coverage to providers within a
21 defined geographic area, the administrative agency, court, or
22 other tribunal shall determine whether the child lives within the
23 plan's service area. If the child does not live within the plan's
24 service area, the administrative agency, court, or other tribunal
25 shall determine whether the plan has a reciprocal agreement that
26 permits the child to receive coverage at no greater cost than if
1 the child resided in the plan's service area. The administrative
2 agency, court, or other tribunal shall also determine if primary
3 care is available within thirty minutes or thirty miles of the
4 child's residence. For the purpose of determining the accessibility
5 of health care coverage, the administrative agency, court, or
6 other tribunal may determine and include in an order that longer
7 travel times are permissible if residents, in part or all of
8 the service area, customarily travel distances farther than thirty
9 minutes or thirty miles. If primary care services are not available
10 within these constraints, the health care coverage is presumed
11 inaccessible. If health care coverage is not available or is
12 inaccessible and one or more of the parties are receiving Title
13 IV-D services, then cash medical support shall be ordered. Cash
14 medical support or the cost of health care coverage is considered
15 reasonable in cost if the cost to the party responsible for
16 providing medical support does not exceed three percent of his
17 or her gross income. In applying the three-percent standard, the
18 cost is the cost of adding the children to existing health care
19 coverage or the difference between self-only and family health care
20 coverage. Cash medical support payments shall not be ordered if,
21 at the time that the order is issued or modified, the responsible
22 party's income is or such expense would reduce the responsible
23 party's net income below the basic subsistence limitation provided
24 in Nebraska Court Rule section 4-218. If such rule does not
25 describe a basic subsistence limitation, the responsible party's
26 net income shall not be reduced below nine hundred three dollars
net monthly income for one person or below the poverty guidelines

27 updated annually in the Federal Register by the U. S. Department of
 1 Health and Human Services under the authority of 42 U.S.C. 902(2).
 2 ~~the court shall require the option to be exercised or comparable~~
 3 ~~coverage be obtained by either party for additional coverage which~~
 4 ~~favors the best interests of the child or children affected unless~~
 5 ~~the parties have otherwise stipulated in writing or to the court.~~

6 (b) For purposes of this section:

7 (i) Health care coverage has the same meaning as in
 8 section 44-3,144; and

9 (ii) Cash medical support means an amount ordered to be
 10 paid toward the cost of health insurance provided by a public
 11 entity or by another parent through employment or otherwise or for
 12 other medical costs not covered by insurance.

13 ~~(3) Such an A support order, decree, or judgment for~~
 14 ~~support may include the providing of necessary shelter, food,~~
 15 ~~clothing, care, medical support as defined in section 43-512,~~
 16 ~~medical attention, expenses of confinement, education expenses,~~
 17 ~~funeral expenses, and any other expense the court may deem~~
 18 ~~reasonable and necessary.~~

19 (4) Orders, decrees, and judgments for temporary or
 20 permanent support or alimony shall be filed with the clerk of the
 21 district court and have the force and effect of judgments when
 22 entered. The clerk and the State Disbursement Unit shall disburse
 23 all payments received as directed by the court and as provided
 24 in sections 42-358.02 and 43-512.07. Records shall be kept of all
 25 funds received and disbursed by the clerk and the unit and shall be
 26 open to inspection by the parties and their attorneys.

27 (5) Unless otherwise specified by the court, an equal and
 1 proportionate share of any child support awarded shall be presumed
 2 to be payable on behalf of each child subject to the order, decree,
 3 or judgment for purposes of an assignment under section 43-512.07.

4 Sec. 13. Sections 2, 3, 4, 5, 7, 8, 9, 10, 13, and 14 of
 5 this act become operative on September 30, 2009. Sections 6 and 15
 6 of this act become operative on October 1, 2009. Sections 11, 12,
 7 and 16 of this act become operative on January 1, 2010. Sections 1
 8 and 17 of this act become operative on October 1, 2010.

9 Sec. 14. Original sections 42-364, 42-369, 43-512,
 10 43-512.03, 43-512.12, 43-512.16, and 43-512.17, Reissue Revised
 11 Statutes of Nebraska, and section 44-3,144, Revised Statutes
 12 Cumulative Supplement, 2008, are repealed.

13 Sec. 15. Original section 43-512.07, Reissue Revised
 14 Statutes of Nebraska, is repealed.

15 Sec. 16. Original sections 48-2302 and 77-27,166, Reissue
 16 Revised Statutes of Nebraska, are repealed.

17 Sec. 17. Original section 42-358.02, Reissue Revised
 18 Statutes of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Giese asked unanimous consent to add his name as cointroducer to LR106. No objections. So ordered.

VISITORS

Visitors to the Chamber were 14 students and teachers from Southern Leadership Academy, Southern Public Schools; 40 fourth-grade students and teachers from Mockingbird Elementary, Omaha; 50 fourth-grade students and teachers from Alcott Elementary, Hastings; and 40 fourth-grade students and teachers from Johnson County Central School, Tecumseh.

RECESS

At 12:01 p.m., on a motion by Senator Utter, 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 Louden who was excused; and Senators Ashford and Christensen who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 311. Considered.

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 98, 99, and 100 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 98, 99, and 100.

GENERAL FILE

LEGISLATIVE BILL 311. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB63:
AM1308

(Amendments to E & R amendments, ER8031)

- 1 1. On page 35, line 5, strike "A" and insert "Beginning
- 2 July 1, 2010, a".

RESOLUTION

LEGISLATIVE RESOLUTION 109. Introduced by Ashford, 20.

PURPOSE: The purpose of this interim study is to examine the issue of juvenile overcrowding in youth detention centers. The study shall include, but not be limited to, an examination of the causes of overcrowding and an analysis of ways to alleviate overcrowding and prevent its recurrence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST 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.

GENERAL FILE

LEGISLATIVE BILL 312. Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 313. Title read. Considered.

Committee AM887, found on page 1252, was considered.

SENATOR LANGEMEIER PRESIDING

The committee amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 314. Title read. Considered.

Committee AM888, found on page 1252, was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 315. Title read. Considered.

Committee AM889, found on page 1252, was considered.

Senator Friend offered the following amendment to the committee amendment:

AM1286

(Amendments to Standing Committee amendments, AM889)

- 1 1. On page 148, strike lines 7 and 8 and insert:
- 2 "GENERAL FUND 87,516,476 87,516,476
- 3 PROGRAM TOTAL 87,516,476 87,516,476";
- 4 in line 10 strike "\$88,575,473" and insert "\$87,516,476";
- 5 and in line 12 strike "\$89,904,105" and insert "\$87,516,476".

Senator Friend withdrew his amendment.

SENATOR CARLSON PRESIDING

The committee amendment was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 1 nay, 1 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 316. Title read. Considered.

Committee AM890, found on page 1252, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 318. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 456. Title read. Considered.

Committee AM1214, found on page 1253, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 414. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM812, found on page 806, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Pankonin renewed his amendment, AM1236, found on page 1226.

SENATOR ROBERT PRESIDING

The Pankonin amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 414A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 629. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 628. Title read. Considered.

Committee AM1116, found on page 1188, was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Nordquist filed the following amendment to LB392:
AM1296

1 1. Insert the following new sections:

2 Sec. 4. Section 79-575, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 79-575 The secretary of a school district shall draw and
5 sign all orders upon the treasurer for all money to be disbursed
6 by the district and all warrants upon the county treasurer for
7 money raised for district purposes or apportioned to the district
8 by the county treasurer and shall present the same to the president
9 to be countersigned. No warrant, check, or other instrument drawn
10 upon bank depository funds of the district shall be issued until
11 so countersigned. No warrant, check, or other instrument drawn upon
12 bank depository funds of the district shall be countersigned by the
13 president until the amount for which ~~the warrant~~ it is drawn is
14 written upon its face. Facsimile signatures of board members may
15 be used, and a person or persons delegated by the board may sign
16 and validate all warrants, checks, and other instruments drawn upon
17 bank depository funds of the district.

18 Sec. 5. Section 79-592, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-592 The treasurer of a Class V school district shall
21 receive all taxes of the school district from the county treasurer.
22 The treasurer of the school district shall attend all meetings of
23 the board of education of the Class V district when required to
1 do so, shall prepare and submit in writing a monthly report of
2 the state of the district's finances, and shall pay school money
3 ~~only either~~ upon a warrant signed by the president, or in the
4 president's absence by the vice president, and countersigned by
5 the secretary or upon a check or other instrument drawn upon bank
6 depository funds of the school district. The treasurer shall also
7 perform such other duties as designated by the board of education.
8 Before entering into the discharge of his or her duties and during
9 the entire time he or she so serves, the treasurer shall give
10 bond or evidence of equivalent insurance coverage payable to the
11 board in such amount as may be required by the board, but in no
12 event less than two hundred thousand dollars, conditioned for the
13 faithful discharge of his or her duties as treasurer of the school
14 district, for the safekeeping and proper disbursement of all funds
15 and money of the school district received by the treasurer. Such
16 bond shall be signed by one or more surety companies of recognized
17 responsibility, to be approved by the board. The cost of the bond
18 or insurance shall be paid by the school district. Such bond or
19 insurance coverage may be enlarged at any time the board may deem
20 an enlargement or additional bond or insurance coverage to be
21 necessary.

22 2. Amend the repealer and renumber the remaining sections
23 accordingly.

Senator Adams filed the following amendment to LB392:
AM1300

- 1 1. Insert the following new sections:
- 2 Section 1. Section 11-119, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 11-119 The following named officers shall execute a bond
- 5 with penalties of the following amounts:
- 6 (1) The Governor, one hundred thousand dollars;
- 7 (2) The Lieutenant Governor, one hundred thousand
- 8 dollars;
- 9 (3) The Auditor of Public Accounts, one hundred thousand
- 10 dollars;
- 11 (4) The Secretary of State, one hundred thousand dollars;
- 12 (5) The Attorney General, one hundred thousand dollars;
- 13 (6) The State Treasurer, not less than one million
- 14 dollars and not more than double the amount of money that may come
- 15 into his or her hands, to be fixed by the Governor;
- 16 (7) Each county attorney, a sum not less than one
- 17 thousand dollars to be fixed by the county board;
- 18 (8) Each clerk of the district court, not less than five
- 19 thousand dollars or more than one hundred thousand dollars to be
- 20 determined by the county board;
- 21 (9) Each county clerk, not less than one thousand dollars
- or more than one hundred thousand dollars to be determined by the
- 23 county board, except that when a county clerk also has the duties
- 1 of other county offices the minimum bond shall be two thousand
- 2 dollars;
- 3 (10) Each county treasurer, not less than ten thousand
- 4 dollars and not more than the amount of money that may come into
- 5 his or her hands, to be determined by the county board;
- 6 (11) Each sheriff, in counties of not more than twenty
- 7 thousand inhabitants, five thousand dollars, and in counties over
- 8 twenty thousand inhabitants, ten thousand dollars;
- 9 (12) Each district superintendent of public instruction,
- 10 one thousand dollars;
- 11 (13) Each county surveyor, five hundred dollars;
- 12 (14) Each county commissioner or supervisor, in counties
- 13 of not more than twenty thousand inhabitants, one thousand dollars,
- 14 in counties over twenty thousand and not more than thirty thousand
- 15 inhabitants, two thousand dollars, in counties over thirty thousand
- 16 and not more than fifty thousand inhabitants, three thousand
- 17 dollars, and in counties over fifty thousand inhabitants, five
- 18 thousand dollars;
- 19 (15) Each register of deeds in counties having a
- 20 population of more than sixteen thousand five hundred inhabitants,
- 21 not less than two thousand dollars or more than one hundred

22 thousand dollars to be determined by the county board;

23 (16) Each township clerk, two hundred fifty dollars;

24 (17) Each township treasurer, two thousand dollars;

25 (18) Each county assessor, not more than five thousand
26 dollars and not less than two thousand dollars;

27 (19) Each school district treasurer, not less than five
1 hundred dollars or more than double the amount of money that may
2 come into his or her hands, the amount to be fixed by the president
3 and secretary of the district;

4 (20) Each road overseer, two hundred fifty dollars;

5 (21) Each member of a county weed district board and the
6 manager thereof, such amount as may be determined by the county
7 board of commissioners or supervisors of each county with the same
8 amount to apply to each member of any particular board; ~~and~~

9 (22) In any county, in lieu of the individual bonds
10 required to be furnished by county officers, a schedule, position,
11 or blanket bond or undertaking may be given by county officers, or
12 a single corporate surety fidelity, schedule, position, or blanket
13 bond or undertaking covering all the officers, including officers
14 required by law to furnish an individual bond or undertaking, may
15 be furnished. The county may pay the premium for the bond. The bond
16 shall be, at a minimum, an aggregate of the amounts fixed by law
17 or by the person or board authorized by law to fix the amounts,
18 and with such terms and conditions as may be required by sections
19 11-101 to 11-130; and -

20 (23) Each learning community coordinating council
21 treasurer, not less than five hundred dollars or more than double
22 the amount of money that may come into his or her hands, the amount
23 to be fixed by the learning community coordinating council.

24 All other state officers, department heads, and employees
25 shall be bonded or insured as required by section 11-201.

26 Sec. 3. Section 13-903, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 13-903 For purposes of the Political Subdivisions Tort
2 Claims Act and sections 16-727, 16-728, 23-175, 39-809, and 79-610,
3 unless the context otherwise requires:

4 (1) Political subdivision shall include villages, cities
5 of all classes, counties, school districts, public power districts,
6 learning communities, and all other units of local government,
7 including entities created pursuant to the Interlocal Cooperation
8 Act or Joint Public Agency Act. Political subdivision shall not be
9 construed to include any contractor with a political subdivision;

10 (2) Governing body shall mean the village board of a
11 village, the city council of a city, the board of commissioners
12 or board of supervisors of a county, the board of directors of a
13 public power district, the governing board or other governing body
14 of an entity created pursuant to the Interlocal Cooperation Act or
15 Joint Public Agency Act, and any duly elected or appointed body
16 holding the power and authority to determine the appropriations and

17 expenditures of any other unit of local government;
 18 (3) Employee of a political subdivision shall mean any
 19 one or more officers or employees of the political subdivision or
 20 any agency of the subdivision and shall include members of the
 21 governing body, duly appointed members of boards or commissions
 22 when they are acting in their official capacity, volunteer
 23 firefighters, and volunteer rescue squad personnel. Employee shall
 24 not be construed to include any contractor with a political
 25 subdivision; and

26 (4) Tort claim shall mean any claim against a political
 27 subdivision for money only on account of damage to or loss of
 1 property or on account of personal injury or death, caused by
 2 the negligent or wrongful act or omission of any employee of the
 3 political subdivision, while acting within the scope of his or her
 4 office or employment, under circumstances in which the political
 5 subdivision, if a private person, would be liable to the claimant
 6 for such damage, loss, injury, or death but shall not include any
 7 claim accruing before January 1, 1970.

8 Sec. 4. Section 13-2202, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 13-2202 For purposes of the Local Government
 11 Miscellaneous Expenditure Act:

12 (1) Elected and appointed officials and employees shall
 13 mean the elected and appointed officials and employees of any local
 14 government;

15 (2) Governing body shall mean, in the case of a city
 16 of any class, the council; in the case of a village, cemetery
 17 district, community hospital for two or more adjoining counties,
 18 county hospital, road improvement district, sanitary drainage
 19 district, or sanitary and improvement district, the board of
 20 trustees; in the case of a county, the county board; in the
 21 case of a municipal county, the council; in the case of a
 22 township, the town board; in the case of a school district, the
 23 school board; in the case of a rural or suburban fire protection
 24 district, reclamation district, natural resources district, or
 25 hospital district, the board of directors; in the case of a health
 26 district, the board of health; in the case of an educational
 27 service unit, the board; in the case of a community college, the
 1 Community College Board of Governors for the area the board serves;
 2 in the case of an airport authority, the airport authority board;
 3 in the case of a weed control authority, the board; ~~and~~ in the
 4 case of a county agricultural society, the board of governors;
 5 and in the case of a learning community, the learning community
 6 coordinating council;

7 (3) Local government shall mean cities of any class,
 8 villages, cemetery districts, community hospitals for two or more
 9 adjoining counties, county hospitals, road improvement districts,
 10 counties, townships, sanitary drainage districts, sanitary and
 11 improvement districts, school districts, rural or suburban fire

12 protection districts, reclamation districts, natural resources
13 districts, hospital districts, health districts, educational
14 service units, community colleges, airport authorities, weed
15 control authorities, ~~and~~ county agricultural societies, and
16 learning communities;

17 (4) Public funds shall mean such public funds as defined
18 in section 13-503 as are under the direct control of governing
19 bodies of local governments;

20 (5) Public meeting shall mean all regular, special, or
21 called meetings, formal or informal, of any governing body for the
22 purposes of briefing, discussion of public business, formation of
23 tentative policy, or the taking of any action of the governing
24 body; and

25 (6) Volunteer shall mean a person who is not an elected
26 or appointed official or an employee of a local government and
27 who, at the request or with the permission of the local government,
1 engages in activities related to the purposes or functions of the
2 local government or for its general benefit.

3 Sec. 6. Section 32-555.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-555.01 The election commissioners of the applicable
6 counties, pursuant to certification of the establishment of a
7 learning community pursuant to section 79-2102, shall divide the
8 territory of the new learning community into six numbered districts
9 for the purpose of electing members to the learning community
10 coordinating council in compliance with section 32-553 and for
11 the purpose of organizing achievement subcouncils pursuant to
12 section 79-2117. Such districts shall be compact and contiguous
13 and substantially equal in population. The newly established
14 ~~election-subcouncil~~ districts shall be certified to the Secretary
15 of State on or before November 1 immediately following such
16 certification. The newly established ~~election-subcouncil~~ districts
17 shall apply beginning with the election of the first council
18 members for such learning community. Following the drawing of
19 initial ~~election-subcouncil~~ districts pursuant to this section,
20 additional redistricting thereafter shall be undertaken by the
21 learning community coordinating council according to section
22 32-553.

23 Sec. 8. Section 77-2704.15, Revised Statutes Cumulative
24 Supplement, 2008, is amended to read:

25 77-2704.15 (1) Sales and use taxes shall not be imposed
26 on the gross receipts from the sale, lease, or rental of and
27 the storage, use, or other consumption in this state of purchases
1 by the state, including public educational institutions recognized
2 or established under the provisions of Chapter 85, or by any
3 county, township, city, village, rural or suburban fire protection
4 district, city airport authority, county airport authority, joint
5 airport authority, drainage district organized under sections
6 31-401 to 31-450, natural resources district, elected county fair

7 board, housing agency as defined in section 71-1575 except for
 8 purchases for any commercial operation that does not exclusively
 9 benefit the residents of an affordable housing project, or joint
 10 entity or agency formed to fulfill the purposes described in the
 11 Integrated Solid Waste Management Act by any combination of two
 12 or more counties, townships, cities, or villages pursuant to the
 13 Interlocal Cooperation Act, the Integrated Solid Waste Management
 14 Act, or the Joint Public Agency Act, except for purchases for use
 15 in the business of furnishing gas, water, electricity, or heat, or
 16 by any irrigation or reclamation district, the irrigation division
 17 of any public power and irrigation district, or public schools or
 18 learning communities established under Chapter 79.

19 (2) The appointment of purchasing agents shall be
 20 recognized for the purpose of altering the status of the
 21 construction contractor as the ultimate consumer of building
 22 materials which are physically annexed to the structure and which
 23 subsequently belong to the state or the governmental unit. The
 24 appointment of purchasing agents shall be in writing and occur
 25 prior to having any building materials annexed to real estate in
 26 the construction, improvement, or repair. The contractor who has
 27 been appointed as a purchasing agent may apply for a refund of or
 1 use as a credit against a future use tax liability the tax paid
 2 on inventory items annexed to real estate in the construction,
 3 improvement, or repair of a project for the state or a governmental
 4 unit.

5 (3) Any governmental unit listed in subsection (1) of
 6 this section, except the state, which enters into a contract
 7 of construction, improvement, or repair upon property annexed to
 8 real estate without first issuing a purchasing agent authorization
 9 to a contractor or repairperson prior to the building materials
 10 being annexed to real estate in the project may apply to the Tax
 11 Commissioner for a refund of any sales and use tax paid by the
 12 contractor or repairperson on the building materials physically
 13 annexed to real estate in the construction, improvement, or repair.

14 2. On page 2, lines 6, 7, 9, and 14; page 3, lines 5 and
 15 24; page 4, lines 3, 7, 8, 16, and 21; page 10, line 13; page 11,
 16 line 19; and page 12, lines 2, 5, 7, 12, 14, 17, 18, and 19, strike
 17 "election", show as stricken, and insert "subcouncil".

18 3. On page 2, line 6, after "districts" insert "created
 19 pursuant to section 32-555.01".

20 4. On page 10, line 9; page 11, lines 21 and 23; strike
 21 "election" and insert "subcouncil".

22 5. Amend the repealer and renumber the remaining sections
 23 accordingly.

Senator Adams filed the following amendment to LB392:
AM1303

(Amendments to Standing Committee amendments, AM1079)

1 1. Insert the following new sections:

2 Sec. 5. Section 79-1024, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 79-1024 (1) The department may require each district
5 to submit to the department a duplicate copy of such portions
6 of the district's budget statement as the Commissioner of
7 Education directs. The department may verify any data used
8 to meet the requirements of the Tax Equity and Educational
9 Opportunities Support Act. The Auditor of Public Accounts shall
10 review each district's budget statement for statutory compliance,
11 make necessary changes in the budget documents for districts to
12 effectuate the budget limitations imposed pursuant to sections
13 79-1023 to 79-1030, and notify the Commissioner of Education of
14 any district failing to submit to the auditor the budget documents
15 required pursuant to this subsection by the date established in
16 subsection (1) of section 13-508 or failing to make any corrections
17 of errors in the documents pursuant to section 13-504 or 13-511.

18 (2) If a school district fails to submit to the
19 department or the auditor the budget documents required pursuant
20 to subsection (1) of this section by the date established in
21 subsection (1) of section 13-508 or fails to make any corrections
22 of errors in the documents pursuant to section 13-504 or 13-511,
1 the commissioner, upon notification from the auditor or upon his
2 or her own knowledge that the required budget documents and any
3 required corrections of errors from any school district have not
4 been properly filed in accordance with the Nebraska Budget Act
5 and after notice to the district and an opportunity to be heard,
6 shall direct that any state aid granted pursuant to the Tax Equity
7 and Educational Opportunities Support Act be withheld until such
8 time as the required budget documents or corrections of errors
9 are received by the auditor and the department. In addition, the
10 commissioner shall direct the county treasurer to withhold all
11 school money belonging to the school district until such time as
12 the commissioner notifies the county treasurer of receipt of the
13 required budget documents or corrections of errors. The county
14 treasurer shall withhold such money. For school districts that are
15 members of learning communities, a determination of school money
16 belonging to the district shall be based on the proportionate
17 share of property tax receipts allocated to the school district
18 by the learning community coordinating council, and the ~~learning~~
19 ~~community coordinating council county treasurer~~ shall withhold any
20 such school money in the possession of the ~~learning community~~
21 ~~coordinating council county treasurer~~ from the school district.
22 If the school district does not comply with this section prior
23 to the end of the state's biennium following the biennium which
24 included the fiscal year for which state aid was calculated, the

25 state aid funds shall revert to the General Fund. The amount
 26 of any reverted funds shall be included in data provided to the
 27 Governor in accordance with section 79-1031. The board of any
 1 district failing to submit to the department or the auditor the
 2 budget documents required pursuant to this section by the date
 3 established in subsection (1) of section 13-508 or failing to make
 4 any corrections of errors in the documents pursuant to section
 5 13-504 or 13-511 shall be liable to the school district for all
 6 school money which such district may lose by such failing.

7 Sec. 6. Section 79-1033, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 79-1033 (1) Except as otherwise provided in the Tax
 10 Equity and Educational Opportunities Support Act, state aid payable
 11 pursuant to the act for each school fiscal year shall be based upon
 12 data found in applicable reports for the most recently available
 13 complete data year. The annual financial reports and the annual
 14 statistical summary of all school districts shall be submitted to
 15 the Commissioner of Education pursuant to the dates prescribed in
 16 section 79-528. If a school district fails to timely submit its
 17 reports, the commissioner, after notice to the district and an
 18 opportunity to be heard, shall direct that any state aid granted
 19 pursuant to the act be withheld until such time as the reports
 20 are received by the department. In addition, the commissioner shall
 21 direct the county treasurer to withhold all school money belonging
 22 to the school district until such time as the commissioner notifies
 23 the county treasurer of receipt of such reports. The county
 24 treasurer shall withhold such money. For school districts that are
 25 members of learning communities, a determination of school money
 26 belonging to the district shall be based on the proportionate share
 27 of state aid and property tax receipts allocated to the school
 1 district by the learning community coordinating council, and the
 2 ~~county treasurer of the learning community coordinating council~~
 3 shall withhold any such school money in the possession of the
 4 ~~learning community coordinating council~~ county treasurer from the
 5 school district. If the school district does not comply with this
 6 section prior to the end of the state's biennium following the
 7 biennium which included the school fiscal year for which state aid
 8 was calculated, the state aid funds shall revert to the General
 9 Fund. The amount of any reverted funds shall be included in data
 10 provided to the Governor in accordance with section 79-1031.

11 (2) A district which receives, or has received in the
 12 most recently available complete data year or in either of the two
 13 school fiscal years preceding the most recently available complete
 14 data year, federal funds in excess of twenty-five percent of its
 15 general fund budget of expenditures may apply for early payment of
 16 state aid paid pursuant to the act when such federal funds are not
 17 received in a timely manner. Such application may be made at any
 18 time by a district suffering such financial hardship and may be for
 19 any amount up to fifty percent of the remaining amount to which

- 20 the district is entitled during the current school fiscal year. The
 21 state board may grant the entire amount applied for or any portion
 22 of such amount if the state board finds that a financial hardship
 23 exists in the district. The state board shall notify the Director
 24 of Administrative Services of the amount of funds to be paid
 25 in lump sum and the reduced amount of the monthly payments. The
 26 Director of Administrative Services shall, at the time of the next
 27 state aid payment made pursuant to section 79-1022, draw a warrant
 1 for the lump-sum amount from appropriated funds and forward such
 2 warrant to the district. For purposes of this subsection, financial
 3 hardship means a situation in which income to a district is
 4 exceeded by liabilities to such a degree that if early payment is
 5 not received it will be necessary for the district to discontinue
 6 vital services or functions.
- 7 2. On page 10, line 5, before "79-1041" insert "79-1024,
 8 79-1033,".
- 9 3. Renumber the remaining sections accordingly.

Senator Avery filed the following amendment to LB402:
 AM1314

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Sec. 3. Pursuant to Article XI, section 1, of the
 3 Constitution of Nebraska, the Legislature authorizes the investment
 4 of public endowment funds by any city having a population of
 5 more than five thousand inhabitants in the manner required of a
 6 prudent investor who shall act with care, skill, and diligence
 7 under the prevailing circumstance and in such investments as the
 8 governing body of such city, acting in a fiduciary capacity for the
 9 exclusive purpose of protecting and benefiting such investment, may
 10 determine.
- 11 Sec. 4. Sections 1, 2, and 5 of this act become operative
 12 three calendar months after the adjournment of this legislative
 13 session. The other sections of this act become operative on their
 14 effective date.
- 15 Sec. 6. Since an emergency exists, this act takes effect
 16 when passed and approved according to law.
- 17 2. On page 1, strike beginning with "the" in line 1
 18 through "Act" in line 2 and insert "political subdivisions"; in
 19 line 4 after "bonds" insert "under the Convention Center Facility
 20 Financing Assistance Act"; in line 5 after "deadline" insert
 21 "under the Convention Center Facility Financing Assistance Act" and
 22 strike "and" and insert "to authorize the investment of public
 1 endowment funds; to provide an operative date;"; and in line 6
 2 after "sections" insert "; and to declare an emergency".
- 3 3. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were 31 fifth-grade students and sponsors from Raymond Central, Valparaiso; and 29 fourth-grade students and teacher from Homer.

ADJOURNMENT

At 7:11 p.m., on a motion by Senator Friend, the Legislature adjourned until 9:00 a.m., Wednesday, May 6, 2009.

Patrick J. O'Donnell
Clerk of the Legislature