

**TWENTY-NINTH DAY - FEBRUARY 16, 2006****LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE  
SECOND SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 16, 2006

**PRAYER**

The prayer was offered by Pastor Frank Armstrong, First Baptist Church, Norfolk.

**ROLL CALL**

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

The roll was called and all members were present except Senators Brashear, Brown, Kruse, Mines, Preister, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**STANDING COMMITTEE REPORT  
Transportation and Telecommunications**

**LEGISLATIVE BILL 1222.** Placed on General File as amended.  
(Standing Committee amendment, AM2238, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Tom Baker, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 290.** Introduced by Brashear, 4.

WHEREAS, the NEBRASKAland Foundation, on Saturday, March 4, 2006, at the annual Statehood Day dinner, held in the Nebraska State Capitol, shall present the distinguished NEBRASKAlander Award, along with the Sower, WagonMaster, Trailblazer, and Pioneer awards; and

WHEREAS, the WagonMaster Award will be presented to Dr. Martin Massengale. Dr. Massengale, truly one of the outstanding educators of

America, served as Chancellor of the University of Nebraska from 1981-1990 and President of the University of Nebraska from 1991-1994. He has lectured extensively at regional, national, and international scientific meetings. His expertise has taken him to numerous foreign countries to review educational programs and agricultural production issues. He currently is Director, Center for Grassland Studies, a Foundation Distinguished Professor, and President Emeritus at the University of Nebraska; and

WHEREAS, the second WagonMaster Award will be presented to Mr. Keith Blackledge. Mr. Blackledge was editor of the North Platte Telegraph for twenty-five years, retiring in 1992. He is a member of both the Nebraska Newspaper and North Platte Chamber of Commerce Halls of Fame. He served as chairman of the State College Board of Trustees, Nebraska Public Radio Foundation, and Nebraska State Historical Society; and

WHEREAS, the Pioneer Award will be presented to Mr. Jack Maddux. Mr. Maddux, a third generation cattleman from Wauneta, Nebraska, has been active in water and natural resource policy issues. He has received the Nebraska Builder Award, AkSarBen Agricultural Achievement Award, and "Cattle Businessman of the Year" Award by the National Cattlemen's Association. He served on the Platte River Whooping Crane Trust and currently serves on the Water Policy Task Force; and

WHEREAS, the Trailblazer Award is presented to The Honorable LaVon Crosby. Ms. Crosby served in the Nebraska Legislature from 1988 until 2000. Signature legislation championed by State Senator Crosby included the establishment of, and funding for, the Nebraska Cultural Endowment. A lifetime active supporter of the arts and education, she has been named the Sower Award winner by the Nebraska Humanities Council, a Friend of Music by the Nebraska Music Educators, and a Friend of Education by the Nebraska State Education Association; and

WHEREAS, the Distinguished NEBRASKAlander Award is presented to The Honorable Bob Kerrey. Mr. Kerrey is President of the New School in New York City. He served as Nebraska's Governor for four years and represented the State of Nebraska in the United States Senate. A United States Navy veteran and Congressional Medal of Honor winner, Senator Kerrey also started a chain of restaurants and health clubs in Nebraska, Iowa, and Kansas; and

WHEREAS, the Sower Award is presented to Mr. Ted Kooser. Mr. Kooser is a retired life insurance executive and a Presidential Professor of English at the University of Nebraska. He is currently serving his second term as United States Poet Laureate and was awarded the 2005 Pulitzer Prize for Poetry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its appreciation to the aforementioned honorees for their service to the State of Nebraska.
2. That a copy of this resolution be sent to all honorees.

Laid over.

**STANDING COMMITTEE REPORT**  
**Government, Military and Veterans Affairs**

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Allen Grell - State Emergency Response Commission

VOTE: Aye: Senators Brown, Langemeier, Mines, Pahls, Schimek, Wehrbein. Nay: None. Absent: Senators Burling, Fischer.

(Signed) DiAnna R. Schimek, Chairperson

**ANNOUNCEMENTS**

Senator Connealy designates LB 1010 as his priority bill.

Senator Howard designates LB 228 as her priority bill.

The Agriculture Committee designates LB 346 as its priority bill.

Senator Aguilar designates LB 915 as his priority bill.

Senator Mines designates LB 786 as his priority bill.

Senator Preister designates LB 898 as his priority bill.

Senator Cornett designates LR 262CA as her priority resolution.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 15, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Bunger, Charles K.  
North Platte Community Development Corp.

McBride, David S.  
Health Underwriters, Nebraska Association of

Pirruccello, Jeffrey J.  
McGrath North Mullin & Kratz, PC LLO

Radcliffe, Walter H. of Radcliffe & Associates  
Legal Aid of Nebraska

## REPORTS

The following reports were received by the Legislature:

### **Energy Office, Nebraska**

Annual Report for Fiscal Year 2004-2005

### **Roads, Department of**

Board of Public Roads Classifications and Standards Minutes for  
November 2005

## ANNOUNCEMENT

Senator Kremer announced the Agriculture Committee will hold an executive session Tuesday, February 21, 2006, at 1:30 p.m., in Room 2102.

## GENERAL FILE

**LEGISLATIVE BILL 856.** Title read. Considered.

The Standing Committee amendment, AM2107, printed separately and referred to on page 580, was considered.

Senator Kremer renewed his pending amendment, AM2214, found on page 613, to the Standing Committee amendment.

The Kremer amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:

FA449

Amendment to AM2107

P. 1, line 23 strike beginning with the second appearance of "eggs" through "hatching," and insert "an unborn chick" and on page 2, line 1, strike all language.

Senator Chambers offered the following amendment to his pending amendment:

FA450

Amendment to FA449

Strike "chick" and insert "fowl".

Senator Chambers moved for a call of the house. The motion prevailed with

15 ayes, 0 nays, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Aguilar	Cornett	Janssen	Pederson, D.	Thompson
Chambers	Cudaback	Landis	Price	Wehrbein
Connealy	Howard	Pahls	Schimek	

Voting in the negative, 6:

Erdman	Foley	Louden
Flood	Langemeier	Smith

Present and not voting, 25:

Baker	Byars	Friend	Kopplin	Redfield
Beutler	Combs	Heidemann	Kremer	Schrock
Bourne	Cunningham	Hudkins	Kruse	Stuhr
Brashear	Engel	Jensen	McDonald	Stuthman
Burling	Fischer	Johnson	Pedersen, Dw.	Synowiecki

Excused and not voting, 4:

Brown	Mines	Preister	Raikes
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The Chambers amendment lost with 14 ayes, 6 nays, 25 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to his pending amendment:

FA452

Amendment to FA449

In Chambers amendment after "chick" add "Unborn means unhatched." and correlate the amendment with the definition of "Hatching eggs" wherever it appears.

## **SENATOR SCHIMEK PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Aguilar Chambers	Cudaback Howard	Janssen Johnson	Landis Pederson, D.	Price Thompson
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Voting in the negative, 5:

Erdman	Flood	Langemeier	Louden	Smith
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Present and not voting, 28:

Baker	Combs	Foley	Kruse	Schimek
Beutler	Connealy	Friend	McDonald	Schrock
Bourne	Cornett	Heidemann	Pahls	Stuhr
Brashear	Cunningham	Hudkins	Pedersen, Dw.	Synowiecki
Burling	Engel	Jensen	Raikes	
Byars	Fischer	Kremer	Redfield	

Excused and not voting, 6:

Brown	Mines	Stuthman
Kopplin	Preister	Wehrbein

The Chambers amendment lost with 10 ayes, 5 nays, 28 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

### ANNOUNCEMENTS

Senator Cudaback designates LB 663 as his priority bill.

Senator Janssen designates LB 959 as his priority bill.

The General Affairs Committee designates LB 562 as its priority bill.

The Urban Affairs Committee designates LB 1175 and LB 907 as its priority bills.

Senator Smith designates LB 995 as his priority bill.

The Health and Human Services Committee designates LB 1248 as its priority bill.

Senator Jensen designates LB 965 as his priority bill.

The Education Committee designates LB 129 as its priority bill.

Senator Raikes designates LB 1208 as his priority bill.

Senator Stuthman designates LB 745 as his priority bill.

The Executive Board designates LB 939 and LB 1141 as its priority bills.

Senator Schrock designates LB 1156 as his priority bill.

The Judiciary Committee designates LB 1115 and LB 1113 as its priority bills.

Senator Thompson designates LB 1107 as her priority bill.

Senator Brown designates LB 1105 as her priority bill.

### RESOLUTION

**LEGISLATIVE RESOLUTION 291.** Introduced by Erdman, 47; Foley, 29.

WHEREAS, Donald F. McGinley, a lifelong Nebraskan and public servant, passed away on July 6, 2005; and

WHEREAS, Donald F. McGinley is survived by his beloved wife, Nancy, daughter Frances, stepchildren Leslie, Geoffrey, Nancy, Richard, Cyrus, and Dana, and seven grandchildren; and

WHEREAS, Donald F. McGinley demonstrated his love of learning by graduating from Ogallala High School in 1938, receiving a bachelor's degree from the University of Notre Dame in 1942, and earning a law degree from Georgetown University in 1949; and

WHEREAS, Donald F. McGinley honorably served his country in the Army Air Forces during World War II; and

WHEREAS, Donald F. McGinley began his many years of public service as the Arthur County Attorney; and

WHEREAS, Donald F. McGinley offered his time and many talents in the following governmental positions: Member, Nebraska Unicameral; Member, U. S. House of Representatives; Trustee, Mid-Plains Community College Board of Trustees; Judge, Commission of Industrial Relations; Nebraska Lieutenant Governor; and Director of Nebraska Selective Services.

WHEREAS, Donald F. McGinley used his Irish wit and story-telling abilities to survive much adversity in his own life and make the world a better place.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature honors the memory and many achievements of Donald F. McGinley.

2. That a copy of this resolution be sent to the family of Donald F. McGinley.

Laid over.

**AMENDMENTS - Print in Journal**

Senators Stuhr and Raikes filed the following amendment to LB 690:  
AM2260

(Amendments to Standing Committee amendments, AM0705)

- 1 1. Strike section 6 and insert the following new section:
- 2 Sec. 6. (1) Beginning with the 2008-09 school year, every
- 3 school district shall develop an individual academic plan for each
- 4 student enrolled in the school district in the eighth grade. The
- 5 plan shall specify the courses the student should complete each
- 6 semester to gain the knowledge and skills necessary to pursue
- 7 postsecondary education and multiple career options in areas of
- 8 interest to the student. The academic plan shall be developed and
- 9 updated annually in consultation with the student.
- 10 (2) When a new student enrolls in the high school grades
- 11 of a school district, the district shall develop an academic plan
- 12 meeting the requirements of this section:
- 13 (a) Prior to the student's attendance if the student's
- 14 attendance will not be delayed by the development of the academic
- 15 plan; or
- 16 (b) Within ten school days after the student's enrollment
- 17 if the student's attendance would be delayed by the development of
- 18 the academic plan.

Senator Kruse filed the following amendment to LB 845:  
AM2320

- 1 1. Insert the following new section:
- 2 Sec. 2. (1) On or before January 1, 2007, the commission
- 3 shall adopt and promulgate rules and regulations governing programs
- 4 which provide training for persons employed in the sale and service
- 5 of alcoholic liquor and management of licensed premises. Such rules
- 6 and regulations may include, but need not be limited to:
- 7 (a) Minimum standards governing training of beverage
- 8 servers, including standards and requirements governing curriculum,
- 9 program trainers, and certification requirements;
- 10 (b) Minimum standards governing training in management of
- 11 licensed premises, including standards and requirements governing
- 12 curriculum, program trainers, and certification requirements;
- 13 (c) Minimum standards governing the methods allowed for
- 14 training programs which may include the Internet, interactive
- 15 video, live training in various locations across the state, and
- 16 other means deemed appropriate by the commission;
- 17 (d) Methods for approving beverage server training
- 18 organizations and programs. All beverage server training programs
- 19 approved by the commission shall issue a certificate of completion
- 20 to all persons who successfully complete the program and shall
- 21 provide the names of all persons completing the program to the
- 22 commission;

23 (e) Enrollment fees in an amount determined by the  
 1 commission to be necessary to cover the expense of enrolling in a  
 2 training program offered by the commission pursuant to subsection  
 3 (2) of this section, but not to exceed thirty dollars; and

4 (f) Procedures and fees for certification, which fees  
 5 shall be in an amount determined by the commission to be  
 6 sufficient to defray the expenses associated with maintaining a  
 7 list of persons certified under this section and issuing proof of  
 8 certification to eligible individuals but shall not exceed twenty  
 9 dollars.

10 (2) The commission may create a program to provide  
 11 training for persons employed in the sale and service of alcoholic  
 12 liquor and management of licensed premises. The program shall  
 13 include training on the issues of sales and service of alcoholic  
 14 liquor to minors and to visibly inebriated purchasers. The  
 15 commission may charge each person enrolling in the program an  
 16 enrollment fee as provided in the rules and regulations. All such  
 17 fees shall be collected by the commission and remitted to the State  
 18 Treasurer for credit to the Nebraska Liquor Control Commission Rule  
 19 and Regulation Cash Fund.

20 (3) A person who has completed a training program which  
 21 complies with the rules and regulations, whether such program is  
 22 offered by the commission or by another organization, may become  
 23 certified by the commission upon the commission receiving evidence  
 24 that he or she has completed such program and the person seeking  
 25 certification paying the certification fee established under this  
 26 section.

27 2. Renumber the remaining section accordingly.

## STANDING COMMITTEE REPORTS

### Business and Labor

**LEGISLATIVE BILL 1126.** Placed on General File as amended.  
 Standing Committee amendment to LB 1126:  
 AM2318

- 1 1. On page 5, line 7, strike "\$1,676.74" and insert
- 2 "\$1,676.71".

**LEGISLATIVE BILL 1158.** Indefinitely postponed.

(Signed) Douglas Cunningham, Chairperson

### Urban Affairs

**LEGISLATIVE BILL 1175.** Placed on General File as amended.  
 Standing Committee amendment to LB 1175:  
 AM2193

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

3 Section 1. Section 15-201.02, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 15-201.02 In addition to any other powers granted to it  
6 by law, a city of the primary class may enter into installment  
7 contracts for the purchase of real or personal property. Such  
8 contracts need not be restricted to a single year and may provide  
9 for the purchase of the property in installment payments to be paid  
10 over more than one fiscal year. This section shall be in addition  
11 to and notwithstanding the provisions of a home rule charter.

12 Sec. 2. Section 18-2147, Revised Statutes Cumulative  
13 Supplement, 2004, is amended to read:

14 18-2147 (1) Any redevelopment plan as originally approved  
15 or as later modified pursuant to section 18-2117, may contain a  
16 provision that any ad valorem tax levied upon real property in  
17 a redevelopment project for the benefit of any public body shall  
18 be divided, for a period not to exceed fifteen years after the  
19 effective date of such a provision by the governing body, as  
20 follows:

21 (a) That portion of the ad valorem tax which is produced  
22 by the levy at the rate fixed each year by or for each such public  
23 body upon the redevelopment project valuation shall be paid into  
1 the funds of each such public body in the same proportion as are  
2 all other taxes collected by or for the body;

3 (b) That portion of the ad valorem tax on real property  
4 in the redevelopment project in excess of such amount, if any,  
5 shall be allocated to and, when collected, paid into a special fund  
6 of the authority to be used solely to pay the principal of, the  
7 interest on, and any premiums due in connection with the bonds of,  
8 loans, notes, or advances of money to, or indebtedness incurred by,  
9 whether funded, refunded, assumed, or otherwise, such authority for  
10 financing or refinancing, in whole or in part, the redevelopment  
11 project. When such bonds, loans, notes, advances of money, or  
12 indebtedness, including interest and premiums due, have been paid,  
13 the authority shall so notify the county assessor and county  
14 treasurer and all ad valorem taxes upon taxable real property in  
15 such a redevelopment project shall be paid into the funds of the  
16 respective public bodies; and

17 (c) Any interest and penalties due for delinquent taxes  
18 shall be paid into the funds of each public body in the same  
19 proportion as are all other taxes collected by or for the public  
20 body.

21 (2) The governing body shall not implement any plan  
22 containing a provision dividing ad valorem taxes as provided in  
23 subsection (1) of this section until such time as the real property  
24 in the redevelopment project is within the corporate boundaries of  
25 the city.

26 (3) Notice of the provision dividing ad valorem taxes  
27 shall be sent in writing by the authority to the county assessor  
1 on or before August 1 of the year of the effective date of

2 the provision. Failure to satisfy the notice requirement of this  
 3 section shall result in the taxes for all taxable years affected by  
 4 the failure to give notice of the effective date of the provision  
 5 remaining undivided and being paid into the funds for each public  
 6 body receiving property taxes generated by the property in the  
 7 redevelopment project. However, the redevelopment project valuation  
 8 for the remaining division of ad valorem taxes in accordance with  
 9 subdivisions (1)(a) and (b) of this section shall be the last  
 10 certified valuation for the taxable year prior to the effective  
 11 date of the provision to divide the taxes for the remaining portion  
 12 of the fifteen-year period pursuant to subsection (1) of this  
 13 section.

14 Sec. 3. Section 18-2805, Revised Statutes Cumulative  
 15 Supplement, 2004, is amended to read:

16 18-2805 (1) At least thirty days prior to the start  
 17 of the fiscal year of each proprietary function, a proposed  
 18 proprietary budget statement shall be prepared in writing and filed  
 19 with the municipal clerk containing the following information:

20 (a) For the ~~immediate two prior fiscal years~~ immediately  
 21 preceding fiscal year, the revenue from all sources, the  
 22 unencumbered cash balance at the beginning and end of the year, the  
 23 amount received by taxation, and the amount of actual expenditure;

24 (b) For the current fiscal year, actual and estimated  
 25 revenue from all sources separately stated as to each such source,  
 26 the actual unencumbered cash balance available at the beginning of  
 27 the year, the amount received from taxation, and the amount of  
 1 actual and estimated expenditure, whichever is applicable;

2 (c) For the immediately ensuing fiscal year, an estimate  
 3 of revenue from all sources separately stated as to each such  
 4 source, the actual or estimated unencumbered cash balance,  
 5 whichever is applicable, to be available at the beginning of the  
 6 year, the amounts proposed to be expended during the fiscal year,  
 7 and the amount of cash reserve based on actual experience of prior  
 8 years; and

9 (d) A uniform summary of the proposed budget statement  
 10 which shall include a total of all funds maintained for the  
 11 proprietary function.

12 (2) Such statement shall contain the estimated cash  
 13 reserve for each fiscal year and shall note whether or not such  
 14 reserve is encumbered. The cash reserve projections shall be based  
 15 upon the actual experience of prior years.

16 (3) Each proprietary budget statement shall be filed on  
 17 forms prescribed and furnished by the Auditor of Public Accounts  
 18 following consultation with representatives of such governing  
 19 bodies as operate proprietary functions subject to the provisions  
 20 of the Municipal Proprietary Function Act.

21 Sec. 4. Section 19-4801, Revised Statutes Cumulative  
 22 Supplement, 2004, is amended to read:

23 ~~19-4801~~ (1) The chief or head official of the fire

24 department, fire inspectors as may be designated by such chief or  
 25 head official, or inspectors charged with the enforcement of fire,  
 26 health, or safety codes and constructional technical codes of a  
 27 city of the first class, city of the primary class, or city of the  
 1 metropolitan class shall have the authority, after being trained by  
 2 a certified law enforcement officer in the policies and procedures  
 3 for issuance of citations, to issue citations for violations  
 4 of fire, health, and safety codes and constructional technical  
 5 codes ~~(1)~~ (a) that constitute infractions or violations of city  
 6 ordinances, ~~(2)~~ (b) that are violations of the fire, health, or  
 7 safety code or constructional technical code that the official or  
 8 inspector issuing the citation is charged with enforcing, and ~~(3)~~  
 9 (c) in which the circumstances do not pose a danger to the official  
 10 or inspector.

11 (2) If a city of the second class or village has  
 12 adopted and is enforcing a fire, health, safety, or constructional  
 13 technical code, the chief or head official of the fire department,  
 14 fire inspectors designated by such chief or head official, or  
 15 such inspectors charged with the enforcement of the fire, health,  
 16 safety, or constructional technical code shall have the authority,  
 17 after being trained by a certified law enforcement officer in  
 18 the policies and procedures for issuance of citations, to issue  
 19 citations for violations of fire, health, safety, or constructional  
 20 technical codes (a) that constitute infractions or violations of  
 21 city or village ordinances, (b) that are violations of the fire,  
 22 health, safety, or constructional technical code that the official  
 23 or inspector issuing the citation is charged with enforcing, and  
 24 (c) where the circumstances do not pose a danger to the official  
 25 or inspector.

26 (3) A citation issued under this section shall be  
 27 equivalent to and have the same legal effect as a citation  
 1 issued in lieu of arrest or continued custody by a peace officer  
 2 if the citation and procedures utilized meet the requirements of  
 3 sections 29-422 to 29-429. The citation shall be on the same form  
 4 prescribed under section 29-423. Failure to appear or comply with  
 5 a citation issued under this section shall be punishable in the  
 6 same manner as provided in section 29-426. An official or inspector  
 7 issuing a citation under this section shall not have authority to  
 8 take a person into custody or detain a person under this section or  
 9 section 29-427.

10 Sec. 5. Section 29-424, Revised Statutes Cumulative  
 11 Supplement, 2004, is amended to read:

12 29-424 When a citation is used by a peace officer or  
 13 when a citation is used by an official or inspector pursuant to  
 14 section ~~19-4801.4~~ of this act, he or she shall enter thereon all  
 15 required information, including the name and address of the cited  
 16 person, the offense charged, and the time and place the person  
 17 cited is to appear in court. Unless the person cited requests an  
 18 earlier date, the time of appearance shall be at least three days

19 after the issuance of the citation. One copy of the citation shall  
 20 be delivered to the person cited, and a duplicate thereof shall  
 21 be signed by such person, giving his or her promise to appear at  
 22 the time and place stated therein. Such person thereupon shall be  
 23 released from custody. As soon as practicable, the copy signed by  
 24 the person cited shall be delivered to the prosecuting attorney.

25 At least twenty-four hours before the time set for the  
 26 appearance of the cited person, either the prosecuting attorney  
 27 or other person authorized by law to issue a complaint for the  
 1 particular offense shall issue and file a complaint charging such  
 2 person with an offense or such person shall be released from the  
 3 obligation to appear as specified. A person cited pursuant to  
 4 sections 29-422 to 29-429 may waive his or her right to trial. The  
 5 Supreme Court may prescribe uniform rules for such waivers.  
 6 Anyone may use a credit card authorized by the court in  
 7 which the person is cited as a means of payment of his or her fine  
 8 and costs.

9 Sec. 6. Section 31-741, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 31-741 ~~For the first eight years after the election of~~  
 12 ~~the initial board of trustees pursuant to section 31-735, all~~  
 13 All contracts for construction work to be done or materials or  
 14 equipment purchased, the expense of which is more than ~~ten~~ twenty  
 15 thousand dollars, and after such eight year period, all contracts  
 16 ~~for work to be done or materials or equipment purchased, the~~  
 17 ~~expense of which is more than fifteen thousand dollars,~~ shall be  
 18 let to the lowest responsible bidder, upon notice of not less than  
 19 twenty days, of the terms and conditions of the contract to be  
 20 let. The board of trustees or the administrator shall have power  
 21 to reject any and all bids and readvertise for the letting of  
 22 such work or to negotiate any contract after an unsuccessful public  
 23 letting.

24 Sec. 7. Section 35-1207, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 35-1207 (1) Any rural or suburban fire protection  
 27 district or mutual finance organization seeking funds pursuant  
 1 to the Mutual Finance Assistance Act shall submit an application  
 2 for funding to the State Treasurer by July 1, ~~or ten days after~~  
 3 ~~June 1, 1998, whichever is later.~~ The State Treasurer shall  
 4 develop the application which requires calculations showing assumed  
 5 population eligibility under section 35-1205 and the distribution  
 6 amount under section 35-1206. If the applicant is a mutual finance  
 7 organization, it shall attach to its first application a copy  
 8 of the agreement pursuant to section 35-1204 and attach to any  
 9 subsequent application a copy of an amended agreement or an  
 10 affidavit stating that the previously submitted agreement is still  
 11 accurate and effective. Any mutual finance organization making  
 12 application pursuant to this act shall provide the State Treasurer  
 13 with such additional financial information as he or she shall

14 require evidencing the manner in which funds under the control of  
 15 the organization have been distributed in the prior fiscal year or  
 16 will be distributed by the organization in future fiscal years and  
 17 that such funds have been and will be expended consistent with the  
 18 purposes of the act.

19 (2) The State Treasurer shall review all applications for  
 20 eligibility for funds under the act and approve any application  
 21 which is accurate and demonstrates that the applicant is eligible  
 22 for funds. On or before August 15, the State Treasurer shall notify  
 23 the applicant of approval or denial of the application and certify  
 24 the amount of funds for which an approved applicant is eligible.  
 25 The decision of the State Treasurer may be appealed as provided in  
 26 the Administrative Procedure Act.

27 (3) Funds shall be disbursed by the State Treasurer in  
 1 two payments which are as nearly equal as possible, to be paid on  
 2 or before November 1 and May 1. If the Mutual Finance Assistance  
 3 Fund is insufficient to make all payments to all applicants in  
 4 the amounts provided in section 35-1206, the State Treasurer shall  
 5 prorate payments to approved applicants. Funds remaining in the  
 6 Mutual Finance Assistance Fund on June 1 shall be transferred to  
 7 the General Fund before July 1.

8 Sec. 8. Original sections 15-201.02, 31-741, and  
 9 35-1207, Reissue Revised Statutes of Nebraska, and sections  
 10 18-2147, 18-2805, 19-4801, and 29-424, Revised Statutes Cumulative  
 11 Supplement, 2004, are repealed.

(Signed) Mike Friend, Chairperson

### **Agriculture**

**LEGISLATIVE BILL 1034.** Indefinitely postponed.

(Signed) Bob Kremer, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 856.** The Chambers pending amendment, FA449, found in this day's Journal, was renewed.

### **SENATOR CUDABACK PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Chambers	Howard	Johnson	Mines	Schimek
Cudaback	Janssen	Landis	Price	

Voting in the negative, 7:

Baker	Flood	Langemeier	Smith
Erdman	Foley	Louden	

Present and not voting, 27:

Aguilar	Combs	Heidemann	Pahls	Stuhr
Beutler	Cornett	Hudkins	Pedersen, Dw.	Synowiecki
Bourne	Cunningham	Jensen	Pederson, D.	Thompson
Brashear	Engel	Kremer	Raikes	
Burling	Fischer	Kruse	Redfield	
Byars	Friend	McDonald	Schrock	

Excused and not voting, 6:

Brown	Kopplin	Stuthman
Connealy	Preister	Wehrbein

The Chambers amendment lost with 9 ayes, 7 nays, 27 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment:

FA453

Amendment to AM2107

On page 9, line 7, after "means" insert: "a person in charge, as identified by rule and regulation of the Department of Agriculture, of organizing an exotic animal auction or swap meet event, and may include"

The Beutler amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

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

Advanced to E & R for review with 41 ayes, 0 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 856A.** 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.

**SELECT FILE**

**LEGISLATIVE BILL 478.** Senator Chambers renewed his pending amendment, FA448, found on page 672.

Pending.

**STANDING COMMITTEE REPORTS**  
**Education**

**LEGISLATIVE BILL 228.** Placed on General File as amended.  
Standing Committee amendment to LB 228:  
AM1988

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 79-211, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-211 The school term shall not be less than (1) one
- 6 thousand thirty-two instructional hours for elementary grades other
- 7 than kindergarten, (2) for kindergarten, (a) for school years prior
- 8 to school year 2009-10, the number of clock hours provided in
- 9 section 79-212 and (b) for school year 2009-10 and each school
- 10 year thereafter, one thousand thirty-two instructional hours, and
- 11 (2) (3) one thousand eighty instructional hours for high school
- 12 grades in any public school district or private, denominational, or
- 13 parochial school. If any district which receives twenty percent or
- 14 more of its total receipts for general fund purposes from federal
- 15 sources fails to actually receive receipts anticipated at the time
- 16 of the adoption of the school budget from taxes, state funds,
- 17 federal funds, tuition, or other sources, the school board or board
- 18 of education of such district may, at any time during the school
- 19 year, elect to close all or part of its schools.
- 20 Sec. 2. Section 79-212, Reissue Revised Statutes of
- 21 Nebraska, is amended to read:
- 22 79-212 ~~The~~ For school years prior to school year 2009-10,
- 23 the school board or board of education of any school district
- 1 offering a kindergarten program shall provide a program of at least
- 2 four hundred clock hours each school year.

**LEGISLATIVE BILL 830.** Placed on General File as amended.  
Standing Committee amendment to LB 830:  
AM2316

- 1 1. Strike original section 2.
- 2 2. On page 3, line 15, strike "December 10" and insert
- 3 "March 15"; in line 17 strike "to the Legislative Evaluation Task
- 4 Force"; and strike beginning with "task" in line 19 through line
- 5 22 and insert "Education Committee of the Legislature shall review

6 the report at a public hearing and report its findings to the  
 7 Legislature.".

**LEGISLATIVE BILL 881.** Placed on General File as amended.  
 Standing Committee amendment to LB 881:  
 AM2334

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 79-1110, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 79-1110 Sections 79-1110 to 79-1178 and section 3 of this  
 6 act shall be known and may be cited as the Special Education Act.  
 7 Sec. 2. Section 79-1142, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 79-1142 (1) Level I services refers to services provided  
 10 to children with disabilities who require an aggregate of not  
 11 more than three hours per week of special education services  
 12 and support services and includes all administrative, diagnostic,  
 13 consultative, and vocational-adjustment counselor services. Support  
 14 services means preventive services for children from birth to age  
 15 twenty-one years and, if the child's twenty-first birthday occurs  
 16 during the school year, until the end of that school year, not  
 17 identified or verified as having a disability pursuant to sections  
 18 79-1118.01 and 79-1138 but who demonstrate a need for specially  
 19 designed assistance in order to benefit from the school's general  
 20 education curriculum. The total allowable reimbursable cost for  
 21 support services shall not exceed a percentage, established by the  
 22 State Board of Education, of the school district's or approved  
 23 cooperative's total allowable reimbursable cost for all special  
 1 education programs and support services. The percentage established  
 2 by the State Board of Education for support services shall not  
 3 exceed ten percent.

4 (2)(a) For school fiscal years through school fiscal year  
 5 2005-06, for special education and support services provided in  
 6 each school fiscal year, the State Department of Education shall  
 7 reimburse each school district in the following school fiscal year  
 8 a pro rata amount determined by the department from appropriations  
 9 for special education approved by the Legislature and based on  
 10 allowable excess costs for all special education programs and  
 11 support services.

12 (2) (b) For school fiscal year 2006-07 and each  
 13 school fiscal year thereafter, for special education and support  
 14 services provided in each school fiscal year up to twenty-five  
 15 thousand dollars for each child with a disability, the State  
 16 Department of Education shall reimburse each school district in the  
 17 following school fiscal year a pro rata amount determined by the  
 18 department from appropriations for special education approved by  
 19 the Legislature and based on allowable excess costs for all special  
 20 education programs and support services up to twenty-five thousand

21 dollars for each child with a disability.

22 (3) Cooperatives of school districts or educational  
 23 service units shall also be eligible for reimbursement for  
 24 cooperative programs pursuant to this section if such cooperatives  
 25 or educational service units have complied with the reporting and  
 26 approval requirements of section 79-1155 for cooperative programs  
 27 which were offered the preceding year. The payments shall be made  
 1 by the department to the school district of residence, cooperative  
 2 of school districts, or educational service unit each year in a  
 3 minimum of seven payments between the fifth and twentieth day of  
 4 each month beginning in December. Additional payments may be made  
 5 based upon additional valid claims submitted. The State Treasurer  
 6 shall, between the fifth and twentieth day of each month, notify  
 7 the Director of Administrative Services of the amount of funds  
 8 available in the General Fund for payment purposes. The director  
 9 shall, upon receiving such certification, draw warrants against  
 10 funds appropriated.

11 Sec. 3. (1) For school fiscal year 2006-07 and each  
 12 school fiscal year thereafter, for any child with a disability  
 13 for whom the allowable excess costs for special education and  
 14 support services exceed twenty-five thousand dollars, the State  
 15 Department of Education shall reimburse the school district in  
 16 the following school fiscal year from funds appropriated to carry  
 17 out this section in an amount equal to eighty-five percent of  
 18 the difference of the allowable excess costs for special education  
 19 and support services for such child minus twenty-five thousand  
 20 dollars. The department shall establish application procedures  
 21 for reimbursements pursuant to this section which may include  
 22 requirements to notify the department in advance that a district  
 23 may be requesting reimbursements pursuant to this section.

24 (2) A cooperative of school districts or an educational  
 25 service unit shall also be eligible for reimbursement pursuant  
 26 to this section for cooperative programs if such cooperative of  
 27 school districts or educational service unit has complied with  
 1 the reporting and approval requirements of section 79-1155 for  
 2 cooperative programs which were offered the preceding year. The  
 3 payment shall be made pursuant to payment procedures established by  
 4 the department to the school district of residence, cooperative of  
 5 school districts, or educational service unit each year.

6 Sec. 4. Original sections 79-1110 and 79-1142, Reissue  
 7 Revised Statutes of Nebraska, are repealed.

(Signed) Ron Raikes, Chairperson

## ANNOUNCEMENTS

Senator Synowiecki designates LB 1086 as his priority bill.

Senator Erdman designates LB 821 as his priority bill.

Senator Brashear designates LB 1256 as his priority bill.

Senator Kremer designates LB 531 as his priority bill.

Senator Heidemann designates LB 960 as his priority bill.

Senator Bourne designates LB 1006 as his priority bill.

Senator Foley designates LB 65 as his priority bill.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Combs asked unanimous consent to add her name as cointroducer to LB 856. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were a group from Blair; and Senator Jensen's son, daughter-in-law, and grandchildren, Joel, Christa, Anna, Abby, Luke, and Kate Jensen, and Chris, Natalie, Brook, Ashley, Bradley, and Andrew Conrad from Omaha.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

### **ADJOURNMENT**

At 12:00 p.m., on a motion by Senator McDonald, the Legislature adjourned until 10:00 a.m., Tuesday, February 21, 2006.

Patrick J. O'Donnell  
Clerk of the Legislature

