

**SIXTY-FIRST DAY - APRIL 15, 2009**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FIRST LEGISLATURE**  
**FIRST SESSION**  
**SIXTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
 Wednesday, April 15, 2009

**PRAYER**

The prayer was offered by Reverend Timothy Schmidt, Evangelical Free Church, Firth.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Cook and Cornett who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixtieth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 436.** Placed on Select File with amendment.  
 ER8062

- 1 1. In the Standing Committee amendments, AM708:
- 2 a. On page 1, line 22, after "end-use" insert
- 3 "electricity";
- 4 b. On page 3, line 3, after "solar" insert "resources";
- 5 c. On page 5, line 13, strike beginning with "At" through
- 6 "any" and insert "Any"; and in lines 14 and 15 strike "of that
- 7 period" and insert "at the end of each annualized period";
- 8 d. On page 6, lines 1, 5, and 9, strike "this section"
- 9 and insert "sections 1 to 5 of this act"; and
- 10 e. On page 7, line 2, strike "it" and insert "its
- 11 qualified facility".
- 12 2. On page 1, line 1, strike "public power districts" and
- 13 insert "electricity"; and in line 4 strike "electric suppliers" and
- 14 insert "local distribution utilities".

**LEGISLATIVE BILL 188.** Placed on Select File with amendment.  
ER8063

- 1 1. On page 1, line 2, after the fourth comma insert
- 2 "81-2017,"; in line 10 after the semicolon insert "to change
- 3 contribution provisions relating to the Nebraska State Patrol
- 4 Retirement Act;" and in line 13 strike "and" and insert "to provide
- 5 an operative date;".
- 6 2. On page 2, line 1, after "sections" insert "; and to
- 7 declare an emergency".
- 8 3. On page 8, line 17; page 15, line 14; page 16, line
- 9 23; page 30, line 3; and page 37, line 1, strike the second comma.
- 10 4. On page 14, line 23; page 36, line 9; and page 38,
- 11 line 13, strike the comma.
- 12 5. On page 23, line 9; and page 39, line 25, strike "and
- 13 section 11 of this act".
- 14 6. On page 40, line 7, strike "11" and insert "12".
- 15 7. On page 41, line 24, after the second comma insert
- 16 "81-2017,".

**LEGISLATIVE BILL 56.** Placed on Select File.

**LEGISLATIVE BILL 497.** Placed on Select File with amendment.  
ER8064

- 1 1. In the Council amendment, AM1015:
- 2 a. On page 1, line 1, after "sections" insert "and all
- 3 amendments thereto"; and
- 4 b. On page 18, line 5, strike the first "of" and insert
- 5 "for".
- 6 2. On page 1, line 3, after "sections" insert
- 7 "60-498.02," and after the last comma insert "60-6,197.02,"; in
- 8 line 4 after "60-6,197.03," insert "60-6,197.06,"; and in line
- 9 6 after the semicolon insert "to provide for the payment of
- 10 installation, removal, or maintenance costs of such devices for
- 11 certain persons as prescribed; to change provisions relating to
- 12 operating a motor vehicle under a revoked license;".

(Signed) Jeremy Nordquist, Chairperson

### **AMENDMENT - Print in Journal**

Senator Flood filed the following amendment to LB158:  
AM1006

(Amendments to Final Reading copy)

- 1 1. On page 9, lines 14 and 23; and page 10, lines 6
- 2 and 12, after the period insert "This section does not apply to
- 3 any municipality or county accredited through the Commission on
- 4 Accreditation for Law Enforcement Agencies.".
- 5 2. On page 9, line 11, strike "employer" and insert
- 6 "municipality or county"; strike beginning with "employing" in line

7 15 through "any" in line 16; and in lines 19 and 21 strike "agency  
 8 or unit" and insert "municipality or county".  
 9 3. On page 10, line 11, strike "8" and insert "7"; and  
 10 strike beginning with "demotion" in line 16 through "pay" in line  
 11 17 and insert "suspension with or without pay, or demotion".

### GENERAL FILE

**LEGISLATIVE BILL 35A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 463A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 160.** Title read. Considered.

Committee AM735, found on page 775, was considered.

Senator Price renewed his amendment, AM1043, found on page 1020, to the committee amendment.

Senator Price withdrew his amendment.

Senator Rogert offered the following amendment to the committee amendment:

AM1005

(Amendments to Standing Committee amendments, AM735)

1 1. On page 1, line 20, strike "subsection" and insert  
 2 "subsections".  
 3 2. On page 2, after the period insert the following new  
 4 paragraph:  
 5 "(4) Proceeds of bonds issued pursuant to section 1 of  
 6 this act shall not be used to fund any project in any city or  
 7 county (a) located within a watershed in which is located a city  
 8 of the metropolitan class and (b) which is party to an agreement  
 9 under the Interlocal Cooperation Act, unless such city or county  
 10 has adopted a storm water management plan approved by the board of  
 11 directors of the natural resources district encompassing a city of  
 12 the metropolitan class.".

The Rogert amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 86.** Introduced by Howard, 9.

WHEREAS, an estimated 160,000 children in the United States miss school each day as a result of being bullied; and

WHEREAS, bullying is an unfortunate reality in Nebraska schools; and

WHEREAS, on any given day, in schools and playgrounds across Nebraska, children are being victimized by their peers. They are subjected to everything from teasing, social rejection, and physical fights to text messaging and cyber-tormenting; and

WHEREAS, bullying causes deep psychological pain, and children who are bullied often experience low self-esteem, depression, more frequent school absences, poor academic achievement, and increased school dropout rates; and

WHEREAS, children who engage in bullying behavior often go on to engage in more destructive, antisocial behaviors as teens and adults; and

WHEREAS, it takes a community to prevent bullying of children; and

WHEREAS, National Bullying Prevention Awareness Week encourages communities nationwide to work together to increase awareness of the prevalence and impact of bullying on all children.

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

1. That the week of October 4th through the 10th, 2009, be designated as Nebraska School Bullying Awareness Week, with the intention that the issue of bullying and its prevention be discussed in Nebraska during that time.

2. That a copy of this resolution be sent to the State Department of Education.

Laid over.

## COMMITTEE REPORT

Executive Board

**LEGISLATIVE BILL 653.** Placed on General File with amendment.  
AM1071

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

3 Section 1. The Legislature finds and declares that:

4 (1) State government has significant challenges to face.

5 An ever-changing global economy, an aging population, out-migration  
6 of educated young people, and constantly expanding needs for

7 services, among other issues, require that the Legislature

8 consider the long-term trends and factors affecting the welfare of

9 Nebraskans and the long-term implications of the decisions made by  
10 the members of the Legislature;

11 (2) It is necessary for the Legislature to identify  
12 emerging trends, assets, and challenges of the state;

13 (3) It is vital for Nebraska to have continuity in  
14 policy;

15 (4) It is necessary to establish a process of long-term  
16 state planning within the Legislature; and

17 (5) It is the duty of the Legislature to assess the  
18 long-range needs of Nebraska and to adopt legislation which meets  
19 those needs.

20 Sec. 2. The Legislature's Planning Committee is hereby  
21 established as a special legislative committee to exercise the  
22 authority and perform the duties provided for in this section. The  
23 committee shall be comprised of the Speaker of the Legislature, the  
1 chairperson of the Executive Board of the Legislative Council, the  
2 chairperson of the Appropriations Committee of the Legislature, and  
3 six other members of the Legislature to be chosen by the Executive  
4 Board of the Legislative Council. The executive board shall  
5 ensure that the Legislature's Planning Committee includes adequate  
6 geographic representation. The chairperson and vice-chairperson of  
7 the committee shall be elected by majority vote of the committee.  
8 The committee shall be subject to all rules prescribed by the  
9 Legislature. The committee shall be appointed at the beginning of  
10 each regular legislative session and shall meet as needed. The  
11 committee shall have staff support from the various legislative  
12 divisions and staff.

13 Sec. 3. The Legislature's Planning Committee shall:

14 (1) Collect and analyze data about Nebraska, including,  
15 but not limited to, demographics, workforce, education, wages,  
16 wealth, tax structure, revenue, natural resources, assets,  
17 challenges, trends, and growth and efficiency of government;

18 (2) Identify long-term issues significant to the state;

19 (3) Set goals and benchmarks;

20 (4) Issue a yearly report of its findings; and

21 (5) Propose legislation.

22 Sec. 4. In order to fulfill its duties, the Legislature's  
23 Planning Committee may:

24 (1) Hold public hearings;

25 (2) Obtain data and information from state agencies and  
26 private entities that contract with the state;

27 (3) Contract for assistance, including consultants, with  
1 the approval of the Executive Board of the Legislative Council; and

2 (4) Exercise any other authority or powers as granted  
3 from time to time by the executive board.

(Signed) John Wightman, Chairperson

**AMENDMENT - Print in Journal**

Senator Pankonin filed the following amendment to LB188:  
AM1063

- 1 1. Strike original sections 2 and 10 and insert the
- 2 following new sections:
- 3 Sec. 2. Section 23-2308.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 23-2308.01 (1) It is the intent of the Legislature that,
- 6 in order to improve the competitiveness of the retirement plan
- 7 for county employees, a cash balance benefit shall be added to
- 8 the County Employees Retirement Act on and after January 1, 2003.
- 9 Each member who is employed and participating in the retirement
- 10 system prior to January 1, 2003, may either elect to continue
- 11 participation in the defined contribution benefit as provided in
- 12 the act prior to January 1, 2003, or elect to participate in the
- 13 cash balance benefit as set forth in this section. The member
- 14 shall make the election prior to January 1, 2003, or on or after
- 15 November 1, 2007, but before January 1, 2008. If no election
- 16 is made prior to January 1, 2003, or on or after November 1,
- 17 2007, but before January 1, 2008, the member shall be treated as
- 18 though he or she elected to continue participating in the defined
- 19 contribution benefit as provided in the act prior to January 1,
- 20 2003. Members who elect to participate in the cash balance benefit
- 21 on or after November 1, 2007, but before January 1, 2008, shall
- 22 commence participation in the cash balance benefit on January 1,
- 23 2008. Any member who made the election prior to January 1, 2003,
- 1 does not have to reelect the cash balance benefit on or after
- 2 November 1, 2007, but before January 1, 2008. A member employed
- 3 and participating in the retirement system prior to January 1,
- 4 2003, who terminates employment on or after January 1, 2003, and
- 5 returns to employment prior to having a five-year break in service
- 6 shall participate in the cash balance benefit as set forth in this
- 7 section.
- 8 (2) For a member employed and participating in the
- 9 retirement system beginning on and after January 1, 2003, or a
- 10 member employed and participating in the retirement system on
- 11 January 1, 2003, who, prior to January 1, 2003, or on or after
- 12 November 1, 2007, but before January 1, 2008, elects to convert his
- 13 or her employee and employer accounts to the cash balance benefit:
- 14 (a) The employee cash balance account shall, at any time,
- 15 be equal to the following:
- 16 (i) The initial employee account balance, if any,
- 17 transferred from the defined contribution plan account described in
- 18 section 23-2309; plus
- 19 (ii) Employee contribution credits deposited in
- 20 accordance with section 23-2307; plus
- 21 (iii) Interest credits credited in accordance with
- 22 subdivision (19) of section 23-2301; plus

23 (iv) Dividend amounts credited in accordance with  
24 subdivision (4)(c) of section 23-2317; and

25 (b) The employer cash balance account shall, at any time,  
26 be equal to the following:

27 (i) The initial employer account balance, if any,  
1 transferred from the defined contribution plan account described in  
2 section 23-2310; plus

3 (ii) Employer contribution credits deposited in  
4 accordance with section 23-2308; plus

5 (iii) Interest credits credited in accordance with  
6 subdivision (19) of section 23-2301; plus

7 (iv) Dividend amounts credited in accordance with  
8 subdivision (4)(c) of section 23-2317.

9 (3) In order to carry out the provisions of this section,  
10 the board may enter into administrative services agreements for  
11 accounting or record-keeping services. No agreement shall be  
12 entered into unless the board determines that it will result  
13 in administrative economy and will be in the best interests of the  
14 counties and their participating employees. The board may develop  
15 a schedule for the allocation of the administrative services  
16 agreements costs for accounting or record-keeping services and may  
17 assess the costs so that each member pays a reasonable fee as  
18 determined by the board. The money forfeited pursuant to section  
19 23-2319.01 shall not be used to pay the administrative costs  
20 incurred pursuant to this subsection.

21 Sec. 11. Section 84-1309.02, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 84-1309.02 (1) It is the intent of the Legislature that,  
24 in order to improve the competitiveness of the retirement plan for  
25 state employees, a cash balance benefit shall be added to the State  
26 Employees Retirement Act on and after January 1, 2003. Each member  
27 who is employed and participating in the retirement system prior  
1 to January 1, 2003, may either elect to continue participation  
2 in the defined contribution benefit as provided in the act prior  
3 to January 1, 2003, or elect to participate in the cash balance  
4 benefit as set forth in this section. The member shall make the  
5 election prior to January 1, 2003, or on or after November 1, 2007,  
6 but before January 1, 2008. If no election is made prior to January  
7 1, 2003, or on or after November 1, 2007, but before January 1,  
8 2008, the member shall be treated as though he or she elected  
9 to continue participating in the defined contribution benefit as  
10 provided in the act prior to January 1, 2003. Members who elect  
11 to participate in the cash balance benefit on or after November  
12 1, 2007, but before January 1, 2008, shall commence participation  
13 in the cash balance benefit on January 1, 2008. Any member who  
14 made the election prior to January 1, 2003, does not have to  
15 reelect the cash balance benefit on or after November 1, 2007,  
16 but before January 1, 2008. A member employed and participating  
17 in the retirement system prior to January 1, 2003, who terminates

18 employment on or after January 1, 2003, and returns to employment  
19 prior to having a five-year break in service shall participate in  
20 the cash balance benefit as set forth in this section.

21 (2) For a member employed and participating in the  
22 retirement system beginning on and after January 1, 2003, or a  
23 member employed and participating in the retirement system on  
24 January 1, 2003, who, prior to January 1, 2003, or on or after  
25 November 1, 2007, but before January 1, 2008, elects to convert his  
26 or her employee and employer accounts to the cash balance benefit:

27 (a) The employee cash balance account shall, at any time,  
1 be equal to the following:

2 (i) The initial employee account balance, if any,  
3 transferred from the defined contribution plan account described in  
4 section 84-1310; plus

5 (ii) Employee contribution credits deposited in  
6 accordance with section 84-1308; plus

7 (iii) Interest credits credited in accordance with  
8 subdivision (18) of section 84-1301; plus

9 (iv) Dividend amounts credited in accordance with  
10 subdivision (4)(c) of section 84-1319; and

11 (b) The employer cash balance account shall, at any time,  
12 be equal to the following:

13 (i) The initial employer account balance, if any,  
14 transferred from the defined contribution plan account described in  
15 section 84-1311; plus

16 (ii) Employer contribution credits deposited in  
17 accordance with section 84-1309; plus

18 (iii) Interest credits credited in accordance with  
19 subdivision (18) of section 84-1301; plus

20 (iv) Dividend amounts credited in accordance with  
21 subdivision (4)(c) of section 84-1319.

22 (3) In order to carry out the provisions of this section,  
23 the board may enter into administrative services agreements for  
24 accounting or record-keeping services. No agreement shall be  
25 entered into unless the board determines that it will result  
26 in administrative economy and will be in the best interests of  
27 the state and its participating employees. The board may develop  
1 a schedule for the allocation of the administrative services  
2 agreements costs for accounting or record-keeping services and may  
3 assess the costs so that each member pays a reasonable fee as  
4 determined by the board. The money forfeited pursuant to section  
5 84-1321.01 shall not be used to pay the administrative costs  
6 incurred pursuant to this subsection.

**VISITORS**

Visitors to the Chamber were 13 fourth- and fifth-grade students from Faith Christian School, Kearney; 60 fourth-grade students from Parkview Heights Elementary, La Vista; Arlene Mintzmyer and ReNee Peterson from Holdrege; 40 fourth-grade students from North Bend; 44 fourth-grade students from Fort Calhoun; Senator Utter's daughter-in-law, Ann Utter, from South Sioux City; 35 fourth-grade students from Washington Elementary, Norfolk; Shawn Lilledahl from Lincoln; Senator Dierks wife and cousins, Gloria Dierks, from Ewing, and Jim and Barbara Meinhart, from Wamego, Kansas; and Guy K. Rosier from Lincoln.

**RECESS**

At 11:58 a.m., on a motion by Senator Wallman, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present.

**AMENDMENT - Print in Journal**

Senator White filed the following amendment to LB16:  
AM1061

(Amendments to Standing Committee amendments, AM692)

- 1 1. Strike section 4 and insert the following new section:
- 2 Sec. 4. Section 84-602, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 84-602 It shall be the duty of the State Treasurer:
- 5 (1) To receive and keep all money of the state not
- 6 expressly required to be received and kept by some other person;
- 7 (2) To disburse the public money upon warrants drawn upon
- 8 the state treasury according to law; and not otherwise;
- 9 (3) To keep a just, true, and comprehensive account of
- 10 all money received and disbursed;
- 11 (4) To keep a just account with each fund, and each head
- 12 of appropriation made by law, and the warrants drawn against them;
- 13 (5) To render a full statement to the Department of
- 14 Administrative Services, of all money received by him or her from
- 15 whatever source, and if on account of revenue, for what year;
- 16 of all penalties and interest on delinquent taxes reported or
- 17 accounted for to him or her, and of all disbursements of public
- 18 funds; with a list, in numerical order, of all warrants redeemed,
- 19 the name of the payee, amount, interest and total amount allowed

20 thereon, and with the amount of the balance of the several funds  
 21 unexpended; which statement shall be made on the first day of  
 22 December, March, June, and September, and more often if required;

1 (6) To report to the Legislature as soon as practicable,  
 2 but within ten days after the commencement of each regular session,  
 3 a detailed statement of the condition of the treasury; and its  
 4 operations for the preceding fiscal year;

5 (7) To give information in writing to the Legislature,  
 6 whenever required, upon any subject connected with the treasury or  
 7 touching any duty of his or her office; ~~and~~

8 (8) To account for, and pay over, all money received by  
 9 him or her as such treasurer, to his or her successor in office,  
 10 and deliver all books, vouchers, and effects of office to him or  
 11 her; and such successor shall receipt therefor. In accounting for  
 12 and paying over such money the treasurer shall not be held liable  
 13 on account of any loss occasioned by any investment, when such  
 14 investment shall have been made pursuant to the direction of the  
 15 state investment officer; and-

16 (9) To compile and maintain the content and information  
 17 on the web site developed by the Executive Board of the Legislative  
 18 Council pursuant to section 50-401.01 if the State Treasurer is  
 19 designated by the executive board to carry out such duties and he  
 20 or she agrees to discharge such duties.

21 2. On page 2, strike beginning with "The" in line 19  
 22 through the period in line 23 and insert "The web site shall be  
 23 hosted on a server owned and operated by the State of Nebraska or  
 24 approved by the Chief Information Officer. The naming convention  
 25 for the web site shall identify the web site as a state government  
 26 web site. All content and information to be provided shall be  
 27 subject to the review and approval by the executive board and shall  
 1 document the sources of all tax receipts and the expenditure of  
 2 state funds by all agencies, boards, commissions, and departments  
 3 of the state. The duty to compile and maintain the content and  
 4 information on the web site developed pursuant to this section  
 5 shall, at the discretion of the executive board, be assigned to the  
 6 Clerk of the Legislature or to the State Treasurer if the State  
 7 Treasurer agrees to perform all the duties of this subdivision.  
 8 If the provision allowing assignment of such duties to the State  
 9 Treasurer is deemed to be unconstitutional, then the provision  
 10 allowing assignment of such duties to the Clerk of the Legislature  
 11 shall be deemed severable and survive and such duties shall be  
 12 assigned to and performed by the Clerk of the Legislature."

13 3. On page 3, line 27, strike "excluding those which  
 14 result" and insert "that may be disclosed pursuant to".

15 4. On page 4, strike beginning with line 1 through  
 16 "under" in line 3.

17 5. On page 15, line 24, strike "section 50-1304" and  
 18 insert "sections 50-1304 and 84-602"; and in line 25 strike  
 19 "sections 50-401.01 and 77-27,119" and insert "section 50-401.01".

**GENERAL FILE**

**LEGISLATIVE BILL 160.** Senator Rogert withdrew his motion, MO23, found on page 755, to indefinitely postpone.

Senator Hadley offered the following amendment:

AM1082

- 1 1. Strike section 1 and all amendments thereto and insert
- 2 the following new section:
- 3 Section 1. In addition to other powers authorized by law,
- 4 the board of directors of a natural resources district encompassing
- 5 a city of the metropolitan class, with approval by a majority of
- 6 registered voters of the district at an election in accordance
- 7 with the Election Act called by the board of directors and held
- 8 in conjunction with a statewide primary or general election,
- 9 may issue negotiable bonds and refunding bonds of the district,
- 10 entitled flood protection and water quality enhancement bonds, with
- 11 terms determined appropriate upon the taxable value of all taxable
- 12 property in the district. Such special bond levy shall not exceed
- 13 two cents on each one hundred dollars of taxable valuation annually
- 14 on all of the taxable property within the district, and such levy
- 15 is includable in the computation of other limitations upon the
- 16 district's tax levy.

**PRESIDENT SHEEHY PRESIDING**

Senator Hadley withdrew his amendment.

Senator Hadley offered the following amendment:

AM1084

- 1 1. Strike section 1 and all amendments thereto and insert
- 2 the following new section:
- 3 Section 1. In addition to other powers authorized by law,
- 4 the board of directors of a natural resources district encompassing
- 5 a city of the metropolitan class, with approval by a majority of
- 6 registered voters of the district at an election in accordance
- 7 with the Election Act called by the board of directors and held
- 8 in conjunction with a statewide primary or general election,
- 9 may issue negotiable bonds and refunding bonds of the district,
- 10 entitled flood protection and water quality enhancement bonds, with
- 11 terms determined appropriate upon the taxable value of all taxable
- 12 property in the district. Such special bond levy shall not exceed
- 13 two cents on each one hundred dollars of taxable valuation annually
- 14 on all of the taxable property within the district, and such levy
- 15 is includable in the computation of other limitations upon the
- 16 district's tax levy.
- 17 2. In the Standing Committee amendments, AM735:
- 18 a. On page 1, strike lines 21 through 23; and

- 19 b. On page 2, strike lines 1 through 11.  
 20 3. In the Rogert amendment, AM1005, on page 1, strike  
 21 beginning with "line" in line 1 through line 4 and insert "after  
 22 line 20, insert:"; and in line 5 strike "(4)" and insert "(3)".

Pending.

### AMENDMENTS - Print in Journal

Senator Adams filed the following amendment to LB545:  
 AM1078

(Amendments to Standing Committee amendments, AM1056)

- 1 1. Strike section 9 and insert the following new section:  
 2 Sec. 9. Section 79-1007.18, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 79-1007.18 (1) For school fiscal year 2008-09 and each  
 5 school fiscal year thereafter, the department shall calculate an  
 6 averaging adjustment for districts if the basic funding per formula  
 7 student is less than the statewide average basic funding per  
 8 formula student and the general fund levy for the school fiscal  
 9 year immediately preceding the school fiscal year for which aid  
 10 is being calculated was at least ninety-six cents per one hundred  
 11 dollars of taxable valuation for aid calculated for school fiscal  
 12 year 2008-09 and at least one dollar per one hundred dollars of  
 13 taxable valuation for aid calculated for school fiscal year 2009-10  
 14 and each school fiscal year thereafter. For school districts that  
 15 are members of a learning community, the general fund levy for  
 16 purposes of this section includes both the common general fund levy  
 17 and the school district general fund levy authorized pursuant to  
 18 subdivisions (2)(b) and (2)(c) of section 77-3442. The averaging  
 19 adjustment ~~for aid calculated for school fiscal year 2008-09 shall~~  
 20 ~~equal seventy-five percent of the product of the district's formula~~  
 21 ~~students multiplied by the percentage specified in subsection (3),~~  
 22 ~~(4), or (5) of this section for such district of the difference~~  
 1 between the statewide average basic funding per formula student  
 2 minus such district's basic funding per formula student. ~~The~~  
 3 ~~averaging adjustment for aid calculated for school fiscal year~~  
 4 ~~2009-10 and each school fiscal year thereafter shall equal the~~  
 5 ~~district's formula students multiplied by the percentage specified~~  
 6 ~~in this section for such district of the difference between the~~  
 7 ~~statewide average basic funding per formula student minus such~~  
 8 ~~district's basic funding per formula student.~~  
 9 (2) The percentage to be used in the calculation of an  
 10 averaging adjustment shall be based on the general fund levy for  
 11 the school fiscal year immediately preceding the school fiscal year  
 12 for which aid is being calculated.  
 13 (3) The percentages to be used in the calculation of  
 14 averaging adjustments for school fiscal year 2008-09 shall be as  
 15 follows:

16 (a) If such levy was at least ninety-six cents per one  
17 hundred dollars of taxable valuation but less than ninety-seven  
18 cents per one hundred dollars of taxable valuation, the percentage  
19 shall be ten percent;

20 (b) If such levy was at least ninety-seven cents per one  
21 hundred dollars of taxable valuation but less than ninety-eight  
22 cents per one hundred dollars of taxable valuation, the percentage  
23 shall be twenty percent;

24 (c) If such levy was at least ninety-eight cents per  
25 one hundred dollars of taxable valuation but less than ninety-nine  
26 cents per one hundred dollars of taxable valuation, the percentage  
27 shall be thirty percent;

1 (d) If such levy was at least ninety-nine cents per one  
2 hundred dollars of taxable valuation but less than one dollar per  
3 one hundred dollars of taxable valuation, the percentage shall be  
4 forty percent;

5 (e) If such levy was at least one dollar per one hundred  
6 dollars of taxable valuation but less than one dollar and one cent  
7 per one hundred dollars of taxable valuation, the percentage shall  
8 be fifty percent;

9 (f) If such levy was at least one dollar and one cent per  
10 one hundred dollars of taxable valuation but less than one dollar  
11 and two cents per one hundred dollars of taxable valuation, the  
12 percentage shall be sixty percent;

13 (g) If such levy was at least one dollar and two  
14 cents per one hundred dollars of taxable valuation but less than  
15 one dollar and three cents per one hundred dollars of taxable  
16 valuation, the percentage shall be seventy percent;

17 (h) If such levy was at least one dollar and three cents  
18 per one hundred dollars of taxable valuation but less than one  
19 dollar and four cents per one hundred dollars of taxable valuation,  
20 the percentage shall be eighty percent; and

21 (i) If such levy was at least one dollar and four cents  
22 per one hundred dollars of taxable valuation, the percentage shall  
23 be ninety percent.

24 (4) The percentages to be used in the calculation of  
25 averaging adjustments for school fiscal year 2009-10 ~~and each~~  
26 ~~school fiscal year thereafter~~ shall be as follows:

27 (a) If such levy was at least one dollar per one hundred  
1 dollars of taxable valuation but less than one dollar and one cent  
2 per one hundred dollars of taxable valuation, the percentage shall  
3 be fifty percent;

4 (b) If such levy was at least one dollar and one cent per  
5 one hundred dollars of taxable valuation but less than one dollar  
6 and two cents per one hundred dollars of taxable valuation, the  
7 percentage shall be sixty percent;

8 (c) If such levy was at least one dollar and two  
9 cents per one hundred dollars of taxable valuation but less than  
10 one dollar and three cents per one hundred dollars of taxable

11 valuation, the percentage shall be seventy percent;

12 (d) If such levy was at least one dollar and three cents  
 13 per one hundred dollars of taxable valuation but less than one  
 14 dollar and four cents per one hundred dollars of taxable valuation,  
 15 the percentage shall be eighty percent; and

16 (e) If such levy was at least one dollar and four cents  
 17 per one hundred dollars of taxable valuation, the percentage shall  
 18 be ninety percent.

19 (5) The percentage to be used in the calculation of  
 20 averaging adjustments for school fiscal year 2010-11 and each  
 21 school fiscal year thereafter shall be fifty percent.

Senator Adams filed the following amendment to LB545:  
 AM1057

(Amendments to Standing Committee amendments, AM1056)

1 1. Insert the following new sections:

2 Sec. 14. Section 79-1022, Reissue Revised Statutes of  
 3 Nebraska, as amended by section 1, Legislative Bill 548, One  
 4 Hundred First Legislature, First Session, 2009, is amended to read:

5 79-1022 (1) On or before June 1, 2009, on or before March  
 6 1, 2010, and on or before February 1 of each year thereafter,  
 7 the department shall determine the amounts to be distributed to  
 8 each local system and each district pursuant to the Tax Equity  
 9 and Educational Opportunities Support Act and shall certify the  
 10 amounts to the Director of Administrative Services, the Auditor of  
 11 Public Accounts, each learning community, and each district. The  
 12 amount to be distributed to each district that is not a member  
 13 of a learning community from the amount certified for a local  
 14 system shall be proportional based on: (a) For school fiscal years  
 15 prior to school fiscal year 2008-09, the weighted formula students  
 16 attributed to each district in the local system; and (b) for school  
 17 fiscal year 2008-09 and each school fiscal year thereafter, the  
 18 formula students attributed to each district in the local system.  
 19 For the first five complete school fiscal years for a learning  
 20 community, the amount to be distributed to each district that is  
 21 a member of such learning community shall be determined pursuant  
 22 to section 79-1015. For each school fiscal year thereafter, the  
 1 amount to be distributed to each district that is a member of a  
 2 learning community from the amount certified for the local system  
 3 shall be proportional based on the formula needs calculated for  
 4 each district in the local system. On or before June 1, 2009, on  
 5 or before March 1, 2010, and on or before February 1 of each year  
 6 thereafter, the department shall report the necessary funding level  
 7 to the Governor, the Appropriations Committee of the Legislature,  
 8 and the Education Committee of the Legislature. Certified state  
 9 aid amounts, including adjustments pursuant to section 79-1065.02,  
 10 shall be shown as budgeted non-property-tax receipts and deducted  
 11 prior to calculating the property tax request in the district's  
 12 general fund budget statement as provided to the Auditor of Public

13 Accounts pursuant to section 79-1024.

14 (2) Except as provided in subsection (8) of section  
15 79-1016 and sections 79-1033 and 79-1065.02, the amounts certified  
16 pursuant to subsection (1) of this section shall be distributed in  
17 ten as nearly as possible equal payments on the last business day  
18 of each month beginning in September of each ensuing school fiscal  
19 year and ending in June of the following year, except that when a  
20 school district is to receive a monthly payment of less than one  
21 thousand dollars, such payment shall be one lump-sum payment on  
22 the last business day of December during the ensuing school fiscal  
23 year.

24 Sec. 16. Section 79-1026.01, Reissue Revised Statutes  
25 of Nebraska, as amended by section 3, Legislative Bill 548, One  
26 Hundred First Legislature, First Session, 2009, is amended to read:

27 79-1026.01 For school fiscal year 2008-09 and each school  
1 fiscal year thereafter, on or before June 1, 2009, on or before  
2 March 1, 2010, and on or before February 1 of each year thereafter,  
3 the department shall determine and certify to each Class II, III,  
4 IV, or V district an applicable allowable growth rate carried out  
5 at least four decimal places as follows:

6 (1) The department shall establish a target budget level  
7 range of general fund operating expenditure levels for each school  
8 fiscal year for each school district which shall begin at twenty  
9 percent less than the school district's formula need and end at the  
10 school district's formula need. The beginning point of the range  
11 shall be assigned a number equal to the maximum allowable growth  
12 rate established in section 79-1025, and the end point of the range  
13 shall be assigned a number equal to the basic allowable growth rate  
14 as prescribed in such section such that the lower end of the range  
15 shall be assigned the maximum allowable growth rate and the higher  
16 end of the range shall be assigned the basic allowable growth rate;  
17 and

18 (2) For each school fiscal year, each school district's  
19 general fund operating expenditures shall be compared to its target  
20 budget level along the range described in subdivision (1) of  
21 this section to arrive at an applicable allowable growth rate  
22 as follows: If each school district's general fund operating  
23 expenditures fall below the lower end of the range, such applicable  
24 allowable growth rate shall be the maximum growth rate identified  
25 in section 79-1025. If each school district's general fund  
26 operating expenditures are greater than the higher end of the  
27 range, the school district's allowable growth rate shall be the  
1 basic allowable growth rate identified in such section. If each  
2 school district's general fund operating expenditures fall between  
3 the lower end and the higher end of the range, the department shall  
4 use a linear interpolation calculation between the end points of  
5 the range to arrive at the applicable allowable growth rate for the  
6 school district.

7 Sec. 17. Section 79-1027, Reissue Revised Statutes of

8 Nebraska, as amended by section 4, Legislative Bill 548, One  
 9 Hundred First Legislature, First Session, 2009, is amended to read:  
 10 79-1027 No district shall adopt a budget, which includes  
 11 total requirements of depreciation funds, necessary employee  
 12 benefit fund cash reserves, and necessary general fund cash  
 13 reserves, exceeding the applicable allowable reserve percentages  
 14 of total general fund budget of expenditures as specified in the  
 15 schedule set forth in this section.

Average daily membership of district	Allowable reserve percentage
0 - 471	45
471.01 - 3,044	35
3,044.01 - 10,000	25
10,000.01 and over	20

23 On or before June 1, 2009, on or before March 1, 2010,  
 24 and on or before February 1 each year thereafter, the department  
 25 shall determine and certify each district's applicable allowable  
 26 reserve percentage.

27 Each district with combined necessary general fund cash  
 1 reserves, total requirements of depreciation funds, and necessary  
 2 employee benefit fund cash reserves less than the applicable  
 3 allowable reserve percentage specified in this section may,  
 4 notwithstanding the district's applicable allowable growth rate,  
 5 increase its necessary general fund cash reserves such that the  
 6 total necessary general fund cash reserves, total requirements  
 7 of depreciation funds, and necessary employee benefit fund  
 8 cash reserves do not exceed such applicable allowable reserve  
 9 percentage.

10 Sec. 21. Section 79-1031.01, Reissue Revised Statutes  
 11 of Nebraska, as amended by section 5, Legislative Bill 548, One  
 12 Hundred First Legislature, First Session, 2009, is amended to read:

13 79-1031.01 The Appropriations Committee of the  
 14 Legislature shall annually include the amount necessary to fund the  
 15 state aid that will be certified to school districts on or before  
 16 June 1, 2009, on or before March 1, 2010, and on or before February  
 17 1 for each school year thereafter in its recommendations to the  
 18 Legislature to carry out the requirements of the Tax Equity and  
 19 Educational Opportunities Support Act.

20 2. On page 45, line 1, after the last comma insert "on  
 21 or before March 1, 2010".

22 3. Amend the repealer, renumber the remaining sections,  
 23 and correct internal references accordingly.

**COMMITTEE REPORTS**

## Education

**LEGISLATIVE BILL 545.** Placed on General File with amendment. AM1056 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

## Judiciary

**LEGISLATIVE BILL 373.** Placed on General File with amendment. AM1022

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 18-1723, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 18-1723 Whenever any firefighter who has served a total  
6 of five years as a member of a paid fire department of any city  
7 in this state or any police officer of any city or village,  
8 including any city having a home rule charter, shall suffer death  
9 or disability as a result of hypertension or heart or respiratory  
10 defect or disease, there shall be a rebuttable presumption that  
11 such death or disability resulted from accident or other cause  
12 while in the line of duty for all purposes of Chapter 15, article  
13 10, sections 16-1001 to 16-1042, and any firefighter's or police  
14 officer's pension plan established pursuant to any home rule  
15 charter, the Legislature specifically finding the subject of this  
16 section to be a matter of general statewide concern. The rebuttable  
17 presumption shall apply to death or disability as a result of  
18 hypertension or heart or respiratory defect or disease after the  
19 firefighter or police officer separates from his or her applicable  
20 employment if the death or disability occurs within three months  
21 after such separation. Such rebuttable presumption shall apply  
22 in any action or proceeding arising out of death or disability  
23 incurred prior to December 25, 1969, and which has not been  
1 processed to final administrative or judicial conclusion prior to  
2 such date.

3 Sec. 2. Section 35-1001, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 35-1001 (1) For a firefighter or firefighter-paramedic  
6 who is a member of a paid fire department of a municipality or a  
7 rural or suburban fire protection district in this state, including  
8 a municipality having a home rule charter or a municipal authority  
9 created pursuant to a home rule charter that has its own paid  
10 fire department, and who suffers death or disability as a result  
11 of cancer, including, but not limited to, cancer affecting the  
12 skin or the central nervous, lymphatic, digestive, hematological,  
13 urinary, skeletal, oral, or prostate systems, evidence which  
14 demonstrates that ~~(1)-(a)~~ such firefighter or firefighter-paramedic

15 successfully passed a physical examination upon entry into such  
16 service or subsequent to such entry, which examination failed  
17 to reveal any evidence of cancer, ~~(2)-(b)~~ such firefighter  
18 or firefighter-paramedic was exposed to a known carcinogen, as  
19 defined on July 19, 1996, by the International Agency for Research  
20 on Cancer, while in the service of the fire department, and  
21 ~~(3)-(c)~~ such carcinogen is reported by the agency to be a  
22 suspected or known cause of the type of cancer the firefighter  
23 or firefighter-paramedic has, shall be prima facie evidence that  
24 such death or disability resulted from injuries, accident, or other  
25 cause while in the line of duty for the purposes of sections  
26 16-1020 to 16-1042, a firefighter's pension plan established  
27 pursuant to a home rule charter, and a firefighter's pension or  
1 disability plan established by a rural or suburban fire protection  
2 district.

3 (2) For a firefighter or firefighter-paramedic who  
4 is a member of a paid fire department of a municipality or  
5 a rural or suburban fire protection district in this state,  
6 including a municipality having a home rule charter or a  
7 municipal authority created pursuant to a home rule charter  
8 that has its own paid fire department, and who suffers death  
9 or disability as a result of a blood-borne infectious disease,  
10 tuberculosis, meningococcal meningitis, or methicillin-resistant  
11 Staphylococcus aureus, evidence which demonstrates that (a)  
12 such firefighter or firefighter-paramedic successfully passed a  
13 physical examination upon entry into such service or subsequent  
14 to such entry, which examination failed to reveal any evidence of  
15 such blood-borne infectious disease, tuberculosis, meningococcal  
16 meningitis, or methicillin-resistant Staphylococcus aureus, and  
17 (b) such firefighter or firefighter-paramedic has engaged in the  
18 service of the fire department within ten years before the onset  
19 of the disease, shall be prima facie evidence that such death  
20 or disability resulted from injuries, accident, or other cause  
21 while in the line of duty for the purposes of sections 16-1020 to  
22 16-1042, a firefighter's pension plan established pursuant to a  
23 home rule charter, and a firefighter's pension or disability plan  
24 established by a rural or suburban fire protection district.

25 (3) The prima facie evidence presumed under this  
26 section shall extend to death or disability as a result  
27 of cancer as described in this section, a blood-borne  
1 infectious disease, tuberculosis, meningococcal meningitis, or  
2 methicillin-resistant Staphylococcus aureus after the firefighter  
3 or firefighter-paramedic separates from his or her service to the  
4 fire department if the death or disability occurs within three  
5 months after such separation.

6 (4) For purposes of this section, blood-borne  
7 infectious disease means human immunodeficiency virus, acquired  
8 immunodeficiency syndrome, and all strains of hepatitis.

9 Sec. 3. Original sections 18-1723 and 35-1001, Reissue  
10 Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 671.** Placed on General File with amendment.  
AM1009

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

3 Section 1. Section 23-1212, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 23-1212 For purposes of sections 23-1212 to 23-1222 and  
6 sections 3 to 5 of this act, unless the context otherwise requires:

7 (1) County attorney shall mean the county attorney of  
8 a county in this state whether such position is elective or  
9 appointive and regardless of whether such position is full time or  
10 part time;

11 (2) Deputy county attorney shall mean an attorney  
12 employed by a county in this state for the purpose of assisting  
13 the county attorney in carrying out his or her responsibilities  
14 regardless of whether such position is full time or part time;

15 (3) Council shall mean the Nebraska County Attorney  
16 Standards Advisory Council;

17 (4) Attorney General shall mean the Nebraska Attorney  
18 General;

19 (5) Commission shall mean the Nebraska Commission on Law  
20 Enforcement and Criminal Justice; and

21 (6) Continuing legal education, including instruction  
22 providing a working knowledge of electronic speed measurement  
23 principles and instruction on the investigation and prosecution  
1 of crimes against children, shall mean that type of legal  
2 education, including instruction providing a working knowledge  
3 of electronic speed measurement principles and instruction on the  
4 investigation and prosecution of crimes against children, which has  
5 application to and seeks to maintain and improve the skills of  
6 the county attorney and deputy county attorney in carrying out the  
7 responsibilities of his or her office or position.

8 Sec. 2. Section 23-1213, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 23-1213 There is hereby created the Nebraska County  
11 Attorney Standards Advisory Council which shall consist of ~~seven~~  
12 eleven members, ~~four-six~~ of whom shall be either a county attorney  
13 or deputy county attorney, one member being a professor of law  
14 or professor of forensic science, ~~and two~~ members being county  
15 commissioners or supervisors, one member being a county sheriff  
16 or a chief of police, and one member being a certified forensic  
17 pathologist. The members of such council shall be appointed by  
18 the Governor. Of the county attorneys or deputy county attorneys  
19 appointed to such council, one shall be from Douglas County, one  
20 shall be from Lancaster County, and the remaining ~~two-four~~ shall be  
21 appointed from the remainder of the state. Members of the council

22 shall serve a term of four years, except that of the members first  
 23 appointed one member shall serve a term of one year, two members  
 24 shall serve a term of two years, two members shall serve a term of  
 25 three years, and two members shall each serve a term of four years.  
 26 A member may be reappointed at the expiration of his or her term.  
 27 Any vacancy occurring other than by expiration of a term shall be  
 1 filled for the remainder of the unexpired term in the same manner  
 2 as the original appointment. The council shall select one of its  
 3 members as chairperson. The Governor shall make the appointments  
 4 under this section within ninety days of July 19, 1980.

5 Members of the council shall have such membership  
 6 terminated if they cease to hold the office of county attorney,  
 7 deputy county attorney, ~~or~~ county commissioner or supervisor, or  
 8 county sheriff or chief of police. A member of the council may be  
 9 removed from the council for good cause upon written notice and  
 10 upon an opportunity to be heard before the Governor. After the  
 11 hearing, the Governor shall file in the office of the Secretary  
 12 of State a complete statement of the charges and the findings and  
 13 disposition together with a complete record of the proceedings.

14 Sec. 3. The council shall, with respect to ensuring  
 15 quality and uniform death investigation processes throughout the  
 16 state:

17 (1) Create and distribute uniform checklists of best  
 18 practices to promote uniform and quality death investigations for  
 19 county coroners. Such checklists may include guidance to the county  
 20 coroner in determining the need for autopsies involving:

- 21 (a) Deaths of individuals nineteen years of age or older;
- 22 (b) Deaths of individuals under nineteen years of age;
- 23 (c) Sudden, unexplained infant deaths;
- 24 (d) Deaths while in custody;
- 25 (e) Deaths caused by motor vehicle collisions;
- 26 (f) Deaths by burning; and
- 27 (g) Suspicious deaths; and

1 (2) Create standardized procedures for death  
 2 investigations, including death scene procedures. The council shall  
 3 also make recommendations as to best practices for county coroners  
 4 with respect to:

- 5 (a) The utilization of investigative tools and equipment;
- 6 (b) Entering the death scene;
- 7 (c) Documenting and evaluating the death scene;
- 8 (d) Documenting and evaluating the body;
- 9 (e) Establishing and recording decedent profile

10 information; and

- 11 (f) Completing the death scene investigation.

12 Persons investigating infant and young child deaths may  
 13 also refer to the recommendations adopted by the Attorney General  
 14 with respect to such investigations.

15 Sec. 4. The council shall also:

- 16 (1) Help establish a voluntary network of regional

17 officials including, but not limited to, law enforcement, county  
18 coroners, and medical personnel to provide death investigation  
19 support services for any location in Nebraska;

20 (2) Help determine the membership of such networks; and

21 (3) Develop, design, and provide standardized forms in  
22 both hard copy and electronic copy for use in death investigations.

23 Sec. 5. Every person who is elected or appointed as  
24 a coroner or deputy coroner in or for the State of Nebraska  
25 shall satisfactorily complete initial death investigation training  
26 within one year after the date of election or appointment, and  
27 thereafter annually complete continuing education as determined by  
1 the council.

2 Sec. 6. Section 23-1218, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 23-1218 The Nebraska Commission on Law Enforcement and  
5 Criminal Justice, after consultation with the council, shall:

6 (1) Establish curricula for the implementation of a  
7 mandatory continuing legal education program, including instruction  
8 providing a working knowledge of electronic speed measurement  
9 principles and instruction on the investigation and prosecution of  
10 crimes against children, for county attorneys and deputy county  
11 attorneys;

12 (2) Administer all programs of continuing legal  
13 education, including instruction providing a working knowledge  
14 of electronic speed measurement principles and instruction on  
15 the investigation and prosecution of crimes against children,  
16 for county attorneys and deputy county attorneys required under  
17 sections 23-1212 to 23-1222 and sections 3 to 5 of this act;

18 (3) Evaluate the effectiveness of programs of continuing  
19 legal education, including instruction providing a working  
20 knowledge of electronic speed measurement principles and  
21 instruction on the investigation and prosecution of crimes against  
22 children, required under sections 23-1212 to 23-1222 and sections  
23 3 to 5 of this act;

24 (4) Certify the number of hours of continuing legal  
25 education, including instruction providing a working knowledge of  
26 electronic speed measurement principles and instruction on the  
27 investigation and prosecution of crimes against children, completed  
1 by a county attorney and deputy county attorney as required under  
2 sections 23-1212 to 23-1222 and sections 3 to 5 of this act and  
3 maintain all records relating thereto;

4 (5) Report to the Attorney General the names of all  
5 county attorneys and deputy county attorneys who have failed  
6 to complete the number of hours of continuing legal education,  
7 including instruction providing a working knowledge of electronic  
8 speed measurement principles and instruction on the investigation  
9 and prosecution of crimes against children, as required under  
10 section 23-1217;

11 (6) Establish tuition and fees for all programs of

12 continuing legal education, including instruction providing a  
 13 working knowledge of electronic speed measurement principles and  
 14 instruction on the investigation and prosecution of crimes against  
 15 children, as required under sections 23-1212 to 23-1222 and  
 16 sections 3 to 5 of this act;

17 (7) Adopt and promulgate necessary rules and regulations  
 18 for the effective delivery of all programs of continuing legal  
 19 education, including instruction providing a working knowledge of  
 20 electronic speed measurement principles and instruction on the  
 21 investigation and prosecution of crimes against children, for  
 22 county attorneys and deputy county attorneys as required under  
 23 sections 23-1212 to 23-1222 and sections 3 to 5 of this act;

24 (8) Do all things necessary to carry out the purpose of  
 25 training county attorneys and deputy county attorneys as required  
 26 by sections 23-1212 to 23-1222 and sections 3 to 5 of this act; and

27 (9) Receive and distribute appropriated funds to the  
 1 Nebraska County Attorneys Association to develop, administer, and  
 2 conduct continuing legal education seminars, prepare and publish  
 3 trial manuals and other publications, and take any other measure  
 4 that will enhance the investigation and prosecution of crime in  
 5 this state.

6 Sec. 7. Original sections 23-1212, 23-1213, and 23-1218,  
 7 Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Brad Ashford, Chairperson

Education

**LEGISLATIVE BILL 392.** Placed on General File with amendment.  
 AM1079

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

3 Section 1. Section 13-503, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 13-503 For purposes of the Nebraska Budget Act, unless  
 6 the context otherwise requires:

7 (1) Governing body shall mean the governing body of  
 8 any county agricultural society, elected county fair board, joint  
 9 airport authority formed under the Joint Airport Authorities  
 10 Act, city or county airport authority, bridge commission created  
 11 pursuant to section 39-868, cemetery district, city, village,  
 12 municipal county, community college, community redevelopment  
 13 authority, county, drainage or levee district, educational  
 14 service unit, rural or suburban fire protection district,  
 15 historical society, hospital district, irrigation district,  
 16 learning community, natural resources district, nonprofit county  
 17 historical association or society for which a tax is levied under  
 18 subsection (1) of section 23-355.01, public building commission,  
 19 railroad transportation safety district, reclamation district,

20 road improvement district, rural water district, school district,  
21 sanitary and improvement district, township, offstreet parking  
22 district, transit authority, metropolitan utilities district,  
23 Educational Service Unit Coordinating Council, and political  
1 subdivision with the authority to have a property tax request, with  
2 the authority to levy a toll, or that receives state aid;

3 (2) Levying board shall mean any governing body which has  
4 the power or duty to levy a tax;

5 (3) Fiscal year shall mean the twelve-month period used  
6 by each governing body in determining and carrying on its financial  
7 and taxing affairs;

8 (4) Tax shall mean any general or special tax levied  
9 against persons, property, or business for public purposes as  
10 provided by law but shall not include any special assessment;

11 (5) Auditor shall mean the Auditor of Public Accounts;

12 (6) Cash reserve shall mean funds required for the period  
13 before revenue would become available for expenditure but shall not  
14 include funds held in any special reserve fund;

15 (7) Public funds shall mean all money, including nontax  
16 money, used in the operation and functions of governing bodies.  
17 For purposes of a county, city, or village which has a lottery  
18 established under the Nebraska County and City Lottery Act, only  
19 those net proceeds which are actually received by the county, city,  
20 or village from a licensed lottery operator shall be considered  
21 public funds, and public funds shall not include amounts awarded as  
22 prizes;

23 (8) Adopted budget statement shall mean a proposed budget  
24 statement which has been adopted or amended and adopted as provided  
25 in section 13-506. Such term shall include additions, if any, to an  
26 adopted budget statement made by a revised budget which has been  
27 adopted as provided in section 13-511;

1 (9) Special reserve fund shall mean any special fund  
2 set aside by the governing body for a particular purpose and not  
3 available for expenditure for any other purpose. Funds created  
4 for (a) the retirement of bonded indebtedness, (b) the funding  
5 of employee pension plans, (c) the purposes of the Political  
6 Subdivisions Self-Funding Benefits Act, (d) the purposes of the  
7 Local Option Municipal Economic Development Act, (e) voter-approved  
8 sinking funds, or (f) statutorily authorized sinking funds, ~~or (g)~~  
9 ~~the distribution of property tax receipts by a learning community~~  
10 ~~to member school districts~~ shall be considered special reserve  
11 funds;

12 (10) Biennial period shall mean the two fiscal years  
13 comprising a biennium commencing in odd-numbered years used by  
14 a city in determining and carrying on its financial and taxing  
15 affairs; and

16 (11) Biennial budget shall mean a budget by a city of  
17 the primary or metropolitan class that adopts a charter provision  
18 providing for a biennial period to determine and carry on the

19 city's financial and taxing affairs.

20 Sec. 4. Section 79-1007.21, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 79-1007.21 ~~(1)-(1)(a)~~ For school fiscal year 2009-10  
23 and each school fiscal year thereafter, school districts may  
24 apply to the department for a two-year new school adjustment  
25 to accommodate recent and expected student growth, on a form  
26 prescribed by the department, on or before October 10 of the school  
27 fiscal year immediately preceding the school fiscal year for which  
1 the first-year new school adjustment would be included in the  
2 calculation of state aid.

3 Such form shall require evidence (i) of recent and  
4 expected student growth, ~~evidence (ii)~~ that a new building or the  
5 expansion or remodeling of an existing building is being completed  
6 to provide additional student capacity to accommodate such growth  
7 and not to replace an existing building, ~~evidence (iii)~~ that  
8 the school fiscal year for which the district would receive the  
9 first-year adjustment will be the first full school fiscal year for  
10 which students will utilize such additional capacity, and ~~evidence~~  
11 (iv) of the estimated additional student capacity to be provided by  
12 the project.

13 (b) For school fiscal year 2011-12 and each school fiscal  
14 year thereafter, school districts may apply to the department for  
15 a two-year new school adjustment for a new focus school or a new  
16 focus program, on a form prescribed by the department, on or before  
17 October 10 of the school fiscal year immediately preceding the  
18 school fiscal year for which the first-year new school adjustment  
19 would be included in the calculation of state aid. Such form shall  
20 require evidence (i) supporting an estimate of the expected average  
21 yearly enrollment in the focus school or focus program for the  
22 first two years of the new focus school or focus program and (ii)  
23 that the school fiscal year for which the district would receive  
24 the first-year adjustment will be the first full school fiscal year  
25 for which students will attend such focus school or focus program.

26 (c) On or before the immediately following December  
27 1, the department shall approve the expected average yearly  
1 enrollment for new focus schools and focus programs or the  
2 estimated additional capacity for use in the adjustment, approve a  
3 modified expected average yearly enrollment for new focus schools  
4 and focus programs or the estimated additional capacity for use in  
5 the adjustment, or deny the application based on the requirements  
6 of this section, the evidence submitted on the application, and  
7 any other information provided by the department. Each approval  
8 shall include an approved expected average yearly enrollment for  
9 new focus schools and focus programs or the estimated additional  
10 student capacity for the new building, expansion, or remodeling.

11 (d) The state board shall establish procedures for appeal  
12 of decisions of the department to the state board for final  
13 determination.

14 (2) The first-year new school adjustment for each  
15 approved district shall equal the school district's basic funding  
16 per formula student multiplied by twenty percent of the approved  
17 expected average yearly enrollment for new school adjustments for  
18 focus schools and focus programs or estimated additional student  
19 capacity for all other new school adjustments. The second-year  
20 new school adjustment for each approved district shall equal the  
21 school district's basic funding per formula student multiplied by  
22 ten percent of the approved expected average yearly enrollment  
23 for new school adjustments for focus schools and focus programs  
24 or estimated additional student capacity for all other new school  
25 adjustments.

26 Sec. 5. Section 79-1041, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 79-1041 Each county treasurer of a county with territory  
2 in a learning community shall distribute any funds collected by  
3 such county treasurer from the common general fund levy and the  
4 common building fund levy of such learning community to each member  
5 school district pursuant to sections 79-1073 and 79-1073.01 at  
6 least once each month.

7 Each county treasurer shall, upon request of a majority  
8 of the members of the school board or board of education in  
9 any school district, at least once each month distribute to the  
10 district any funds collected by such county treasurer for school  
11 purposes.

12 Sec. 6. Section 79-1073, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 79-1073 On or before September 1 for each year, each  
15 learning community coordinating council shall determine the  
16 expected amounts to be distributed by the county treasurers to  
17 each member school district from general fund property tax receipts  
18 pursuant to subdivision (2)(b) of section 77-3442 and shall certify  
19 such amounts to each member school district, the county treasurer  
20 for each county containing territory in the learning community,  
21 and the State Department of Education. For the first three school  
22 fiscal years for which the learning community levies a common  
23 general fund property tax for school districts, such property  
24 tax receipts shall be divided among member school districts  
25 proportionally based on the greater of (1) the difference of the  
26 school district's formula need calculated pursuant to the Tax  
27 Equity and Educational Opportunities Support Act minus the sum  
1 of the state aid certified pursuant to section 79-1022 and the  
2 other actual receipts included in local system formula resources  
3 pursuant to section 79-1018.01 for the school fiscal year for  
4 which the distribution is being made or (2) the difference of  
5 the sum of the state aid certified for the school fiscal year  
6 immediately preceding the first school fiscal year for which the  
7 learning community levies a common general fund property tax  
8 for school districts plus the product of the school district's

9 general fund levy for such school fiscal year multiplied by the  
 10 assessed valuation for such school fiscal year minus the state aid  
 11 certified pursuant to section 79-1022 for the school fiscal year  
 12 for which the distribution is being made. Thereafter, such property  
 13 tax receipts shall be divided among member school districts  
 14 proportionally based on the difference of the school district's  
 15 formula need calculated pursuant to section 79-1007.11 minus the  
 16 sum of the state aid certified pursuant to section 79-1022 and the  
 17 other actual receipts included in local system formula resources  
 18 pursuant to section 79-1018.01 for the school fiscal year for which  
 19 the distribution is being made.

20 Each time ~~a learning community coordinating council~~ the  
 21 county treasurer distributes property tax receipts from the common  
 22 general fund levy to member school districts, the amount to be  
 23 distributed to each district shall be proportional based on the  
 24 total amounts to be distributed to each member school district for  
 25 the school fiscal year.

26 Sec. 7. Section 79-1073.01, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 79-1073.01 Amounts levied by learning communities for  
 2 special building funds for member school districts pursuant to  
 3 subdivision (2)(g) of section 77-3442 shall be distributed by the  
 4 county treasurer collecting such levy proceeds to all member school  
 5 districts proportionally based on the formula students used in the  
 6 most recent certification of state aid pursuant to section 79-1022.

7 Any amounts distributed pursuant to this section shall be  
 8 used by the member school districts for special building funds.

9 Sec. 8. Section 79-2104, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 79-2104 A learning community coordinating council shall  
 12 have the authority to:

13 (1) Levy ~~and distribute~~ a common levy for the general  
 14 funds of member school districts pursuant to sections 77-3442 and  
 15 79-1073;

16 (2) Levy ~~and distribute~~ a common levy for the special  
 17 building funds of member school districts pursuant to sections  
 18 77-3442 and 79-1073.01;

19 (3) Levy for capital projects approved by the learning  
 20 community coordinating council pursuant to sections 77-3442 and  
 21 79-2111;

22 (4) Collect, analyze, and report data and information,  
 23 including, but not limited to, information provided by a school  
 24 district pursuant to subsection (5) of section 79-201;

25 (5) Approve focus schools and focus programs to be  
 26 operated by member school districts;

27 (6) Adopt, approve, and implement a diversity plan which  
 1 shall include open enrollment and may include focus schools, focus  
 2 programs, magnet schools, and pathways pursuant to section 79-2110;

3 (7) Administer the open enrollment provisions in section

4 79-2110 for the learning community as part of a diversity plan  
 5 developed by the council to provide educational opportunities which  
 6 will result in increased diversity in schools across the learning  
 7 community;

8 (8) Annually conduct school fairs to provide students and  
 9 parents the opportunity to explore the educational opportunities  
 10 available at each school in the learning community and develop  
 11 other methods for encouraging access to such information and  
 12 promotional materials;

13 (9) Develop and approve reorganization plans for  
 14 submission pursuant to the Learning Community Reorganization Act;

15 (10) Establish and administer elementary learning centers  
 16 through achievement subcouncils pursuant to sections 79-2112 to  
 17 79-2114;

18 (11) Administer the learning community funds distributed  
 19 to the learning community pursuant to section 79-2111;

20 (12) Approve or disapprove poverty plans and limited  
 21 English proficiency plans for member school districts through  
 22 achievement subcouncils established under section 79-2117;

23 (13) Establish a procedure for receiving community input  
 24 and complaints regarding the learning community; and

25 (14) Establish a procedure to assist parents, citizens,  
 26 and member school districts in accessing an approved center  
 27 pursuant to the Dispute Resolution Act to resolve disputes  
 1 involving member school districts or the learning community. Such  
 2 procedure may include payment by the learning community for some  
 3 mediation services.

4 2. On page 12, line 20, after "sections" insert "13-503,"  
 5 and after the last comma insert "79-1041, 79-1073, 79-1073.01,  
 6 79-2104,".

7 3. Renumber the remaining sections accordingly.

(Signed) Greg Adams, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 27A.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 27, One Hundred First Legislature, First Session, 2009; and the declare an emergency.

### **GENERAL FILE**

**LEGISLATIVE BILL 160.** The Hadley amendment, AM1084, found in this day's Journal, was renewed.

Senator Hadley offered the following amendment to his amendment:

FA28

Amend AM1084

Line 6, strike "registered voters of" and insert "those voting in".

Pending.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 162.** Placed on Select File with amendment. ER8065 is available in the Bill Room.

**LEGISLATIVE BILL 495.** Placed on Select File with amendment. ER8066

- 1 1. Renumber original section 3 as section 2.
- 2 2. On page 5, line 1, after "limits" insert an
- 3 underscored comma; in line 10 strike "and"; and in line 12 after
- 4 "and" insert "shall".
- 5 3. On page 6, line 5, strike the first comma and show as
- 6 stricken; and in line 14 after "parks" insert an underscored comma.

**LEGISLATIVE BILL 622.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 87.** Introduced by Karpisek, 32.

WHEREAS, Wade William Kerl, of Troop 175 in Geneva, 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, Wade 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. For his Eagle Scout community service project, Wade constructed a 5' x 12' sign for the Cumberland Park in Geneva; and

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

WHEREAS, on April 26, 2009, Wade will receive the rank of Eagle Scout and, 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 HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Wade William Kerl on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Wade William Kerl.

Laid over.

### **VISITORS**

Upon adjournment the Speaker introduced a group from the Nebraska Association of Former State Legislators.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

### **ADJOURNMENT**

At 4:00 p.m., on a motion by Senator Utter, the Legislature adjourned until 9:00 a.m., Thursday, April 16, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature

