

**EIGHTY-FOURTH DAY - MAY 21, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****EIGHTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 21, 2007

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

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

The roll was called and all members were present except Senators Burling, Chambers, Fulton, Howard, Mines, Nantkes, Synowiecki, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-third day was approved.

**COMMITTEE REPORTS  
Health and Human Services**

The Health and Human Services 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.

Maureen Larsen - Commission for the Deaf and Hard of Hearing  
Raymond Meester - Commission for the Deaf and Hard of Hearing  
David Rutledge - Commission for the Deaf and Hard of Hearing

VOTE: Aye: Senators Johnson, Erdman, Hansen, Howard, Gay, Pankonin.  
Nay: None. Absent: Senator Stuthman.

The Health and Human Services 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.

Terri Nutzman - Office of Juvenile Services

VOTE: Aye: Senators Johnson, Erdman, Hansen, Howard, Gay, Pankonin.  
Nay: None. Absent: Senator Stuthman.

The Health and Human Services 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.

Vivianne M. Chaumont - Finance and Support for Health and Human Services System

VOTE: Aye: Senators Johnson, Erdman, Hansen, Howard, Gay, Pankonin.  
Nay: None. Absent: Senator Stuthman.

(Signed) Joel Johnson, Chairperson

### **MOTION - Approve Appointments**

Senator Cornett moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1653:

Boiler Safety Code Advisory Board  
Robert Hill  
Thomas Hix  
William Yates

Voting in the affirmative, 34:

Aguilar	Dubas	Hansen	Kruse	Pirsch
Ashford	Engel	Harms	Langemeier	Raikes
Avery	Erdman	Heidemann	Louden	Rogert
Carlson	Fischer	Janssen	McDonald	Schimek
Christensen	Flood	Johnson	McGill	Stuthman
Cornett	Friend	Karpisek	Pankonin	Wallman
Dierks	Gay	Kopplin	Pedersen	

Voting in the negative, 0.

Present and not voting, 7:

Adams	Lathrop	Pahls	Wightman
Hudkins	Nelson	Preister	

Excused and not voting, 8:

Burling	Fulton	Mines	Synowiecki
Chambers	Howard	Nantkes	White

The appointments were confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 551A.** Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 554A.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**ANNOUNCEMENT**

The Chair announced that Sunday, May 20th was Senator Kopplin's birthday.

**SPEAKER FLOOD PRESIDING****SELECT FILE**

**LEGISLATIVE BILL 641.** ER8111, found on page 1565, was adopted.

Senator Raikes renewed the Raikes et al. amendment, AM1386, printed separately and referred to on page 1695.

**SENATOR LANGEMEIER PRESIDING**

Senator Raikes offered the following amendment to the Raikes et al. amendment:

(Amendment, AM1398, is on file and available in the Clerk's Office, Room 2014.)

**SENATOR ERDMAN PRESIDING****SENATOR LANGEMEIER PRESIDING**

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

Senator Wightman moved for a call of the house. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Senator Wightman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 24:

Adams	Carlson	Karpisek	Nantkes	Stuthman
Aguilar	Christensen	Kruse	Pankonin	Synowiecki
Ashford	Cornett	Lathrop	Preister	White
Avery	Flood	McGill	Raikes	Wightman
Burling	Johnson	Mines	Rogert	

Voting in the negative, 23:

Chambers	Fischer	Heidemann	Langemeier	Pirsch
Dierks	Fulton	Howard	McDonald	Schimek
Dubas	Gay	Hudkins	Nelson	Wallman
Engel	Hansen	Janssen	Pahls	
Erdman	Harms	Kopplin	Pedersen	

Excused and not voting, 2:

Friend	Louden
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The motion to cease debate failed with 24 ayes, 23 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 213.** Introduced by Pirsch, 4.

WHEREAS, the State Boys' Soccer Tournament and season are strenuous physical competitions in which many teams compete but few prevail; and

WHEREAS, the Millard North High School Mustangs set state records for most wins and most shutouts in a soccer season; and

WHEREAS, the Mustangs qualified for and won the 2007 Class A State Boys' Soccer Tournament, thereby completing a perfect season; and

WHEREAS, Coach Bill Cunningham, Assistant Coaches Casey Lundgren and Kyle Jurgens, and team members Todd Adolf, Jacob Brown, Michael Bruening, Colin Burns, Kyle Deremer, Richard Dettmer, Connor Gorby, Bryan Hoie, Alec Hyvonen, Tyler Klingemann, Timothy Krueger, Logan Kuch, Mitchell Kuss, Christopher Marquiss, David Millard, Andrew Moore, Joshua Moran, Derek Prinz, Jared Ricchini, Wesley Tom, Zac Vaiskunas, and Matthew Wadleigh deserve special recognition for their outstanding teamwork; and

WHEREAS, the accomplishments of student athletes and their coaches should be recognized by the Legislature.

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

1. That the Legislature recognizes and congratulates the coaches and members of the 2007 Millard North High School Boys' Soccer team.

2. That a copy of this resolution be sent to the team.

Laid over.

### **EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 339, 578, 588, 674, and 305.

(Signed) Mark Christensen

### **COMMITTEE REPORT Enrollment and Review**

**LEGISLATIVE BILL 653.** Placed on Select File - ER8118.

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

(Signed) Amanda McGill, Chairperson

### **VISITORS**

Visitors to the Chamber were Senator Wallman's wife, Pat, from Cortland and daughter and granddaughter, Amy Wallman-Madden and Laynie Madden, from Des Moines, Iowa; 47 fourth-grade students from Mockingbird Elementary, Omaha; and 46 fourth-grade students and teachers from Paddock Lane Elementary, Beatrice.

### **RECESS**

At 11:59 a.m., on a motion by Senator Schimek, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senator Heidemann who was excused until he arrives.

### **COMMITTEE REPORTS Enrollment and Review**

**LEGISLATIVE BILL 551A.** Placed on Select File.

**LEGISLATIVE BILL 554A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORT**  
**Judiciary**

The Judiciary 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.

Lloyd Lee Kimzey Jr. - Community Corrections Council

VOTE: Aye: Senators Lathrop, Chambers, Schimek, Pedersen, McDonald, McGill, Pirsch. Nay: None. Absent: Senator Ashford.

(Signed) Brad Ashford, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 641.** The Raikes amendment, AM1398, on file and referred to in this day's Journal, to the Raikes et al. amendment, AM1386, was renewed.

Pending.

**MESSAGES FROM THE GOVERNOR**

May 21, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 88e, 274, 317e, 318e, 319e, 320e, 322e, 323e, 373, 629e, and 629Ae were received in my office on May 15, 2007.

I signed these bills and delivered them to the Secretary of State on May 21, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

May 21, 2007

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 321 with my signature and with line-item reductions. My vetoes of General Fund appropriations in LB 321 total \$23.6 million over the next two years.

I have also reduced the appropriation from the Department of Roads Highway Cash Fund by \$19.0 million in FY 2008-09 to eliminate a gas tax increase included in LB 321 by the Legislature. The price of gasoline is at an all-time high. Now is not the time to increase the gas tax. The corresponding FY 2008-09 cash fund appropriation for road construction has been reduced by \$18.5 million and \$500,000 for mass transit aid. During the 2006 legislative session, the Legislature already increased mass transit aid by \$1,500,000 in FY 2006-07, a 98.4% increase.

In my budget message to the Legislature on January 11, 2007, I asked for your serious consideration and enactment of legislation to reduce the tax burden on our citizens and to restrain the growth of government spending. I am very pleased with the passage and enactment of tax relief measure LB 367, and I appreciate the spending restraint that is evident in the mainline budget bill LB 321. We are in agreement on the vast majority of the appropriations contained in LB 321.

I have made some line-item reductions to help temper spending growth, eliminate the replacement of federal funds with State General Fund appropriations, and for other specific reasons cited within the balance of this letter. A summary list of individual vetoes is attached to this letter.

I want to point out some well-intended, but problematic intent language added to Section 19 of LB 321 for the Supreme Court's budget for Probation Community Corrections. As the Chief Justice noted in a letter to the Appropriations Committee on May 4, 2007, the language in Section 19 ". . . directly conflicts with the Fee for Service Voucher Program developed by the Office of Probation Administration and formally approved by both the Nebraska Supreme Court and the Community Corrections Council." Even though the language in Section 19 cannot be legally administered from a technical accounting standpoint, my concern is with the proposed redirecting of community corrections funds without any recommendation, discussion, or input from the Community Corrections Council. The language in Section 19 is opposed by the Chief Justice, State Probation Administration, the Community Corrections Office Executive Director, and the Chairman of the Community Corrections Council. I share their concern

and am opposed to the Legislature's intent. Nebraska has been recognized for its efforts with regard to Community Corrections because of the well-coordinated implementation of goals and objectives. This intent language conflicts with the Community Corrections Council's direction and approved plan for the delivery of treatment services for those individuals in the criminal justice system. The state has come a long way thanks to the collaboration among the three branches of government. The proposed language has the potential to jeopardize the significant progress made so far.

I have vetoed \$60,000 General Funds in FY 2007-08 and \$60,000 General Funds in FY 2008-09 from the Supreme Court that has been appropriated to establish a Prostitution Diversion Court. It is difficult to justify the allocation of scarce state resources for this purpose when there are many other worthy priorities in the state court system.

I have vetoed one-half of the additional funding provided to the Supreme Court and State Probation above the amount provided for salary increases for other state employees. This equates to vetoes of \$732,695 General Funds and \$667,267 Salary Limit in both FY 2007-08 and FY 2008-09. I encourage the Supreme Court to focus the remaining allocation of additional salary funds primarily to non-management workers in the county court system and state probation system.

I have vetoed \$200,000 General Funds in FY 2007-08 and \$200,000 General Funds in FY 2008-09 from the Attorney General's Office to offset similar budget increases of \$200,000 cash funds in FY 2007-08 and \$200,000 cash funds in FY 2008-09 that have been appropriated from the State Settlement Cash Fund. Overall, these cash fund increases and General Fund vetoes have no net impact on the agency budget, as the agency has been authorized to draw on excess cash fund balances.

I have vetoed excess funding of \$100,000 General Funds in FY 2007-08 and \$100,000 General Funds in FY 2008-09 from the Attorney General's Office for the newly created child autopsy reimbursement program that began on July 1, 2006. The program has recorded total expenditures of only \$2,960 for the first ten months. After my vetoes, the budget still leaves \$50,000 General Funds in FY 2007-08 and \$50,000 General Funds in FY 2008-09, which should be more than sufficient to cover the potential cost to the state.

I have vetoed \$48,887 of new Salary Limit added in FY 2007-08 and \$51,380 of new Salary Limit added in FY 2008-09 for the Attorney General's Office to hire an additional half-time attorney for school finance litigation. I believe any remaining work can be managed without adding personnel.

I have reduced the General Fund appropriation to the State Treasurer for the Long-Term Care Savings Plan Program by \$20,000 for each of FY 2007-08 and FY 2008-09. This removes the one-time funding originally put in place

for only the current fiscal year and recognizes the Legislature's intent when the program was created in 2006.

I have vetoed \$650,000 in General Funds and \$253,855 in Salary Limit from the Department of Education's operations program in both FY 2007-08 and FY 2008-09. Funding local schools is one of my top priorities and LB 321 increases TEEOSA aid to public schools by \$52.2 million in FY 2007-08 and \$131.2 million in FY 2008-09. Significant increases in school aid require us to constrain appropriations for other state operations, including those of the Department of Education. After my line-item reduction, the Department continues with a General Fund appropriation of \$9.8 million for operations.

I have also reduced the funding increase for special education aid from four to three percent annual growth in FY 2007-08 and FY 2008-09, reducing General Fund appropriations by \$1,742,802 in FY 2007-08 and \$3,607,599 in FY 2008-09. After my veto, special education aid will still increase \$5,228,405 in FY 2007-08 and \$10,613,664 in FY 2008-09, which is the same rate of growth provided in FY 2006-07.

I have vetoed \$500,000 General Funds in each of FY 2007-08 and FY 2008-09 in the Department of Revenue for increased state spending on the County Property Tax Relief Program. After my veto, \$1,500,000 in funding remains to help revive this previously defunded local government assistance program in each of the next two years.

I have vetoed \$59,050 General Funds and \$40,650 Salary Limit in FY 2007-08 and \$111,260 General Funds and \$81,310 Salary Limit in FY 2008-09 from the Department of Revenue. This veto reflects the operating expense savings resulting from the repeal of the contractor labor sales tax included in LB 367.

LB 321 contains General Fund provider rate increases totaling \$7,538,577 in FY 2007-08 and \$15,451,387 in FY 2008-09 within the Department of Health and Human Services above the amounts I recommended in January. I have vetoed \$3,616,652 General Funds in FY 2007-08 and \$7,415,076 in FY 2008-09, representing approximately one-half of the provider rate increases in excess of the amounts included in my original budget recommendations to the Legislature. This action has no impact on provider rates where the Legislature agreed with my January recommendations. The veto represents an attempt to meet the Legislature half-way in areas where the Legislature increased rates above my original recommendations.

I have vetoed \$100,000 General Funds in FY 2007-08 and FY 2008-09 for the nursing faculty loan program in the Department of Health and Human Services. This program was funded with a one-time appropriation of \$150,000 General Funds in FY 2006-07 only after the express statutory prohibition of using General Funds for the program was eliminated with the passage of LB 962 in 2006. I encourage efforts to generate cash funds

through grants and private donations in order to fund the program as envisioned when it was created by the passage of LB 146 in 2005.

I have vetoed \$100,000 General Funds in FY 2007-08 and \$372,523 General Funds in FY 2008-09 for Behavioral Health Aid in the Department of Health and Human Services. The funds are designated as aid to Region VI Behavioral Healthcare and earmarked by the Legislature to provide matching funds for a federal grant received by a specific private provider, Heartland Family Services. The earmark of General Fund appropriations for Heartland Family Services has been eliminated by my veto for both FY 2007-08 and FY 2008-09. My veto leaves \$126,044 General Funds in FY 2007-08 available as interim funding for the same purpose if decided by Region VI Behavioral Healthcare. I encourage the Legislature to refrain from earmarking appropriations directly to private providers.

I have vetoed \$290,000 General Funds in each of FY 2007-08 and FY 2008-09 for Community-Based Aging Services. The funds are earmarked to provide supplemental funding exclusively for the Eastern Nebraska Office on Aging (ENOA). I have vetoed this item to eliminate the preferential treatment in the distribution of funding for community-based aging services across the state. ENOA is encouraged to establish budget priorities and provide services, within available resources, as is the case for other area agencies on aging.

I have vetoed \$86,557 General Funds and \$66,500 Salary Limit for both FY 2007-08 and FY 2008-09 provided to the Coordinating Commission for Postsecondary Education for a new Data and Research Analyst position in Administration. The Commission currently has 15.2 full-time equivalent budgeted positions; 13 of these positions are in Administration. This is not the time to be adding positions in Administration. Thirteen positions are more than sufficient.

I have vetoed the \$250,000 increase in General Funds in FY 2007-08 and the \$500,000 increase in General Funds in FY 2008-09 provided to the Board of Regents of the University of Nebraska for the replacement of lost federal funds for the Area Health Education Centers (AHEC's). This replacement funding was not requested by the Regents. It first appeared before the Legislature in the form of LB 438, which was heard before the Appropriations Committee and was not recommended by the committee. This replacement funding and the program itself do not seem to be a priority of the Board of Regents or the Appropriations Committee. In addition, the program was started with federal funds. Based on materials obtained, it would appear that the funding provided in LB 321 would be only the starting point in the replacement of federal funds. Using FY 2006-07 as the base year, with funding of \$2.2 million for all five AHEC's, the projected total federal funds shortfalls appear to be as follows: FY 2007-08 \$443,367; FY 2008-09 \$838,367; FY 2009-10 \$953,367; FY 2010-11 \$1,303,367; FY 2011-12 \$1,556,867, for a cumulative total of \$5,095,335. The state cannot

afford to set a precedent for picking up lost federal funds of such a magnitude.

I have vetoed new funding increases added by the Legislature for the Equal Opportunity Commission, including \$75,000 General Funds in FY 2007-08 and \$150,000 General Funds in FY 2008-09. After my vetoes, a \$75,000 General Fund increase for FY 2007-08 remains to provide the agency time to prioritize its long-term resource allocations. The replacement of federal funds with expanded General Fund appropriations is difficult to support when other worthwhile programs are attempting to manage within existing state and federal resources.

I have vetoed \$36,318 General Funds in each of FY 2007-08 and FY 2008-09, along with \$31,578 Salary Limit in the next two fiscal years for increased staffing at the Foster Care Review Board. Ongoing efforts to reduce the number of children in foster care will reduce the need for additional staff.

LB 321 includes additional state funding for the Department of Economic Development not included in my budget recommendations: \$1,000,000 of Cash Reserve Funds in both FY 2007-08 and FY 2008-09 for increased funding to the Microenterprise Development Program and \$250,000 of Cash Reserve Funds in both FY 2007-08 and FY 2008-09 for increased funding to the Building Entrepreneurial Communities Act (BECA) Program. While I considered line-item reductions of these two items, I did not veto appropriations for FY 2007-08 and FY 2008-09, after taking into account the fact that these two items are one-time appropriations that will not be replenished or replaced in subsequent budget bienniums.

I have reduced funding for an additional staff position for the Investment Council that was not included in my recommendation. This equates to vetoes of \$97,000 cash funds and \$70,000 Salary Limit in FY 2007-08 and \$91,600 cash funds and \$70,000 Salary Limit in FY 2008-09 to the Council. The need and justification for this additional high level management position within an agency with a total staff of six is not apparent.

Finally, I have vetoed the transfers of \$6.0 million from the Tobacco Products Cash Fund to the General Fund in FY 2007-08 and FY 2008-09. I also have reduced the transfers from the Securities Act Cash Fund to the General Fund by \$4.0 million in FY 2007-08 and FY 2008-09. The veto of these transfers totals \$20.0 million. These vetoes reserve an amount equal to one-half of the additional \$40.0 million in tax receipts estimated for the 2007-2009 budget biennium by the Economic Forecasting Advisory Board at its April 2007 meeting. As noted in your publication "State of Nebraska Biennial Budget FY 2007-08 and FY 2008-09", dated April 2007, the revenue forecasts for FY 2009-10 and FY 2010-11 are ". . . significantly higher than preliminary, unofficial estimates prepared by the Nebraska Department of Revenue (NDR) and the Legislative Fiscal Office (LFO) using Global Insight forecasting information." I concur with this statement

and urge you to sustain my veto of these transfers as a further measure to reserve additional funds and restrain new spending.

My line-item reductions offer the opportunity for further savings and additional spending restraint—excellent hallmarks for the 2007-2009 biennial budget for the State of Nebraska.

I appreciate your hard work and urge you to sustain these reductions to LB 321.

Sincerely,  
(Signed) Dave Heineman  
Governor

Attachment

### SELECT FILE

**LEGISLATIVE BILL 641.** The Raikes amendment, AM1398, on file and referred to in this day's Journal, to the Raikes et al. amendment, AM1386, was renewed.

The Raikes amendment, AM1398, was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Pending.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 653A.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 653, One Hundredth Legislature, First Session, 2007.

### SELECT FILE

**LEGISLATIVE BILL 641.** Senator Avery offered the following amendment to the Raikes et al. amendment:

AM1401

(Amendments to AM1386)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 32-604, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 32-604 (1) Except as provided in subsection (2) or (4) of
- 5 this section, no person shall be precluded from being elected or
- 6 appointed to or holding an elective office for the reason that he

7 or she has been elected or appointed to or holds another elective  
8 office.

9 (2) No person serving as a member of the Legislature or  
10 in an elective office described in Article IV, section 1 or 20,  
11 or Article VII, section 3 or 10, of the Constitution of Nebraska  
12 shall simultaneously serve in any other elective office, except  
13 that such a person may simultaneously serve in another elective  
14 office which is filled at an election held in conjunction with the  
15 annual meeting of a public body.

16 (3) Whenever an incumbent serving as a member of the  
17 Legislature or in an elective office described in Article IV,  
18 section 1 or 20, or Article VII, section 3 or 10, of the  
19 Constitution of Nebraska assumes another elective office, except  
20 an elective office filled at an election held in conjunction with  
21 the annual meeting of a public body, the office first held by the  
22 incumbent shall be deemed vacant.

1 (4) No person serving in a high elective office shall  
2 simultaneously serve in any other high elective office, except that  
3 a county attorney may serve as the county attorney for more than  
4 one county if appointed under subsection (2) of section 23-1201.01.

5 (5) Notwithstanding subsections (2) through (4) of this  
6 section, any person holding more than one high elective office upon  
7 September 13, 1997, shall be entitled to serve the remainder of all  
8 terms for which he or she was elected or appointed.

9 (6) For purposes of this section, (a) elective office has  
10 the meaning found in section 32-109 and includes an office which is  
11 filled at an election held in conjunction with the annual meeting  
12 of a public body created by an act of the Legislature and (b)  
13 high elective office means a member of the Legislature, an elective  
14 office described in Article IV, section 1 or 20, or Article VII,  
15 section 3 or 10, of the Constitution of Nebraska, or a county,  
16 city, learning community, or school district elective office.

17 2. On page 5, line 4, strike "levies" and insert "the  
18 levy".

19 3. On page 72, line 5, after the stricken "of" insert  
20 "the first Thursday after the first Tuesday in January of the next  
21 odd-numbered year following".

22 4. On page 76, line 1, strike "report" and insert  
23 "analyze"; and in line 5 strike "pathway" and insert "pathways".

24 5. On page 81, line 3, strike "or program" and show as  
25 stricken.

26 6. On page 89, line 3, strike "region".

27 7. On page 92, line 8, after "members" insert ", with  
1 twelve members"; in line 9 after "districts" insert "and with six  
2 members appointed from such election districts pursuant to this  
3 section" and strike "up to"; in line 10 strike "two candidates"  
4 and insert "one candidate"; in line 11 strike "three" and insert  
5 "two"; in line 14 after "initial" insert "elected"; in line 20  
6 after "office" insert "for elected members"; in line 21 after "any"

7 insert "such" and strike "on the council"; and in line 22 before  
8 "members" insert "elected".

9 8. On page 93, after line 5, insert the following new  
10 paragraphs:

11 "The appointed members shall be appointed in November  
12 of each even-numbered year after the general election. Appointed  
13 members shall be school board members of school districts in the  
14 learning community either elected to take office the following  
15 January or continuing their current term of office for the  
16 following two years. For learning communities to be established  
17 the following January pursuant to orders issued pursuant to section  
18 79-2102, the Secretary of State shall hold a meeting of the school  
19 board members of the school districts in such learning community to  
20 appoint one member from such school boards to represent each of the  
21 election districts on the coordinating council of such learning  
22 community. For all other learning communities, the appointed  
23 members of the coordinating council shall hold a meeting of  
24 the school board members of such school districts to appoint one  
25 member from such school boards to represent each of the election  
26 districts on the coordinating council of the learning community.  
27 The appointed members shall be selected by the school board members  
1 of the school districts in the learning community pursuant to  
2 a secret ballot, shall reside in the election district to be  
3 represented, and shall be appointed for two-year terms and until  
4 their successors are appointed and qualified.

5 Vacancies in office for appointed members shall occur  
6 upon the resignation, death, or disqualification from office of  
7 an appointed member. Disqualification from office shall include  
8 ceasing membership on the school board for which membership  
9 qualified the member for the appointment to the learning community  
10 coordinating council or ceasing to reside in the election district  
11 represented by such member of the learning community coordinating  
12 council. Whenever such vacancy occurs, the remaining appointed  
13 members shall hold a meeting of the school board members of the  
14 school districts in such learning community to appoint a member  
15 from such school boards who lives in the election district to be  
16 represented to serve for the balance of the unexpired term."; in  
17 line 11 strike "subcouncils" and insert "subcouncil"; and in line  
18 17 strike "from" and insert "representing".

19 9. Amend the repealer, renumber the remaining sections,  
20 and correct internal references accordingly.

The Avery amendment was adopted with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

## **SPEAKER FLOOD PRESIDING**

Senators Cornett, Flood, Gay, and Raikes offered the following amendment to the Raikes et al. amendment:

AM1426

(Amendments to AM1386)

- 1 1. Insert the following new section:  
 2 Sec. 47. When property is annexed by a city of the first  
 3 class located in a county having a contiguous border of at least  
 4 five miles in the aggregate with a city of the metropolitan class,  
 5 such property shall be transferred to the school district of such  
 6 city of the first class within forty-five days after the effective  
 7 date of the annexation ordinance. The school district to which the  
 8 property is transferred shall pay to the school district from which  
 9 the property is transferred an amount equal to ten times the amount  
 10 of the ad valorem taxes attributable to such real property on the  
 11 date of transfer, based on the tax levy on such date of the school  
 12 district from which the property is transferred. Such payment may  
 13 be made in a lump sum or in increments over a period of ten years.  
 14 Any boundary agreements in place on the effective date of this act  
 15 between cities of the first class shall remain in full force and  
 16 effect on and after such date.  
 17 2. Renumber the remaining sections and correct internal  
 18 references accordingly.

**SPEAKER FLOOD PRESIDING****SENATOR AGUILAR PRESIDING**

Senator Cornett withdrew the Cornett et al. amendment.

Senator Raikes offered the following amendment to the Raikes et al. amendment:

AM1400

(Amendments to AM1386)

- 1 1. Strike section 23.  
 2 2. On page 40, line 14, reinstate the stricken "and"; in  
 3 line 15 strike ", and student growth adjustment"; in line 19 after  
 4 the comma insert "and; and in line 20 strike ", and student growth  
 5 correction".  
 6 3. Renumber the remaining sections and correct internal  
 7 references accordingly.

Senator Raikes moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Raikes requested a roll call vote on his amendment, AM1400.

Voting in the affirmative, 25:

Adams	Dierks	Friend	Howard	Nantkes
Ashford	Engel	Fulton	Janssen	Raikes
Carlson	Erdman	Hansen	Johnson	Rogert
Chambers	Fischer	Harms	Kruse	Synowiecki
Christensen	Flood	Heidemann	Mines	White

Voting in the negative, 8:

Aguilar	Gay	Kopplin	Pankonin
Burling	Karpisek	Pahls	Schimek

Present and not voting, 15:

Avery	Hudkins	Louden	Nelson	Stuthman
Cornett	Langemeier	McDonald	Pirsch	Wallman
Dubas	Lathrop	McGill	Preister	Wightman

Excused and not voting, 1:

Pedersen

The Raikes amendment was adopted with 25 ayes, 8 nays, 15 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Raikes offered the following amendment to the Raikes et al. amendment:

AM1419

(Amendments to AM1386)

- 1 1. On page 24, line 4; and page 40, line 12, strike
- 2 "learning community allowance".
- 3 2. On page 43, lines 25 and 26, strike "learning
- 4 community allowance and"; and in line 27 strike "learning".
- 5 3. On page 44, strike beginning with "community" in line
- 6 1 through "The" in line 3.

The Raikes amendment, AM1419, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Pending.

**MESSAGE FROM THE GOVERNOR**

May 21, 2007

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 198 without my signature and with my objections.

Our state currently regulates the use of automatic dialing-announcing devices ["ADAD"] by placing reasonable restrictions on all callers who use these devices for all commercial purposes. LB 198, however, proposes to add two additional restrictions whenever any person uses these devices for messages of a political nature, including calls made relating to a candidate or to a ballot question. In addition to restrictions on all existing ADAD calls, those of a political nature would have to include a statement of whether or not the message is authorized by a candidate and would be limited to no more than two such messages to any one residential telephone line per day.

I believe that enacting separate, additional restrictions upon political speech in the manner proposed by LB 198 is constitutionally suspect. Courts have clearly upheld restrictions on the use of automatic devices that have been imposed by states when those restrictions uniformly apply to all types of calls or callers, even when the restrictions apply to political speech. However, in the *Van Bergen v. State of Minnesota*, 53 F.3d 1541 (8<sup>th</sup> Cir. 1995) decision, the Eighth Circuit Court of Appeals upheld a state statute that included political calls within the category of automatic dialing device restrictions only because the court found that the political calls were regulated in the same manner as all other automatic device calls. Under LB 198, political calls are regulated in a manner that is different than all other automated device calls.

I support the intent of protecting the privacy of Nebraskans in their homes. I firmly believe, however, that we must proceed with caution when limiting protected speech. As noted in the Attorney General's opinion, it appears LB 198 could be structured in a constitutional manner if the limitations proposed in the bill were to apply equally to all pre-recorded messages. I would support legislation that would limit these types of calls so long as the restrictions were made applicable equally to all automatic device calls. I encourage the Legislature to sustain this veto and to enact a properly structured bill early in the 2008 session that would apply to the upcoming election cycle.

For these reasons, I respectfully urge you to sustain my veto of LB 198.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

### SELECT FILE

**LEGISLATIVE BILL 641.** Senator Ashford offered the following amendment to the Raikes et al. amendment:

AM1413

(Amendments to AM1386)

- 1 1. On page 89, strike beginning with "student" in line 5
- 2 through line 7 and insert "elementary-age child who resides in the
- 3 learning community or any family with an elementary-age child who
- 4 resides in the learning community.".

### SENATOR LANGEMEIER PRESIDING

The Ashford amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Senator Schimek offered the following amendment to the Raikes et al. amendment:

AM1404

(Amendments to AM1386)

- 1 1. On page 72, strike beginning with "A" in line 17
- 2 through line 27 and show the old matter as stricken.
- 3 2. On page 73, strike lines 1 through 8 and show the
- 4 older matter as stricken.
- 5 3. On page 75, strike beginning with "and" in line 10
- 6 through "communities" in line 12.

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

The Schimek amendment lost with 10 ayes, 26 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following amendment to the Raikes et al. amendment:

FA117

Amend AM1386 1. On page 77, lines 14-17 strike the new matter. 2. Strike Section 43.

The Erdman amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Senator Erdman offered the following amendment to the Raikes et al.

amendment:

FA118

Amend AM1386 On page 88 line 23 strike beginning with "not" through "(b)" in line 24.

### SENATOR AGUILAR PRESIDING

The Erdman amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Senator Erdman offered the following amendment to the Raikes et al. amendment:

FA120

Amend AM1386 1. On page 68, line 12 strike "may" and insert "shall". 2. On page 68, line 13 strike "social workers,"

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

The Erdman amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator White offered the following amendment to the Raikes et al. amendment:

AM1433

(Amendments to AM1386)

- 1 1. On page 87, line 21, after "such" insert
- 2 "noncertificated" and after "and" insert "noncertificated".
- 3 2. On page 89, line 7, after the period insert "Services
- 4 to be provided by the elementary learning center shall comply with
- 5 all applicable state regulations for such services, including, but
- 6 not limited to, regulations requiring certification of teachers,
- 7 safety provisions, and compliance with state standards.".

The White amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senator Raikes offered the following amendment to the Raikes et al. amendment:

AM1424

(Amendments to AM1386)

- 1 1. Strike section 38 and insert the following new
- 2 sections:
- 3 Sec. 37. The election commissioners of the applicable
- 4 counties, pursuant to certification of the establishment of a
- 5 learning community pursuant to section 79-2102, shall divide
- 6 the territory of the new learning community into six numbered

7 districts for the purpose of electing members to the learning  
 8 community coordinating council in compliance with section 32-553.  
 9 Such districts shall be compact and contiguous and substantially  
 10 equal in population. The newly established election districts shall  
 11 be certified to the Secretary of State on or before November 1  
 12 immediately following such certification. The newly established  
 13 election districts shall apply beginning with the election of  
 14 the first council members for such learning community. Following  
 15 the drawing of initial election districts pursuant to this  
 16 section, additional redistricting thereafter shall be undertaken  
 17 by the learning community coordinating council according to section  
 18 32-553.

19 Sec. 38. The Commissioner of Education or his or her  
 20 designee shall convene a meeting of the newly elected council  
 21 during the month of January following the election. At such  
 22 meeting, the council shall elect officers and shall begin taking  
 1 the necessary steps to begin operating as a learning community. The  
 2 commissioner or his or her designee shall schedule and host such  
 3 meeting and shall serve as a facilitator at such meeting.

4 2. On page 71, line 26, strike "(1)" and show as  
 5 stricken.

6 3. On page 72, line 3, strike "Secretary of State", show  
 7 as stricken, and insert "Commissioner of Education"; in line 4  
 8 strike "an", show as stricken, and insert "the"; and in line 19  
 9 strike "(a)" and insert "(1)".

10 4. On page 73, line 4, strike "(b) the" and insert "(2)  
 11 all"; in line 6 strike "Secretary of State", show as stricken,  
 12 and insert "Commissioner of Education"; in line 15 strike the  
 13 paragraphing; and strike lines 15 through 23 and show the old  
 14 matter as stricken.

15 5. In the Raikes amendment, AM1398:

16 a. Strike amendments 8 and 9;

17 b. On page 7, line 8; and page 15, line 8, strike "shall"  
 18 and insert "may".

19 c. On page 10, line 18, after "plans" insert "and limited  
 20 English proficiency plans";

21 d. On page 12, line 26, reinstate the stricken "March  
 22 15"; and

23 e. On page 20, line 12, strike "such certification".

24 6. In the Avery amendment, AM1401:

25 a. On page 3, line 22, strike "all other learning  
 26 communities, the" and insert "subsequent appointments, the  
 27 current"; and

1 b. On page 4, line 1, after "community" insert "who  
 2 reside in the election district to be represented".

3 7. Renumber the remaining sections and correct internal  
 4 references accordingly.

The Raikes amendment, AM1424, was adopted with 25 ayes, 2 nays, 19

present and not voting, and 3 excused and not voting.

The Raikes et al. amendment, AM1386, printed separately and referred to on page 1695 and considered in this day's Journal, as amended, was renewed.

The Raikes et al. amendment, as amended, was adopted with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Senator Kopplin renewed his amendment, AM1251, found on page 1499.

## **SPEAKER FLOOD PRESIDING**

### **SENATOR LANGEMEIER PRESIDING**

Senator Raikes requested a ruling of the Chair on whether the Kopplin amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Kopplin amendment is substantially the same as LB 91, which was indefinitely postponed by the Education Committee, and would therefore, require 30 votes.

The Kopplin amendment lost with 9 ayes, 15 nays, 22 present and not voting, and 3 excused and not voting.

Senator Kopplin withdrew his amendments, AM1247 and AM1293, found on pages 1499 and 1500.

Senator Schimek withdrew her amendment, AM1292, found on page 1500.

Senator Cornett withdrew the Cornett-Gay amendment, AM1284, found on page 1500.

Senator Erdman withdrew his amendment, AM1298, found on page 1501.

Senator Cornett withdrew the Cornett et al. amendment, AM1348, found on page 1627.

Senator Gay withdrew his amendment, AM1316, found on page 1653.

Senator Cornett withdrew the Cornett et al. amendment, AM1384, found on page 1694.

Senator Heidemann offered the following amendment:  
FA124

Amend AM1386 On page 74, line 27, after "communities" insert "It is the intent of the Legislature to appropriate for each fiscal year up to an amount equal to five hundred thousand dollars for each learning community to be

established in such fiscal year plus one million dollars for each learning community that will be in the first full fiscal year for such learning community in such fiscal year plus the amount appropriated in the prior year for all other learning communities increased by the basic allowable growth rate described in section 79-1025."

The Heidemann amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Senator Erdman offered the following amendment:

FA123

Amend AM1386 On page 72, line 17 beginning with "A" through "Students" on page 73, line 5, strike the new matter and reinstate the stricken matter.

Senator Erdman moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Erdman amendment was adopted with 25 ayes, 9 nays, 14 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Gay offered the following amendment:

FA125

Amend AM1386 On page seven, line 10 strike "five" and insert "two."

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

Senator Gay requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Christensen	Fulton	Howard	Louden	Stuthman
Cornett	Gay	Hudkins	Pahls	
Erdman	Hansen	Karpisek	Pankonin	
Friend	Harms	Kopplin	Pirsch	

Voting in the negative, 20:

Adams	Burling	Janssen	McGill	Rogert
Aguilar	Carlson	Johnson	Mines	Schimek
Ashford	Chambers	Kruse	Nantkes	Synowiecki
Avery	Flood	Lathrop	Raikes	White

Present and not voting, 10:

Dierks	Engel	Heidemann	McDonald	Preister
Dubas	Fischer	Langemeier	Nelson	Wightman

Excused and not voting, 2:

Pedersen      Wallman

The Gay amendment lost with 17 ayes, 20 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 214.** Introduced by Chambers, 11.

WHEREAS, no one benefits from a wrongful conviction except the actual perpetrator of crime, who eludes justice; and

WHEREAS, convicting the guilty and protecting the innocent are two fundamental goals of the constitutional criminal justice system; and

WHEREAS, postconviction DNA testing, on April 23, 2007, proved the innocence of the 200th wrongfully convicted person; and

WHEREAS, the examination of convictions proved erroneous by DNA evidence enables us to learn what aspects of the criminal justice process lead to wrongful convictions in all criminal cases; and

WHEREAS, recognizing and understanding the causes of wrongful convictions enables us to identify means of improving the accuracy and reliability of criminal investigations and strengthening criminal prosecutions, and thus minimize the possibility of misdirected criminal investigations and wrongful convictions; and

WHEREAS, such a process of examination, communication, and remediation by criminal justice system leaders can help ensure both the fair administration of justice and the public's faith and confidence in the criminal justice system; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators endorses the creation of state entities to prevent the conviction of persons charged with criminal acts they did not commit; and

WHEREAS, the American Bar Association has urged federal, state, and territorial governments to identify and remedy the causes of wrongful conviction.

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

1. That the Legislature expresses support of all efforts to learn from DNA exonerations to increase the accuracy and reliability of criminal investigations, strengthen prosecutions, protect the innocent, and enhance public safety.

Laid over.

### AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB 573:  
AM1397

(Amendments to Standing Committee amendments, AM1088)

- 1 1. On page 2, line 3, after "licensee" insert "acting
- 2 within the scope and course of his or her employment"; and strike
- 3 beginning with "in" in line 13 through "home" in line 14.
- 4 2. On page 3, line 1, after the first "minor" insert "
- 5 other than with the permission and in the company of the minor's
- 6 parent or guardian"; and in line 18 strike "two" and insert
- 7 "four".

Senator Friend filed the following amendment to LB 142:  
AM1431

(Amendments to E & R amendments, ER8116)

- 1 1. Strike section 2.
- 2 2. On page 3, line 18, strike "Suggests" and insert
- 3 "Offers".
- 4 3. Renumber the remaining sections and correct the
- 5 repealer and internal references accordingly.

### MOTION - Print in Journal

Senator Erdman filed the following motion to LB 475:  
Indefinitely postpone LB 475.

### AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB 475:  
AM1410

- 1 1. Insert the following new section:
- 2 Sec. 37. Section 49-801, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 49-801 Unless the context is shown to intend otherwise,
- 5 words and phrases in the statutes of Nebraska hereafter enacted are
- 6 used in the following sense:
- 7 (1) Acquire when used in connection with a grant of
- 8 power or property right to any person ~~shall include~~ includes the
- 9 purchase, grant, gift, devise, bequest, and obtaining by eminent
- 10 domain;
- 11 (2) Action ~~shall include~~ includes any proceeding in any
- 12 court of this state;
- 13 (3) Attorney ~~shall mean~~ means attorney at law;
- 14 (4) Company ~~shall include~~ includes any corporation,
- 15 partnership, limited liability company, joint-stock company, joint
- 16 venture, or association;

- 17 (5) Domestic when applied to corporations ~~shall mean~~  
 18 means all those created by authority of this state;
- 19 (6) Federal ~~shall refer~~ refers to the United States;
- 20 (7) Foreign when applied to corporations ~~shall include~~  
 21 includes all those created by authority other than that of this  
 22 state;
- 23 (8) Grantee ~~shall include~~ includes every person to whom  
 1 any estate or interest passes in or by any conveyance;
- 2 (9) Grantor ~~shall include~~ includes every person from or  
 3 by whom any estate or interest passes in or by any conveyance;
- 4 (10) Inhabitant ~~shall be construed to mean~~ means a  
 5 resident in the particular locality in reference to which that word  
 6 is used;
- 7 (11) Land or real estate ~~shall include~~ includes lands,  
 8 tenements, and hereditaments and all rights thereto and interest  
 9 therein other than a chattel interest;
- 10 (12) Magistrate ~~shall include~~ includes judge of the  
 11 county court and clerk magistrate;
- 12 (13) Month ~~shall mean~~ means calendar month;
- 13 (14) Oath ~~shall include~~ includes affirmation in all cases  
 14 in which an affirmation may be substituted for an oath;
- 15 (15) Peace officer ~~shall include~~ includes sheriffs,  
 16 coroners, jailers, marshals, police officers, state highway patrol  
 17 officers, members of the National Guard on active service by  
 18 direction of the Governor during periods of emergency, and all  
 19 other persons with similar authority to make arrests;
- 20 (16) Person ~~shall include~~ includes bodies politic  
 21 and corporate, societies, communities, the public generally,  
 22 individuals, partnerships, limited liability companies, joint-stock  
 23 companies, and associations;
- 24 (17) Personal estate ~~shall include~~ includes money, goods,  
 25 chattels, claims, and evidences of debt;
- 26 (18) Process ~~shall mean~~ means a summons, subpoena, or  
 27 notice to appear issued out of a court in the course of judicial  
 1 proceedings;
- 2 (19) Sexual orientation means having a preference  
 3 for heterosexuality or homosexuality, having a history of such  
 4 preference, or being identified with such a preference. Sexual  
 5 orientation does not include a physical or sexual attraction to a  
 6 minor by an adult;
- 7 ~~(19)-(20)~~ State when applied to different states of the  
 8 United States ~~shall be~~ is construed to extend to and include  
 9 the District of Columbia and the several territories organized by  
 10 Congress;
- 11 ~~(20)-(21)~~ Sworn ~~shall include~~ includes affirmed in all  
 12 cases in which an affirmation may be substituted for an oath;
- 13 ~~(21)-(22)~~ The United States ~~shall include~~ includes  
 14 territories, outlying possessions, and the District of Columbia;

- 15 ~~(22)~~(23) Violate ~~shall include~~ includes failure to  
 16 comply with;  
 17 ~~(23)~~(24) Writ ~~shall signify~~ signifies an order or  
 18 citation in writing issued in the name of the state out of a court  
 19 or by a judicial officer; and  
 20 ~~(24)~~(25) Year ~~shall mean~~ means calendar year.  
 21 2. On page 63, line 9, after the first comma insert  
 22 "49-801,".  
 23 3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB 475:

AM1412

- 1 1. Strike original sections 1, 3, 4, 5, 9, 12, 18, 20,  
 2 22, 24, 26, 28, 30, 31, 33, 36, 37, and 40.  
 3 2. On page 32, lines 15 and 16; page 39, line 2; page 40,  
 4 lines 23 and 24; page 41, lines 21 and 22; page 43, lines 5 and 6;  
 5 page 47, lines 14 and 15; and page 59, lines 7 and 8 and 16 and 17,  
 6 strike the new matter and reinstate the stricken matter.  
 7 3. Renumber the remaining sections and correct the  
 8 repealer section accordingly.

### SELECT FILE

**LEGISLATIVE BILL 641.** Senator Erdman offered the following amendment:

FA127

Amend AM1386 On page 72, line 17 strike beginning with "A" through "districts" on line 22 and insert: "A learning community may also be established at the request of at least two school boards, if such school districts"

Senator Erdman withdrew his amendment.

Advanced to E & R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 641A.** Title read. Considered.

Senator Raikes offered the following amendment:

AM1435

- 1 1. Strike the original sections and insert the following  
 2 new section:  
 3 Section 1. There is hereby appropriated \$500,000 from the  
 4 General Fund for FY2008-09 to the State Department of Education,  
 5 for Program 158, to aid in carrying out the provisions of  
 6 Legislative Bill 641, One Hundredth Legislature, First Session,  
 7 2007.

- 8 There is included in the amount shown \$500,000 General  
9 Funds in FY2008-09 for aid to learning communities.

The Raikes amendment was adopted with 32 ayes, 2 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 35 ayes, 2 nays, 10 present and not voting, and 2 excused and not voting.

### **VISITORS**

Visitors to the Chamber were 50 fourth-grade students and teachers from Black Elk Elementary, Omaha; and 46 fourth-grade students and teachers from West Side Elementary, Norfolk.

The Doctor of the Day was Dr. Adam Brosz from Omaha.

### **ADJOURNMENT**

At 9:19 p.m., on a motion by Senator Friend, the Legislature adjourned until 9:00 a.m., Tuesday, May 22, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

