

SEVENTY-SECOND DAY - MAY 1, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 1, 2007

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Mines, Pedersen, Schimek, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

**COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 144, 188, 208, 219, 289, and 471.

LEGISLATIVE BILL 603. Placed on Select File - ER8090.

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

LEGISLATIVE BILL 603A. Placed on Select File.

LEGISLATIVE BILL 373. Placed on Select File.

LEGISLATIVE BILL 226. Placed on Select File - ER8080.
ER8080

- 1 1. On page 1, strike lines 2 through 4 and insert
- 2 "sections 48-720, 48-722, 48-730, 48-731, and 48-736, Reissue
- 3 Revised Statutes of Nebraska; to change provisions relating
- 4 to boiler inspections; to authorize inspections by authorized

5 inspection agencies; to change a penalty; and to repeal the
6 original sections."

LEGISLATIVE BILL 195. Placed on Select File - ER8079.
ER8079

1 1. On page 1, line 1, after the semicolon insert "to
2 repeal provisions relating to the selection process; and".

LEGISLATIVE BILL 199. Placed on Select File - ER8089.
ER8089

1 1. Insert the following sections:

2 Sec. 3. Section 18-2422, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 18-2422 The directors shall file with the Secretary
5 of State a certificate signed by them setting forth (1) the
6 names of all the proposed participating municipalities, (2) the
7 name and residence of each of the directors so far as known
8 to them, (3) a certified copy of each of the ordinances or
9 resolutions of the participating municipalities determining the
10 need for such an agency, (4) a certified copy of the proceedings
11 of each municipality evidencing the director's right to office, and
12 (5) the name of the agency. The certificate shall be subscribed and
13 sworn to by such directors before an officer or officers authorized
14 by the laws of the state to administer and certify oaths.

15 Sec. 5. Section 18-2427, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 18-2427 Upon adoption of ordinances or resolutions in
18 accordance with section 18-2420, a petition shall be addressed to
19 the Nebraska Power Review Board stating that it is the intent
20 and purpose to create an agency pursuant to sections 18-2426
21 to 18-2434, subject to approval by the Nebraska Power Review
22 Board. The petition shall state the name of the proposed agency,
23 the names of the proposed participating municipalities, the name
1 and residence of each of the directors so far as known, a
2 certified copy of each of the ordinances or resolutions of the
3 participating municipalities determining the need for such an
4 agency, a certified copy of the proceedings of each municipality
5 evidencing the director's right to office, a general description
6 of the operation in which the agency intends to engage, and the
7 location and method of operation of the proposed plants and systems
8 of the agency.

9 2. On page 1, line 1; and on page 10, line 20, after the
10 first comma insert "18-2422,".

11 3. On page 1, line 3; and on page 10, line 21, after
12 "18-2410," insert "18-2427,".

13 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 396. Placed on Select File - ER8082.
ER8082

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

LEGISLATIVE BILL 5. Placed on Select File - ER8081.
ER8081

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 81-1346, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-1346 There is hereby established a program to be known
- 6 as the employee suggestion system to encourage the development of
- 7 ideas for improving the economy and efficiency of state government,
- 8 and to grant awards for ideas of proper merit and implement them
- 9 in the governmental process. The employee suggestion system shall
- 10 apply to all state personnel except those personnel listed in
- 11 subdivisions (l)(n), (o), and (s) of section 81-1316, any judge, or
- 12 any elected official.
- 13 Sec. 2. Section 81-1350, Reissue Revised Statutes of
- 14 Nebraska, is amended to read:
- 15 81-1350 Any award granted shall be the greater of
- 16 ~~twenty-five~~ one hundred dollars or ten percent of the amount
- 17 of savings referred to in section 81-1353 but not to exceed the
- 18 limitations provided for in section 81-1351.
- 19 Sec. 3. Section 81-1351, Reissue Revised Statutes of
- 20 Nebraska, is amended to read:
- 21 81-1351 Any award granted under the provisions of
- 22 sections 81-1346 to 81-1354 shall be limited to ~~five-six~~ thousand
- 23 dollars unless a larger award is recommended by resolution of the
- 1 Legislature.
- 2 Sec. 4. Original sections 81-1346, 81-1350, and 81-1351,
- 3 Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 256. Placed on Select File - ER8088.
ER8088

- 1 1. Insert the following new sections:
- 2 Sec. 13. Section 81-1108.43, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 81-1108.43 No state agency or department shall perform
- 5 for itself any of the services normally performed by a
- 6 professional engineer or architect in the preparation of plans and
- 7 specifications for the construction, reconstruction, or alteration
- 8 of any building or in the administration of the construction
- 9 documents and final approval of the project when the total project
- 10 cost is four hundred thousand dollars or more, and no state
- 11 agency shall employ its own work force for any such construction,
- 12 reconstruction, or alteration of capital facilities when the total
- 13 project cost is fifty thousand dollars or more. The Department of
- 14 Administrative Services shall adjust the dollar amounts in this
- 15 section every four years beginning January 1, 2002, to account for

16 inflationary and market changes. The adjustments shall be based
 17 on percentage changes in a construction cost index and any other
 18 published index relevant to operations and utilities costs, as
 19 selected by the department.

20 This section shall not apply to ~~section 83-134, to~~
 21 the Department of Roads; or to any public power district,
 22 public power and irrigation district, irrigation district, or
 23 metropolitan utilities district. If, during the program statement
 1 review provided for under section 81-1108.41, it is determined
 2 that existing or standard plans and specifications are available or
 3 required for the project, the division may authorize an exemption
 4 from this section. The Director of Administrative Services shall
 5 not issue any warrant in payment for any work on a capital
 6 construction project unless the state agency or department files
 7 a certificate that it has complied with the provisions of this
 8 section.

9 Sec. 14. Section 83-901, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 83-901 The purpose of sections 49-617, 68-621, 72-249,
 12 72-1302 to 72-1304, 81-101, 81-102, 81-1021, 83-101.08, 83-107.01,
 13 83-108, 83-108.04, 83-112, ~~83-134~~, 83-135, 83-139, 83-140, 83-144,
 14 83-145, 83-147 to 83-150, 83-153 to 83-156, 83-170 to 83-173,
 15 83-186, 83-188, 83-443, and 83-901 to 83-916 is to establish
 16 an agency of state government for the custody, study, care,
 17 discipline, training, and treatment of persons in the correctional
 18 and detention institutions and for the study, training, and
 19 treatment of persons under the supervision of other correctional
 20 services of the state so that they may be prepared for lawful
 21 community living. Correctional services shall be so diversified
 22 in program and personnel as to facilitate individualization of
 23 treatment.

24 2. On page 1, line 3, after the last comma insert
 25 "81-1108.43, 83-901,".

26 3. On page 8, line 25, after "settlements" insert an
 27 underscored comma.

1 4. On page 13, line 25, strike beginning with "as"
 2 through the last comma, show as stricken, and insert an underscored
 3 comma.

4 5. On page 16, line 17, before the first "and" insert
 5 "81-1108.43, 83-901,".

6 6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 388. Placed on Select File - ER8083.
 ER8083

1 1. On page 3, line 18, strike "term" and insert "terms".

2 2. On page 4, line 20, before "University" insert "the".

LEGISLATIVE BILL 147. Placed on Select File.

LEGISLATIVE BILL 504. Placed on Select File.

LEGISLATIVE BILL 364. Placed on Select File.

LEGISLATIVE BILL 481. Placed on Select File - ER8086.
ER8086

- 1 1. On page 1, strike beginning with "section" in line
- 2 1 through line 4 and insert "sections 71-101, 71-104.01, and
- 3 71-131, Revised Statutes Cumulative Supplement, 2006; to change
- 4 provisions relating to criminal background checks and certain
- 5 licensing examinations as prescribed; to harmonize provisions; to
- 6 repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 152. Placed on Select File.

LEGISLATIVE BILL 221. Placed on Select File.

LEGISLATIVE BILL 664. Placed on Select File.

LEGISLATIVE BILL 227. Placed on Select File - ER8084.
ER8084

- 1 1. On page 1, strike beginning with "create" in line 3
- 2 through line 5 and insert "define and redefine terms; to change
- 3 penalty provisions for abandoning or cruelly neglecting an animal;
- 4 and to repeal the original sections."

LEGISLATIVE BILL 132. Placed on Select File - ER8085.
ER8085

- 1 1. On page 1, line 2, strike "revocation of" and insert
- 2 "an application to set aside".

LEGISLATIVE BILL 561. Placed on Select File.

LEGISLATIVE BILL 252. Placed on Select File.

LEGISLATIVE BILL 69. Placed on Select File - ER8087.
ER8087

- 1 1. On page 1, line 2, strike "2-5417,".

LEGISLATIVE BILL 162. Placed on Select File.

LEGISLATIVE BILL 162A. Placed on Select File.

LEGISLATIVE BILL 277. Placed on Select File.

LEGISLATIVE BILL 469. Placed on Select File.

LEGISLATIVE BILL 445. Placed on Select File - ER8092.
ER8092

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 71-8601, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-8601 Sections 71-8601 to 71-8616 and sections 3 and 4
- 6 of this act shall be known and may be cited as the Commission for
- 7 the Blind and Visually Impaired Act.

8 Sec. 2. Section 71-8603, Revised Statutes Cumulative
 9 Supplement, 2006, is amended to read:
 10 71-8603 For purposes of the Commission for the Blind and
 11 Visually Impaired Act:

12 (1) Blind person means:

13 (a) A person having sight which is so defective as to
 14 seriously limit his or her ability to engage in the ordinary
 15 vocations and activities of life; or

16 (b) A person, to be eligible and licensed as a blind
 17 vending facility operator under section 71-8611:

18 (i) Having no greater than 20/200 central visual acuity
 19 in the better eye after correction; or

20 (ii) Having an equally disabling loss of the visual field
 21 in which the widest diameter of the visual field subtends an angle
 22 no greater than twenty degrees;

23 (2) Board means the governing board of the commission;

1 (3) Certified vocational rehabilitation counselor for the
 2 blind means a person who is certified to practice vocational
 3 rehabilitation counseling for blind persons and holds a certificate
 4 issued by the commission;

5 ~~(3)-(4)~~ Commission means the Commission for the Blind and
 6 Visually Impaired;

7 ~~(4)-(5)~~ Committee of Blind Vendors means the committee
 8 created pursuant to 20 U.S.C. 107b-1;

9 ~~(5)-(6)~~ State workforce investment board means the board
 10 authorized by the federal Workforce Investment ~~Partnership~~ Act of
 11 1998 and established in Nebraska;

12 ~~(6)-(7)~~ Vending facility means:

13 (a) Cafeterias, snackbars, cart services, shelters,
 14 counters, shelving, display and wall cases, refrigerating
 15 apparatus, and other appropriate auxiliary equipment necessary for
 16 the vending of articles approved by the office, agency, or person
 17 having control of the property on which the vending facility is
 18 located; and

19 (b) Manual or coin-operated vending machines or similar
 20 devices for vending articles approved by the office, agency, or
 21 person having control of the property on which the vending facility
 22 is located; ~~and~~

23 ~~(7)-(8)~~ Vending facility program means the program
 24 established and maintained pursuant to section 71-8611; ~~and~~ -

25 (9) Vocational rehabilitation counseling for the blind
 26 means the process implemented by a person who operates a
 27 comprehensive and coordinated program designed to assist blind
 1 persons to gain remunerative employment, to enlarge economic
 2 opportunities for blind persons, to increase the available
 3 occupational range and diversity for blind persons, and to
 4 stimulate other efforts that aid blind persons in becoming
 5 self-supporting.

6 Sec. 3. A certified vocational rehabilitation counselor

7 for the blind's duties shall include, but not be limited to, the
8 following:

9 (1) Assist blind persons, their families, groups of blind
10 persons, or employers of blind persons through the counseling
11 relationship to develop understanding, define blindness issues,
12 define goals, plan action, and elevate expectations toward
13 the capability of blind persons with the goal of full-time
14 or part-time employment when appropriate, consistent with each
15 individual's strengths, resources, priorities, concerns, abilities,
16 capabilities, interests, and informed choice;

17 (2) Be responsible for all decisions concerning
18 eligibility for services, the nature and scope of available
19 services, the provision of services, and the determination that
20 a recipient of such services has achieved an employment outcome
21 commensurate with his or her strengths, resources, priorities,
22 concerns, abilities, capabilities, interests, and informed choice;

23 (3) Administer the individualized plan for employment and
24 write the document prepared on forms provided by the commission
25 containing descriptions of a specific employment outcome, the
26 nature and scope of needed services and the entities to provide
27 them, the criteria to evaluate progress toward achievement of
1 employment outcome, and the responsibilities of the program and the
2 recipient of such services;

3 (4) Plan allocation and expenditure of program funds; and

4 (5) Complete referral activities which evaluate data to
5 identify which blind persons or groups of blind persons may be
6 served in conjunction with or by other counselors.

7 Sec. 4. (1) No person shall engage in vocational
8 rehabilitation counseling for the blind or hold himself or herself
9 out as a certified vocational rehabilitation counselor for the
10 blind in the state unless he or she is certified for such purpose
11 by the commission.

12 (2) A certified vocational rehabilitation counselor for
13 the blind is not a mental health practitioner.

14 (3) Except as otherwise provided in subsection (5) of
15 this section, a certified vocational rehabilitation counselor for
16 the blind shall have the following qualifications:

17 (a) A bachelor's degree from an appropriate educational
18 program approved by the executive director of the commission;

19 (b) Six hundred hours of intensive training under sleep
20 shades at the commission's orientation training center; and

21 (c) Completion of appropriate training as approved by the
22 executive director.

23 (4) Each certified vocational rehabilitation counselor
24 for the blind shall, in the period since his or her certificate was
25 issued or last renewed, complete continuing competency requirements
26 as set forth by the commission under the executive director's
27 approval.

1 (5) The commission may waive some or all of the

- 2 requirements of subsection (3) of this section for any person
 3 engaged in rehabilitation counseling for the blind on or before the
 4 effective date of this act.
 5 Sec. 5. Original section 71-8601, Reissue Revised
 6 Statutes of Nebraska, and section 71-8603, Revised Statutes
 7 Cumulative Supplement, 2006, are repealed.

LEGISLATIVE BILL 233. Placed on Select File.

LEGISLATIVE BILL 449. Placed on Select File.

LEGISLATIVE BILL 214. Placed on Select File.

LEGISLATIVE BILL 424. Placed on Select File.

LEGISLATIVE BILL 580. Placed on Select File - ER8093.

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

LEGISLATIVE BILL 508. Placed on Select File - ER8091.

ER8091

- 1 1. On page 1, strike lines 2 through 7 and insert
 2 "Revised Statutes of Nebraska, and section 24-707, Revised Statutes
 3 Cumulative Supplement, 2006; to change and eliminate provisions
 4 relating to the payment of death benefits under the Judges
 5 Retirement Act and the School Employees Retirement Act; to repeal
 6 the original sections; and to declare an emergency."

LEGISLATIVE BILL 8. Placed on Select File.

LEGISLATIVE BILL 382. Placed on Select File.

(Signed) Amanda McGill, Chairperson

AMENDMENT - Print in Journal

Senators McDonald and Lathrop filed the following amendment to LB 274:
 AM1139

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. (1) The Legislature finds it is necessary that
 4 a leak check be performed following an interruption of service of
 5 a liquefied petroleum gas vapor service system to ensure safe and
 6 proper operation. Further, the Legislature finds that a leak check
 7 must be performed by a qualified service technician.
 8 (2) It is the intent of the Legislature to create a
 9 mechanism that will educate users of liquefied petroleum gas of
 10 the requirements for a leak check when an interruption of service
 11 occurs.
 12 (3) For purposes of this section:
 13 (a) Interruption of service means the gas supply to a
 14 liquefied petroleum gas vapor service system is turned off;

15 (b) Leak check means an operation performed on a complete
16 liquefied petroleum gas piping system and the connection equipment
17 to verify that the liquefied petroleum gas vapor service system
18 does not leak;

19 (c) Liquefied petroleum gas provider means any person
20 or entity engaged in the business of supplying, handling,
21 transporting, or selling at retail liquefied petroleum gas in this
22 state; and

23 (d) Liquefied petroleum gas vapor service system means
1 an installation with a maximum operating pressure of one hundred
2 twenty-five pounds per square inch or less and includes, but is
3 not limited to, the container assembly, pressure regulator or
4 regulators, piping system, gas utilization equipment and components
5 thereof, and venting system in residential, commercial, or
6 institutional installations. Liquefied petroleum gas vapor service
7 system does not include:

8 (i) Portable liquefied petroleum gas appliances and
9 equipment of all types that are not connected to a fixed-fuel
10 piping system;

11 (ii) Farm appliances and equipment, including, but not
12 limited to, dryers and irrigation equipment;

13 (iii) Liquefied petroleum gas equipment for vaporization,
14 gas mixing, and gas manufacturing;

15 (iv) Liquefied petroleum gas piping for buildings under
16 construction or renovations that is not to become part of the
17 permanent building piping system, such as temporary fixed piping
18 for building heat; or

19 (v) Fuel gas system engines, including, but not limited
20 to tractors, mowers, trucks, and recreational vehicles.

21 (4) The liquefied petroleum gas provider shall affix a
22 container warning label on each tank supplying liquefied petroleum
23 gas to a liquefied petroleum gas vapor service system. The
24 container warning label shall be affixed near the tank shutoff.

25 (5) The container warning label required by subsection
26 (4) of this section shall include this warning:

27 WARNING: Do Not Open Container Shutoff Valve! If this
1 valve is turned off for any reason, the National Fuel Gas Code
2 (NFPA 54) requires a leak check of the system serviced by the
3 container at the time the valve is turned back on. The leak
4 check must be conducted by a qualified service technician. Do Not
5 Attempt To Open The Valve Yourself! Failure to follow this warning
6 may result in the ignition of leaking gas, causing serious and
7 potentially fatal injury, fire, or explosion.

8 The container warning label shall include the statutory
9 reference to this section.

10 (6) If the container warning label is affixed near the
11 tank shutoff as required by subsection (4) of this section and
12 the liquefied petroleum gas vapor service system is turned on
13 prior to a leak check by a qualified service technician approved

14 by the liquefied petroleum gas provider, the liquefied petroleum
 15 gas provider shall not be liable for any damage, injury, or
 16 death if the proximate cause of the damage, injury, or death was
 17 the negligence of a person or persons other than the liquefied
 18 petroleum gas provider.

19 Sec. 2. This act becomes operative on July 1, 2008.

SELECT FILE

LEGISLATIVE BILL 658. ER8064, printed separately and referred to on page 1077, was adopted.

Senator Dierks withdrew his amendment, AM826, found on page 974.

Senator Hudkins reoffered her amendment, AM724, printed separately and referred to on page 961 and considered on page 980.

Senator Hudkins withdrew her amendment.

Senator Engel renewed the Engel-Raikes amendment, AM1046, found on page 1324.

The Engel-Raikes amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Dierks offered the following amendment:
 AM1148

(Amendments to E & R amendments, ER8064)

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. On the effective date of this act, the Class
 4 I, II, III, IV, V, and VI school districts which were organized
 5 as such immediately before December 1, 2005, shall be reorganized
 6 according to the boundaries on file with the State Department of
 7 Education on November 30, 2005.
 8 Sec. 2. The school board or board of education of each
 9 school district reorganized pursuant to section 1 of this act shall
 10 consist of the persons who were elected at the two most recent
 11 elections which were held for that particular school board.
 12 Sec. 3. Within sixty days after the effective date of
 13 this act, each Class I district referred to in section 1 of this
 14 act shall call a special meeting of the board of education and
 15 the legal voters of each such Class I district for purposes of
 16 ascertaining whether such legal voters desire such Class I district
 17 to remain in existence. In the absence of an affirmative vote by
 18 fifty-five percent of the legal voters of such district who are in
 19 attendance and voting on the matter at such special meeting to the
 20 contrary, the Class I district shall be legally presumed to be in
 21 existence and duly constituted.

22 The special meeting referred to in this section shall
1 be called by posting notice in three public places within the
2 boundaries of the Class I district at least five days before the
3 meeting. The notice shall state the purpose of the meeting and
4 shall contain the agenda of the meeting.

5 Sec. 4. If, at the special meeting described in section
6 3 of this act the legal voters of the Class I district, by a
7 fifty-five percent majority vote of those present and voting, vote
8 to dissolve the district, the secretary of the Class I school
9 district school board shall forward to the State Committee for
10 the Reorganization of School Districts, within ten days after such
11 special meeting, a copy of the notice of the call of such special
12 meeting including the agenda items, the names of the persons moving
13 and seconding the issue of dissolution of the district, the number
14 of votes cast in favor of the motion, the number of votes cast
15 against the motion, the number of legal voters present and voting
16 at such meeting, and the number of legal voters present and not
17 voting, if any.

18 Sec. 5. For school fiscal years 2007-08 and 2008-09,
19 every Class I school district shall be entitled to a budget at
20 least equal to the budget it had for school fiscal year 2005-06.
21 Such budget may include cash reserves not to exceed forty-five
22 percent of the general fund budget. In addition to the general fund
23 budget referred to in this section, every school district shall
24 be entitled to exceed the levy limitations set forth in sections
25 77-3442 to 77-3444, without a vote of the people, for the purpose
26 of paying for any costs incurred as a result of the enactment of
27 Laws 2005, LB 126, and its subsequent repeal.

1 Sec. 6. Nothing in sections 1 to 5 of this act shall be
2 construed to prevent any such district from availing itself of any
3 other levy limit exemptions provided by law.

4 Sec. 7. Any school district or local system affected by
5 the enactment of Laws 2005, LB 126, and its subsequent repeal may,
6 in addition to the budget authority set forth in the Tax Equity
7 and Educational Opportunities Support Act, exceed the budget limits
8 contained in the act for school fiscal years 2007-08 and 2008-09
9 to pay for additional costs, expenses, salaries, transportation
10 equipment, excess staff, or any other cost or expense resulting
11 from the enactment of Laws 2005, LB 126, and its subsequent repeal.

12 Exceptions to levy limitations and budget limitations
13 described in this section and section 5 of this act shall
14 be identified to the appropriate county clerks, and the levy
15 identified by the affected school boards shall be levied.

16 Sec. 8. Section 32-1206, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 32-1206 ~~Any~~ Except as provided in section 3 of this act,
19 any election not otherwise provided for in sections 32-1203 to
20 32-1205 which is conducted by the election commissioner or county
21 clerk shall be paid for by the entity holding the election.

22 Sec. 9. Section 79-403, Revised Statutes Cumulative
23 Supplement, 2006, as affected by Referendum 2006, No. 422, is
24 amended to read:

25 79-403 (1) Except as provided in subsections (2) and (3)
26 of this section, no new school district shall be created unless
27 such district provides instruction in kindergarten through grade
1 twelve.

2 (2) A new Class VI school district may be created if:

3 (a) Such Class VI school district will include at least
4 two or more previously existing Class II or Class III school
5 districts, except that if a reorganization petition for formation
6 of a Class VI school district is initiated by a petition signed by
7 fifty-five percent of the legal voters of a Class II or III school
8 district, then such Class VI school district may include only one
9 Class II or III school district; and

10 (b) The enrollment of the new Class VI school district
11 is (i) at least one hundred twenty-five pupils if the district
12 offers instruction in grades nine through twelve, (ii) at least one
13 hundred seventy-five pupils if the district offers instruction in
14 grades seven through twelve, or (iii) at least two hundred students
15 if the district offers instruction in grades six through twelve,
16 except that if such district will have population density of less
17 than three persons per square mile, then the enrollment shall be
18 at least seventy-five students if the district offers instruction
19 in grades nine through twelve, at least one hundred students if
20 the district offers instruction in grades seven through twelve, or
21 at least one hundred twenty-five students if the district offers
22 instruction in grades six through twelve.

23 (3) One or more new Class I districts may be created
24 as provided in sections 1 to 7 of this act or as a part of a
25 reorganization petition pursuant to subsection (2) of this section.

26 Sec. 10. Section 79-415, Revised Statutes Cumulative
27 Supplement, 2006, as affected by Referendum 2006, No. 422, is
1 amended to read:

2 79-415 (1) In addition to the petitions of legal voters
3 pursuant to section 79-413 and the method provided in sections 1
4 to 7 of this act, changes in boundaries and the creation of a new
5 school district from other districts may be initiated and accepted
6 by the school board or board of education of any district that is
7 not a member of a learning community.

8 (2) In addition to the petitions of legal voters pursuant
9 to section 79-413, the affiliation of a Class I district or portion
10 thereof with one or more Class II, III, IV, or V districts may be
11 initiated and accepted by:

12 (a) The board of education of any Class II, III, IV, or V
13 district; and

14 (b) The school board of any Class I district in which is
15 located a city or incorporated village.

16 Sec. 11. Section 79-479, Revised Statutes Cumulative

17 Supplement, 2006, as affected by Referendum 2006, No. 422, is
18 amended to read:

19 79-479 (1)(a) Beginning January 1, 1992, any school
20 district boundaries changed by the means provided by Nebraska law,
21 but excluding the method provided by sections 79-407, ~~and~~ 79-473
22 to 79-475, or sections 1 to 7 of this act, shall be made only
23 upon an order issued by the State Committee for the Reorganization
24 of School Districts or county clerk. The state committee shall
25 not issue an order changing boundaries relating to affiliation of
26 school districts if twenty percent or more of any tract of land
27 under common ownership which is proposing to affiliate is not
1 contiguous to the high school district with which affiliation is
2 proposed unless (i) one or more resident students of the tract of
3 land under common ownership has attended the high school program of
4 the high school district within the immediately preceding ten-year
5 period or (ii) approval of the petition or plan would allow
6 siblings of such resident students to attend the same school as the
7 resident students attended.

8 (b) The order issued by the state committee shall be
9 certified to the county clerk of each county in which boundaries
10 are changed and shall also be certified to the State Department of
11 Education. Whenever the order changes the boundaries of a school
12 district due to the transfer of land, the county assessor, the
13 Property Tax Administrator, and the State Department of Education
14 shall be provided with the legal description and a map of the
15 parcel of land which is transferred. Such order shall be issued
16 no later than June 1 and shall have an effective date no later
17 than August 1 of the same year. For purposes of determining
18 school district counts pursuant to sections 79-524 and 79-578
19 and calculating state aid allocations pursuant to the Tax Equity
20 and Educational Opportunities Support Act, any change in school
21 district boundaries with an effective date between June 1 and
22 August 1 of any year shall be considered effective July 1 of such
23 year.

24 (2) Unless otherwise provided by sections 1 to 7 of
25 this act or other state law or by the terms of an affiliation
26 or reorganization plan or petition which is consistent with state
27 law, all assets, including budget authority as provided in sections
1 79-1023 to 79-1030, and liabilities, except bonded obligations, of
2 school districts merged, dissolved, or annexed shall be transferred
3 to the receiving district or districts on the basis of the
4 proportionate share of assessed valuation received at the time of
5 reorganization. When a Class II, III, IV, or V school district
6 becomes a Class I school district:

7 (a) Which becomes part of a Class VI district which
8 offers instruction in grades six through twelve, 37.9310 percent of
9 the Class II, III, IV, or V district's assets and liabilities shall
10 be transferred to the new Class I district and the remainder shall
11 be transferred to the Class VI district or districts of which the

12 Class I district becomes a part on the basis of the proportionate
13 share of assessed valuation each high school district received at
14 the time of such change in class of district;

15 (b) Which becomes part of a Class VI district which
16 offers instruction in grades seven through twelve, 44.8276 percent
17 of the Class II, III, IV, or V district's assets and liabilities
18 shall be transferred to the new Class I district and the remainder
19 shall be transferred to the Class VI district or districts of
20 which the Class I district becomes a part on the basis of the
21 proportionate share of assessed valuation each high school district
22 received at the time of such change in class of district; or

23 (c) Which is affiliated or becomes part of a Class VI
24 district which offers instruction in grades nine through twelve,
25 61.3793 percent of the Class II, III, IV, or V school district's
26 assets and liabilities shall be transferred to the new Class I
27 district and the remainder shall be transferred to the Class VI
1 district or districts of which the Class I district becomes a part
2 and to the high school district or districts with which the Class I
3 district is affiliated on the basis of the proportionate share of
4 assessed valuation each high school district received at the time
5 of such change in class of district.

6 Sec. 12. Any certificated employee, as defined in
7 subsection (1) of section 79-824, who as a result of the enactment
8 of Laws 2005, LB 126, became employed by a Class II, III, IV, V, or
9 VI school district and who was under an employment contract with a
10 Class I school district on June 14, 2006, shall be reassigned and
11 reallocated to the Class I district to which he or she was under
12 contract on such date and shall remain employed by the Class I
13 district under the terms and conditions of the employment contract
14 between such certificated employee and the Class II, III, IV, V, or
15 VI district at the time he or she is reassigned and reallocated to
16 the Class I district. Such employment contract shall remain in full
17 force and effect until nonrenewed, terminated, canceled, or amended
18 pursuant to sections 79-824 to 79-842 or other applicable law.

19 Sec. 13. Any cost in addition to the cost that would
20 have been incurred by any Class II, III, IV, V, or VI district
21 as a result of the enactment of Laws 2005, LB 126, relating to
22 the compensation such certificated employee may be accounted for in
23 the budget of the applicable Class II, III, IV, V, or VI district,
24 or the Class I district, as appropriate, and may constitute an
25 exemption to applicable allowable budget growth rate and applicable
26 levy limitations placed upon such districts. Such exceptions shall
27 be allowable for school fiscal years 2007-08 and 2008-09.

1 Sec. 14. Every Class I district shall have levy authority
2 and budget authority separate and distinct from the budget and levy
3 authority of its principal Class II, III, IV, V, or VI district
4 for purposes of reconciling any lost revenue and assets as a result
5 of the enactment of Laws 2005, LB 126, as well as any increased
6 liabilities resulting from its reestablishment under such sections.

7 Such budget and levy authority shall exist for school fiscal years
 8 2007-08 and 2008-09, after which the budget and levy authority of
 9 every Class I district shall be as provided by section 79-1027.

10 Sec. 15. For school fiscal years 2007-08 and 2008-09,
 11 every Class I district shall have the authority to borrow up to one
 12 hundred percent of its established budget for purposes of funding
 13 its budgets as established by section 14 of this act.

14 Sec. 16. For school fiscal years 2007-08 and 2008-09,
 15 every Class I school district shall have returned to it all the
 16 physical assets the Class I district possessed on June 14, 2006,
 17 by the school district in possession thereof on the effective date
 18 of this act, within ninety days after the effective date of this
 19 act, except that any Class I district which by a special vote of
 20 its legal voters has received authority to dispose of its building
 21 and physical assets as excess property may be dissolved by order of
 22 the State Committee for the Reorganization of School Districts upon
 23 the forwarding by such Class I district to the state committee of
 24 notice, agenda, minutes, and recorded vote relating to such vote to
 25 dispose of its buildings and physical assets.

26 For purposes of this section, physical assets means the
 27 schoolhouse, equipment, supplies, books, audio-visual equipment,
 1 computers, desks, furniture, and tangible property of any kind
 2 which belonged to the Class I district on June 14, 2006.

3 Sec. 17. The Revisor of Statutes shall assign sections 1
 4 to 7 of this act within Chapter 79.

5 Sec. 18. If any section in this act or any part of any
 6 section is declared invalid or unconstitutional, the declaration
 7 shall not affect the validity or constitutionality of the remaining
 8 portions.

9 Sec. 19. Original section 32-1206, Reissue Revised
 10 Statutes of Nebraska, and sections 79-403, 79-415, and 79-479,
 11 Revised Statutes Cumulative Supplement, 2006, as affected by
 12 Referendum 2006, No. 422, are repealed.

13 Sec. 20. Since an emergency exists, this act takes effect
 14 when passed and approved according to law.

Senator Dierks offered the following amendment to his amendment:
 AM1157

(Amendments to AM1148)

1 1. On page 8, line 16, after "district" insert ", except
 2 that the Class I district shall pay such certificated employee
 3 salary and benefits equal to or greater than the amount paid to
 4 teachers by the nearest school district which offers instruction in
 5 grades kindergarten through twelve".

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 81 and 82 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 81 and 82.

COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 573. Placed on General File - Com AM1088.
AM1088

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Sections 1 to 9 of this act shall be known and
4 may be cited as the Minor Alcoholic Liquor Liability Act.
5 Sec. 2. The purposes of the Minor Alcoholic Liquor
6 Liability Act are to prevent intoxication-related traumatic
7 injuries, deaths, and other damages and to establish a legal basis
8 for obtaining compensation for persons suffering damages as a
9 result of provision or service of alcoholic liquor to minors under
10 circumstances described in the act.
11 Sec. 3. For purposes of the Minor Alcoholic Liquor
12 Liability Act:
13 (1) Alcoholic liquor has the definition found in section
14 53-103;
15 (2) Intoxication means an impairment of a person's mental
16 or physical faculties as a result of his or her use of alcoholic
17 liquor so as to diminish the person's ability to think and act in
18 the manner of a reasonably prudent person in full possession of his
19 or her faculties using reasonable care under the same or similar
20 circumstances;
21 (3) Licensee means a person holding a license issued
22 under the Nebraska Liquor Control Act to sell alcoholic liquor at
23 retail;
1 (4) Minor has the definition found in section 53-103;
2 (5) Retailer means a licensee, any agent or employee of
3 the licensee, or any person who at the time of the events leading
4 to an action under the Minor Alcoholic Liquor Liability Act was
5 required to have a license issued under the Nebraska Liquor Control
6 Act in order to sell alcoholic liquor at retail;
7 (6) Service of alcoholic liquor means any sale, gift, or
8 other manner of conveying possession of alcoholic liquor; and
9 (7) Social host means a person who knowingly allows
10 consumption of alcoholic liquor in his or her home or on property
11 under his or her control by one or more minors. Social host
12 does not include (a) a parent providing alcoholic liquor to

13 only his or her minor child, and to no other minors, in
14 such parent's or his or her minor child's own home or (b)
15 a religious corporation, organization, association, or society,
16 and any authorized representative of such religious corporation,
17 organization, association, or society, dispensing alcoholic liquor
18 as part of any bona fide religious rite, ritual, or ceremony.

19 Sec. 4. Any person who sustains injury or property
20 damage, or the estate of any person killed, as a proximate result
21 of the negligence of an intoxicated minor shall have, in addition
22 to any other cause of action available in tort, a cause of action
23 against:

24 (1) A social host who allowed the minor to consume
25 alcoholic liquor in the social host's home or on property under his
26 or her control;

27 (2) Any person who procured alcoholic liquor for the
1 minor when such person knew or should have known that the minor was
2 a minor; or

3 (3) Any retailer who sold alcoholic liquor to the minor.
4 The absolute defenses found in section 53-180.07 shall be available
5 to a retailer in any cause of action brought under this section.

6 Sec. 5. It shall be a complete defense in any action
7 brought under the Minor Alcoholic Liquor Liability Act that the
8 intoxication did not contribute to the negligent conduct.

9 Sec. 6. No cause of action under the Minor Alcoholic
10 Liquor Liability Act shall be available to the intoxicated person,
11 his or her estate, or anyone whose claim is based upon injury to or
12 death of the intoxicated person.

13 Sec. 7. In an action under the Minor Alcoholic Liquor
14 Liability Act, damages may be awarded for all actual damages,
15 including damages for wrongful death, as in other tort actions.

16 Sec. 8. Notwithstanding any other provision of law, any
17 action under the Minor Alcoholic Liquor Liability Act shall be
18 brought within two years after the occurrence causing the injury,
19 property damage, or death.

20 Sec. 9. (1) A plaintiff's settlement and release of one
21 defendant in an action under the Minor Alcoholic Liquor Liability
22 Act does not bar claims against any other defendant.

23 (2) The amount paid to a plaintiff in consideration for
24 the settlement and release of a defendant in an action under the
25 act shall be offset against all other subsequent judgments awarded
26 to the plaintiff.

27 (3) The retailer, licensee, social host, person procuring
1 alcoholic liquor for a minor, and minor who are defendants in an
2 action brought under the act are jointly and severally liable in
3 such action as provided in section 25-21,185.10 for those who act
4 in concert to cause harm.

5 (4) In an action based on the act, the retailer,
6 licensee, social host, person procuring alcoholic liquor for a
7 minor, and minor shall have a right of contribution and not a right

8 of subrogation from one another.

9 Sec. 10. This act becomes operative on January 1, 2008.

(Signed) Brad Ashford, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 107A. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 107, One Hundredth Legislature, First Session, 2007.

RESOLUTION

LEGISLATIVE RESOLUTION 95. Introduced by Kopplin, 3.

WHEREAS, Justin Mark Williams of Troop 363, Gretna, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

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

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. Justin, for his Eagle Scout community service project, painted the exterior of the Gretna American Legion Post 216. Post 216 has chartered Troop 363 for 50 years; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Justin, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Justin Mark Williams on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Justin Mark Williams.

Laid over.

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB 368A:
AM1145

- 1 1. On page 2, line 1, strike "\$97,676" and insert
- 2 "\$66,369"; in line 2 strike "\$69,676" and insert "\$60,589"; and in
- 3 line 8 strike both occurrences of "\$21,320" and insert "\$15,990".

Senator Preister filed the following amendment to LB 343:
AM1147

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 7. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 1, line 5, strike "and" and before the period
- 5 insert "; and to declare an emergency".

VISITORS

Visitors to the Chamber were Class I supporters from across the state; 50 fourth-grade students and teachers from West Gate Elementary, Omaha; a group of constituents from Phelps County; 24 high school students from Cambridge; and 57 fourth-grade students and teachers from Trumble Park Elementary, Papillion.

RECESS

At 12:00 p.m., on a motion by Senator Erdman, 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 Senators Ashford, Dubas, Engel, and Friend who were excused until they arrive.

COMMITTEE REPORT
Education

The Education 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.

Ronald D. Hunter - Coordinating Commission for Postsecondary Education

VOTE: Aye: Senators Adams, Avery, Burling, Howard, Johnson, Kopplin,

and Raikes. Nay: None. Absent: Senator Ashford.

(Signed) Ron Raikes, Chairperson

SELECT FILE

LEGISLATIVE BILL 658. The Dierks amendment, AM1157, found in this day's Journal, to the Dierks amendment, AM1148, found in this day's Journal, was renewed.

SENATOR FRIEND PRESIDING

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

Senator Dierks requested a roll call vote on his amendment, AM1157.

Voting in the affirmative, 28:

Carlson	Flood	Hudkins	Louden	Pirsch
Christensen	Fulton	Karpisek	McDonald	Rogert
Dierks	Gay	Kopplin	McGill	Stuthman
Dubas	Hansen	Kruse	Nelson	White
Erdman	Harms	Langemeier	Pahls	
Fischer	Howard	Lathrop	Pankonin	

Voting in the negative, 10:

Adams	Avery	Nantkes	Raikes	Synowiecki
Aguiar	Engel	Pedersen	Schimek	Wallman

Present and not voting, 10:

Burling	Cornett	Heidemann	Johnson	Preister
Chambers	Friend	Janssen	Mines	Wightman

Excused and not voting, 1:

Ashford

The Dierks amendment was adopted with 28 ayes, 10 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Dierks amendment, AM1148, found in this day's Journal, as amended, was renewed.

Senator Dierks moved for a call of the house. The motion prevailed with 35

ayes, 0 nays, and 14 not voting.

Senator Dierks requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 18:

Carlson	Erdman	Hansen	Karpisek	Stuthman
Christensen	Fischer	Harms	Langemeier	White
Dierks	Fulton	Howard	Louden	
Dubas	Gay	Hudkins	Nelson	

Voting in the negative, 19:

Adams	Burling	Janssen	Mines	Rogert
Aguilar	Cornett	Johnson	Nantkes	Schimek
Ashford	Engel	Kruse	Pedersen	Synowiecki
Avery	Flood	McGill	Raikes	

Present and not voting, 12:

Chambers	Kopplin	Pahls	Preister
Friend	Lathrop	Pankonin	Wallman
Heidemann	McDonald	Pirsch	Wightman

The Dierks amendment, as amended, lost with 18 ayes, 19 nays, and 12 present and not voting.

The Chair declared the call raised.

Senator Raikes offered the following amendment:

AM1122

(Amendments to E & R amendments, ER8064)

- 1 1. Insert the following new sections:
- 2 Sec. 5. A school district may not sell or otherwise
- 3 dispose of a building that is included in a plan, petition, and
- 4 ballot issue pursuant to sections 1 to 4 of this act unless
- 5 the plan, petition, or election pursuant to such sections is not
- 6 successful.
- 7 Residents of a school district may submit a letter
- 8 stating an intent to file a plan pursuant to sections 1 to 4 of
- 9 this act signed by not less than three registered voters residing
- 10 in the school district. The letter of intent must specify any
- 11 building to be included in such a plan and delivered to the
- 12 affected school district on or before June 30, 2007. The affected
- 13 school district may not sell or otherwise dispose of a building
- 14 that is specified in the letter of intent for sixty days after
- 15 receipt of such letter.
- 16 Sec. 14. Section 79-234, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:

18 79-234 (1) An enrollment option program is hereby
 19 established to enable any kindergarten through twelfth grade
 20 Nebraska student to attend a school in a Nebraska public school
 21 district in which the student does not reside subject to the
 22 limitations prescribed in section 79-238. The option shall be
 1 available only once to each student prior to graduation unless (a)
 2 the student relocates in a different resident school district, (b)
 3 the option school district merges with another district, or (c) the
 4 option school district is a Class I district. The option student
 5 shall be given the option to attend school in another district at
 6 the time of relocation or merger, upon completion of the grades
 7 offered at the Class I district immediately preceding the merger if
 8 the original option school district was a Class I district that
 9 merged with another district, or upon completion of the grades
 10 offered at the Class I district if the option school district is a
 11 Class I district that has not merged with another district.

12 (2) The program shall not apply to (a) any student
 13 who resides in a Class I district which has not affiliated and
 14 which contracts or has contracted in either or both of the two
 15 prior school years with another district or districts in such
 16 student's grade level pursuant to section 79-598 or (b) any student
 17 who resides in a district which has entered into an annexation
 18 agreement pursuant to section 79-473, except that such student may
 19 transfer to another district which accepts option students.

20 2. On page 3, line 27, strike "If" through "or".

21 3. On page 4, strike lines 1 through 3; in line 6 after
 22 "the" insert "election commissioner or county clerk determines that
 23 the"; and in line 9 after "and" insert "the issue".

24 4. On page 5, line 13, strike "2" and insert "1".

25 5. On page 75, lines 18 and 19, strike "or portions of
 26 Class I districts" and show as stricken; and strike beginning with
 27 the period in line 21 through line 25, show as stricken, and insert
 1 an underscored semicolon.

2 6. On page 86, line 20, after "which" insert "(1)(a)";
 3 and in line 22 strike "and which" and insert "or (b) has an
 4 elementary attendance center offering grades kindergarten through
 5 six located in a separate incorporated city or village from any
 6 other elementary facilities in the district and (2)".

7 7. On page 104, line 14, strike beginning with "On" in
 8 line 14 through "the" in line 15, show the old matter as stricken,
 9 and insert "The"; in line 17 strike "for" through the period, show
 10 as stricken, and insert an underscored period; and strike beginning
 11 with line 20 through the period in line 23, show as stricken, and
 12 insert "the Class I district is affiliated.".

13 8. On page 109, line 12, after the period insert "The
 14 high school district may deny the request if the Class I district
 15 has fewer than three resident students enrolled in the current
 16 school year.".

The Raikes amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.

Pending.

COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 554. Placed on General File - Com AM1140.
(Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Brad Ashford, Chairperson

MESSAGE FROM THE GOVERNOR

May 1, 2007

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 701e and 701Ae were received in my office on April 26, 2007.

I signed these bills and delivered them to the Secretary of State on May 1, 2007.

Sincerely,
(Signed) Dave Heineman
Governor

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 646:
AM1142

(Amendments to Standing Committee amendments, AM752)

- 1 1. On page 15, line 27, reinstate the stricken matter.
- 2 2. On page 16, line 1, reinstate the stricken "than the",
- 3 after the stricken "Thursday" insert "second Monday", and reinstate
- 4 the stricken matter beginning with "before" through "meet".
- 5 3. On page 19, line 13, reinstate the stricken ", on
- 6 the", after the stricken "Thursday" insert "second Monday", and
- 7 reinstate the stricken "before the"; in lines 14 and 18 reinstate
- 8 the stricken matter; and in lines 18 through 22 strike the new
- 9 matter.
- 10 4. On page 22, line 19, after "clerk" insert ". No report

11 or tabulation of vote totals for such ballots shall be produced or
12 generated prior to one-half hour before the closing of the polls".

GENERAL FILE

LEGISLATIVE BILL 317. Title read. Considered.

Committee AM726, printed separately and referred to on page 1289, was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to E & R for review with 41 ayes, 0 nays, and 8 present and not voting.

LEGISLATIVE BILL 318. Title read. Considered.

Advanced to E & R for review with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 319. Title read. Considered.

Committee AM928, printed separately and referred to on page 1289, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 320. Title read. Considered.

Committee AM727, printed separately and referred to on page 1289, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 321. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM728, printed separately and referred to on page 1289, was considered.

Senator Howard offered the following amendment to the committee amendment:

AM1167

(Amendments to Standing Committee amendments, AM728)

- 1 1. On page 47, strike line 23 and insert "GENERAL FUND
- 2 100,774,440 102,975,262"; and strike line 26 and insert "PROGRAM
- 3 TOTAL 300,390,263 308,527,630".

Senator Howard withdrew her amendment.

The committee amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 35 ayes, 1 nay, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 322. Title read. Considered.

Committee AM1077, printed separately and referred to on page 1289, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 323. Title read. Considered.

Committee AM1090, found on page 1289, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 88. Title read. Considered.

Committee AM993, found on page 1306, was considered.

Senator Cornett offered the following amendment to the committee amendment:

AM1156

(Amendments to Standing Committee amendments, AM993)

- 1 1. On page 1, line 10, strike "Revenue" and insert
- 2 "Roads".

The Cornett amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 339. Title read. Considered.

Committee AM1125, found on page 1305, was considered.

SENATOR ERDMAN PRESIDING

The committee amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Friend filed the following amendment to LB 321:

AM1161

(Amendments to Standing Committee amendments, AM728)

- 1 1. On page 89, line 26, strike "\$25,000" and insert
- 2 "\$30,000".
- 3 2. On page 90, line 7, after "commissioners" insert "and
- 4 other meeting-related expenses".

Senator Synowiecki filed the following amendment to LB 508:

AM1144

(Amendments to Standing Committee amendments, AM968)

- 1 1. On page 2, strike beginning with "Except" in line 8
- 2 through "in" in line 9, show as stricken, and insert "In".

Senator Synowiecki filed the following amendment to LB 324A:

AM1154

- 1 1. Insert the following new section:
- 2 Sec. 3. There is hereby appropriated \$84,000 from the
- 3 State Patrol Retirement Act Expense Fund for FY2007-08 to the
- 4 Public Employees Retirement Board, for Program 41, to aid in
- 5 carrying out the provisions of Legislative Bill 324, One Hundredth
- 6 Legislature, First Session, 2007.
- 7 No expenditures for permanent and temporary salaries and
- 8 per diems for state employees shall be made from funds appropriated
- 9 in this section.
- 10 2. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 658. Senator Raikes offered the following amendment:

AM1150

(Amendments to E & R amendments, ER8064)

- 1 1. On page 1, line 15, strike "only territory which is
- 2 then"; in line 16 strike the third underscored comma and insert

- 3 an underscored period; and strike beginning with "and" in line 17
 4 through the underscored period in line 18.

The Raikes amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Raikes offered the following amendment:
 AM1120

(Amendments to E & R amendments, ER8064)

- 1 1. On page 86, lines 11 and 12, strike "in the standard
 2 cost grouping"; and in line 25 after "system" insert "in the
 3 standard cost grouping".
 4 2. On page 87, line 3, after the period insert "The
 5 remote elementary allowance for each local system in the sparse
 6 or very sparse cost grouping with at least one qualifying remote
 7 elementary attendance center shall equal the product of the formula
 8 students in grades kindergarten through six attributed to the
 9 qualifying remote elementary attendance centers in the local system
 10 multiplied by twenty-five percent of the statewide average general
 11 fund operating expenditures per formula student.".

The Raikes amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Hudkins offered the following amendment:
 FA91

Amend ER8064 Page seven strike Sec. (8)(1), consisting of lines 2 through 22.

The Hudkins amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Hudkins offered the following amendment:
 AM915

(Amendments to E & R amendments, ER8064)

- 1 1. Insert the following new sections:
 2 Sec. 9. Within one year after the effective date of this
 3 act, an individual or a group of individuals residing in a Class
 4 II, III, IV, or V school district may propose a plan to organize
 5 a Class I school district along the same boundaries as a Class I
 6 district which was dissolved pursuant to the requirements of Laws
 7 2005, LB 126, and subject to an affiliation agreement containing
 8 the same terms as the affiliation agreement to which such dissolved
 9 Class I district was subject immediately before such dissolution.
 10 Sec. 10. The plan described in section 9 of this act
 11 shall contain a legal description of the proposed Class I school
 12 district, a map of the proposed Class I district, a list of at
 13 least three resident students who will enroll in such Class I
 14 district as attested in writing by a parent or legal guardian of

15 such students, a facilities plan, a staffing plan, and an estimated
16 budget. If the facilities plan would require a capital facility
17 bond, the facilities plan shall include a proposal for a bond issue
18 to be voted upon concurrently with the plan. Both the vote for
19 organization of the Class I district and the vote for such bond
20 issue must be successful in order for the Class I district to be
21 organized. Such plan shall be filed with each affected Class II,
22 III, IV, or V school district.

1 Sec. 11. The individuals proposing to organize a Class I
2 school district pursuant to sections 9 and 10 of this act shall
3 file a notice of intent with all affected Class II, III, IV,
4 and V school districts. Upon receipt of such notice, such school
5 districts shall preserve all assets of the former Class I district
6 dissolved pursuant to Laws 2005, LB 126, that are identifiable,
7 including, but not limited to, buildings and improvements to real
8 property, personal property, and cash. Upon a successful vote
9 pursuant to section 12 of this act, each affected Class II, III,
10 IV, or V district shall transfer such preserved assets to the Class
11 I district.

12 Sec. 12. Within sixty days after the filing of a notice
13 of intent pursuant to section 11 of this act, the individuals
14 proposing to organize such Class I school district shall hold a
15 public meeting. Notice of the time and place of such public meeting
16 shall be posted in no fewer than three public places within the
17 proposed boundaries of the Class I district not less than seven
18 days before the date of the public meeting. The purpose of such
19 public meeting shall be to permit the registered voters of the
20 proposed Class I district to vote on the questions of organizing
21 the proposed district and any proposed bond issue required under
22 section 10 of this act. If a majority of those present and voting
23 on the questions vote to organize such Class I district and approve
24 any proposed bond issue required under such section, such Class I
25 district shall be organized.

26 Sec. 13. If a majority of those voting at the public
27 meeting described in section 12 of this act vote in favor of
1 organizing the Class I school district, the State Committee for the
2 Reorganization of School Districts shall issue an order pursuant to
3 this section within thirty days after such vote. The order shall:

4 (1) Designate an effective date of July 1 following the
5 date of such vote;

6 (2) Contain the description of the proposed boundaries of
7 such Class I district and all affected Class II, III, IV, and V
8 school districts;

9 (3) Affiliate the Class I district with the Class II,
10 III, IV, or V district or districts with which the territory of the
11 dissolved Class I district described in section 9 of this act was
12 affiliated prior to dissolution pursuant to Laws 2005, LB 126; and

13 (4) Appoint an initial school board of three residents of
14 the Class I district organized pursuant to sections 9 to 14 of this

15 act who shall begin serving immediately and who shall serve until
 16 the first annual meeting of such Class I district.

17 Sec. 14. A Class I school district created pursuant to
 18 sections 9 to 13 of this act shall have an absolute right to all
 19 assets and liabilities, including, but not limited to, the district
 20 number, of the Class I district dissolved pursuant to Laws 2005, LB
 21 126, the boundaries of which are the same as the Class I district
 22 created pursuant to such sections.

23 Sec. 15. The State Department of Education shall treat
 24 a Class I school district organized pursuant to sections 9 to 14
 25 of this act as the dissolved Class I district described in section
 26 9 of this act was treated prior to dissolution pursuant to Laws
 27 2005, LB 126, for purposes of state aid, budgeting, accreditation,
 1 enrollment of students, state programs, and reporting.

2 Sec. 16. The school board of a Class I school district
 3 organized pursuant to sections 9 to 14 of this act may vote to
 4 dissolve such Class I district by resolution of the board with
 5 an effective date stated in the resolution of either the first or
 6 the second July 1 following the adoption of the resolution. Such
 7 resolution shall be delivered to each Class II, III, IV, or V
 8 school district with which territory of the Class I district is
 9 affiliated and to the State Committee for the Reorganization of
 10 School Districts within ten days after its adoption by the school
 11 board of such Class I district. The state committee shall issue an
 12 order dissolving such Class I district and attaching the territory
 13 of such district to the Class II, III, IV, or V district with which
 14 such territory was affiliated. Such order shall have the effective
 15 date stated in the resolution adopted by the Class I school board
 16 pursuant to this section.

17 2. On page 1, lines 5, 13, and 22; page 2, lines 4 and
 18 5; page 3, line 22; page 4, lines 14, 16, and 25; page 5, lines 4,
 19 6, 9, 11, 14, 18, 21, 22, and 26; page 6, lines 20 and 21; page 7,
 20 lines 4, 5, 6, 8, 9, 12, 23, and 25; and page 8, lines 2 and 5,
 21 strike each occurrence of "I" and insert "E".

22 3. On page 14, line 10, after "district" insert "created
 23 pursuant to sections 9 to 16 of this act"; and in line 26 strike
 24 "and".

25 4. On page 15, line 9, strike the new matter and
 26 reinstate the stricken matter and after the reinstated "and" insert
 27 the following new subdivision:

1 "(6) Class E includes any school district created
 2 pursuant to sections 1 to 8 of this act that maintains only
 3 elementary grades under the direction of a single school board.".

4 5. On page 17, line 10, strike "8" and insert "16".

5 6. On page 106, line 6, after "1" insert "or 10".

6 7. On page 124, line 12, strike "8" and insert "16".

7 8. Renumber the remaining sections and correct internal
 8 references accordingly.

Senator Hudkins withdrew her amendment.

Senator Hudkins offered the following amendment:

FA92

Add the Emergency Clause

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

Senator Carlson offered the following amendment:

AM1168

(Amendments to E & R amendments, ER8064)

- 1 1. Insert the following new section:
- 2 Sec. 89. The State Department of Education shall
- 3 reimburse each Class II, III, or IV district into which one or
- 4 more Class I districts were merged on June 14, 2006, pursuant to
- 5 an order of the State Committee for the Reorganization of School
- 6 Districts, and whose full-time equivalent certificated employees
- 7 represented twenty percent or more of the full-time equivalent
- 8 certificated employees of the district into which they were
- 9 merged, for all expenses of the Class II, III, or IV district
- 10 incurred to integrate any certificated employees formerly employed
- 11 by such Class I district or districts into the salary schedule
- 12 and retirement and benefit programs of the Class II, III, or IV
- 13 district.
- 14 2. Renumber the remaining sections accordingly.

Senator Carlson moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The Carlson amendment lost with 11 ayes, 15 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Dierks requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 31 ayes, 11 nays, 2 present and not voting, and 5 excused and not voting.

VISITORS

Visitors to the Chamber were 48 fourth-grade students and teachers from Arbor Park Middle School, Blair; 42 fourth-grade students and adults from Wood River; and 50 sixth-grade students from Valentine.

The Doctor of the Day was Dr. Rebecca Rezaei from Elkhorn.

ADJOURNMENT

At 6:34 p.m., on a motion by Senator McGill, the Legislature adjourned until 9:00 a.m., Wednesday, May 2, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

