

**FORTY-THIRD DAY - MARCH 14, 2006****LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE  
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 14, 2006

**PRAYER**

The prayer was offered by Senator Price.

**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 Senator Landis who was excused; and Senators Brashear, Cornett, Cunningham, and Dw. Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-second day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 13, 2006, at 5:45 p.m. were the following: LBs 87, 87A, 508, 663e, 853e, 975e, and 1115e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**GENERAL FILE**

**LEGISLATIVE BILL 1060.** Title read. Considered.

The Standing Committee amendment, AM2581, printed separately and referred to on page 946, was considered.

Senator Foley asked unanimous consent to withdraw his pending amendment, AM2617, found on page 950, and replace it with his substitute pending amendment, AM2441, found on page 1020, to the Standing Committee amendment. No objections. So ordered.

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

Senator Foley moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

The motion to cease debate prevailed with 25 ayes, 11 nays, 12 present and not voting, and 1 excused and not voting.

Senator Foley requested a roll call vote on his amendment.

Voting in the affirmative, 29:

Aguilar	Cunningham	Friend	Louden	Smith
Baker	Engel	Heidemann	Mines	Stuhr
Burling	Erdman	Hudkins	Pahls	Stuthman
Byars	Fischer	Jensen	Pedersen, Dw.	Synowiecki
Combs	Flood	Kremer	Redfield	Wehrbein
Cornett	Foley	Langemeier	Schrock	

Voting in the negative, 6:

Brown	Janssen	Pederson, D.
Howard	Johnson	Thompson

Present and not voting, 13:

Beutler	Chambers	Kopplin	Preister	Schimek
Bourne	Connealy	Kruse	Price	
Brashear	Cudaback	McDonald	Raikes	

Excused and not voting, 1:

Landis

The Foley amendment was adopted with 29 ayes, 6 nays, 13 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Schimek offered the following motion:  
Reconsider the vote on AM2441.

**SENATOR CUDABACK PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

**SENATOR CUDABACK PRESIDING**

Pending.

**AMENDMENTS - Print in Journal**

Senator Johnson filed the following amendment to LB 904:  
AM2712

(Amendments to Standing Committee amendments, AM2576)

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. The Expressway Expansion Fund is created. The
- 3 fund shall consist of money credited to the fund pursuant to
- 4 section 77-27,132. Any money in the fund available for investment
- 5 shall be invested by the state investment officer pursuant to
- 6 the Nebraska Capital Expansion Act and the Nebraska State Funds
- 7 Investment Act.
- 8 The fund shall be used by the Department of Roads only
- 9 for the expansion of the expressway system in the state with
- 10 consideration given to the cost-benefit ratio to promote economic
- 11 growth and development of the state.
- 12 2. On page 2, line 11, strike the new matter and insert
- 13 "Expressway Expansion"; in line 15 strike "sections 39-2401 and"
- 14 and insert "section"; and in line 16 strike "are" and insert "is".

Senator Flood filed the following amendment to LB 903:  
AM2698

(Amendments to Standing Committee amendments, AM2596)

- 1 1. Insert the following new section:
- 2 Section 1. Section 53-186, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-186 (1) Except as provided in ~~subsection (2)~~
- 5 subsections (2) and (3) of this section, it shall be unlawful
- 6 for any person to consume alcoholic liquor upon property owned or
- 7 controlled by the state or any governmental subdivision thereof
- 8 unless authorized by the governing bodies having jurisdiction over
- 9 such property.
- 10 (2) The commission may issue licenses for the sale of
- 11 alcoholic liquor at retail (a) on lands owned by public power
- 12 districts, public power and irrigation districts, the Bureau of
- 13 Reclamation, or the Corps of Army Engineers or (b) for locations
- 14 within or on structures on land owned by the state, cities,
- 15 or villages or on lands controlled by airport authorities. The
- 16 issuance of a license under this subsection shall be subject to the
- 17 consent of the local governing body having jurisdiction over the
- 18 site for which the license is requested as provided in the Nebraska
- 19 Liquor Control Act.
- 20 (3) Nothing in this section shall prohibit the
- 21 consumption of alcoholic liquor on the premises or grounds of any
- 22 of the Nebraska veterans' homes described in section 80-315 by a
- 1 resident of such home or his or her guests.
- 2 2. On page 5, line 10, after "sections" insert "53-186,"

- 3 and after "80-315" insert a comma.  
 4 3. Renumber the remaining sections accordingly.

Senator Flood filed the following amendment to LB 994:  
 AM2697

(Amendments to E & R amendments, AM7178)

- 1 1. Insert the following new section:  
 2 Sec. 16. Section 53-186, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 53-186 (1) Except as provided in ~~subsection (2)~~  
 5 subsections (2) and (3) of this section, it shall be unlawful  
 6 for any person to consume alcoholic liquor upon property owned or  
 7 controlled by the state or any governmental subdivision thereof  
 8 unless authorized by the governing bodies having jurisdiction over  
 9 such property.  
 10 (2) The commission may issue licenses for the sale of  
 11 alcoholic liquor at retail (a) on lands owned by public power  
 12 districts, public power and irrigation districts, the Bureau of  
 13 Reclamation, or the Corps of Army Engineers or (b) for locations  
 14 within or on structures on land owned by the state, cities,  
 15 or villages or on lands controlled by airport authorities. The  
 16 issuance of a license under this subsection shall be subject to the  
 17 consent of the local governing body having jurisdiction over the  
 18 site for which the license is requested as provided in the Nebraska  
 19 Liquor Control Act.  
 20 (3) Nothing in this section shall prohibit the  
 21 consumption of alcoholic liquor on the premises or grounds of any  
 22 of the Nebraska veterans homes described in section 80-315 by a  
 1 resident of such home or his or her guests.  
 2 2. Amend the operative date and repealer sections so  
 3 that the section added by this amendment becomes operative on its  
 4 effective date.  
 5 3. Renumber the remaining sections and correct internal  
 6 references accordingly.

### **SELECT COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 1069.** Placed on Select File as amended.  
 E & R amendment to LB 1069:  
 AM7179

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 75-109.01, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 75-109.01 Except as otherwise specifically provided by  
 6 law, the Public Service Commission shall have jurisdiction, as  
 7 prescribed, over the following subjects:  
 8 (1) Common carriers, generally, pursuant to sections

9 75-101 to 75-158;

10 (2) Grain pursuant to the Grain Dealer Act and the Grain  
11 Warehouse Act and sections 89-1,104 to 89-1,108;

12 (3) Manufactured homes and recreational vehicles  
13 pursuant to the Uniform Standard Code for Manufactured Homes and  
14 Recreational Vehicles;

15 (4) Modular housing units pursuant to the Nebraska  
16 Uniform Standards for Modular Housing Units Act;

17 (5) Motor carrier registration and safety pursuant to  
18 sections 75-301 to 75-322, 75-369.03, 75-370, and 75-371;, ~~75-383,~~  
19 ~~and 75-384;~~

20 (6) Pipeline carriers and rights-of-way pursuant to  
21 sections 57-1301 to 57-1307 and 75-501 to 75-503;

22 (7) Railroad carrier safety pursuant to sections 74-918,  
23 74-919, 74-1323, and 75-401 to 75-430;

1 (8) Telecommunications carriers pursuant to the  
2 Automatic Dialing-Announcing Devices Act, the Emergency Telephone  
3 Communications Systems Act, the Enhanced Wireless 911 Services  
4 Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska  
5 Telecommunications Regulation Act, the Nebraska Telecommunications  
6 Universal Service Fund Act, the Telecommunications Relay System  
7 Act, the Telephone Consumer Slamming Prevention Act, and sections  
8 86-574 to 86-580;

9 (9) Transmission lines and rights-of-way pursuant to  
10 sections 70-301 and 75-702 to 75-724;

11 (10) Water service pursuant to the Water Service  
12 Regulation Act; and

13 (11) Jurisdictional utilities governed by the State  
14 Natural Gas Regulation Act. If the provisions of Chapter 75  
15 are inconsistent with the provisions of the State Natural Gas  
16 Regulation Act, the provisions of the State Natural Gas Regulation  
17 Act control.

18 Sec. 2. (1) The Department of Health and Human Services  
19 Finance and Support may reimburse an individual for the costs  
20 incurred by such individual in the transportation of a person  
21 eligible to receive transportation services through the Nebraska  
22 Health and Human Services System if:

23 (a) The individual is under contract with the Nebraska  
24 Health and Human Services System and provides transportation to the  
25 eligible person; and

26 (b) The eligible person has chosen the individual to  
27 provide the transportation.

1 (2) The department shall reimburse for the costs incurred  
2 in the transportation at a rate no greater than that provided for  
3 reimbursement of state employees pursuant to section 81-1176.

4 (3) Transportation provided to an eligible person by  
5 an individual pursuant to this section does not constitute  
6 transportation for hire.

7 (4) The department may adopt and promulgate rules and

8 regulations to implement this section.

9 Sec. 3. Section 75-302, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 75-302 For purposes of sections 75-301 to 75-322 and  
12 section 2 of this act and in all rules and regulations adopted and  
13 promulgated by the commission pursuant to such sections, unless the  
14 context otherwise requires:

15 (1) Carrier enforcement division means the carrier  
16 enforcement division of the Nebraska State Patrol or the Nebraska  
17 State Patrol;

18 (2) Certificate means a certificate of public convenience  
19 and necessity issued under Chapter 75, article 3, to common  
20 carriers by motor vehicle;

21 (3) Civil penalty means any monetary penalty assessed by  
22 the commission or carrier enforcement division due to a violation  
23 of Chapter 75, article 3, or section 75-126 as such section applies  
24 to any person or carrier specified in Chapter 75, article 3; any  
25 term, condition, or limitation of any certificate or permit issued  
26 pursuant to Chapter 75, article 3; or any rule, regulation, or  
27 order of the commission, the Division of Motor Carrier Services,  
1 or the carrier enforcement division issued pursuant to Chapter 75,  
2 article 3;

3 (4) Commission means the Public Service Commission;

4 (5) Common carrier means any person who or which  
5 undertakes to transport passengers or household goods for the  
6 general public in intrastate commerce by motor vehicle for hire,  
7 whether over regular or irregular routes, upon the highways of this  
8 state;

9 (6) Contract carrier means any motor carrier which  
10 transports passengers or household goods for hire other than  
11 as a common carrier designed to meet the distinct needs of each  
12 individual customer or a specifically designated class of customers  
13 without any limitation as to the number of customers it can serve  
14 within the class;

15 (7) Division of Motor Carrier Services means the Division  
16 of Motor Carrier Services of the Department of Motor Vehicles;

17 (8) Escort services means an attendant or caregiver  
18 accompanying a minor or persons who are physically, mentally,  
19 or developmentally disabled and unable to travel or wait without  
20 assistance or supervision;

21 (9) Highway means the roads, highways, streets, and ways  
22 in this state;

23 (10) Household goods means personal effects and property  
24 used or to be used in a dwelling, when a part of the equipment  
25 or supply of such dwelling, and similar property as the commission  
26 may provide by regulation if the transportation of such effects or  
27 property, is:

1 (a) Arranged and paid for by the householder, including  
2 transportation of property from a factory or store when the

3 property is purchased by the householder with the intent to use in  
4 his or her dwelling; or

5 (b) Arranged and paid for by another party;

6 (11) Intrastate commerce means commerce between any place  
7 in this state and any other place in this state and not in part  
8 through any other state;

9 (12) Motor carrier means any person other than a  
10 regulated motor carrier who or which owns, controls, manages,  
11 operates, or causes to be operated any motor vehicle used to  
12 transport passengers or property over any public highway in this  
13 state;

14 (13) Motor vehicle means any vehicle, machine, tractor,  
15 trailer, or semitrailer propelled or drawn by mechanical power  
16 and used upon the highways in the transportation of passengers  
17 or property but does not include any vehicle, locomotive, or car  
18 operated exclusively on a rail or rails;

19 (14) Permit means a permit issued under Chapter 75,  
20 article 3, to contract carriers by motor vehicle;

21 (15) Person means any individual, firm, partnership,  
22 limited liability company, corporation, company, association,  
23 or joint-stock association and includes any trustee, receiver,  
24 assignee, or personal representative thereof;

25 (16) Private carrier means any motor carrier which  
26 owns, controls, manages, operates, or causes to be operated a  
27 motor vehicle to transport passengers or property to or from  
1 its facility, plant, or place of business or to deliver to  
2 purchasers its products, supplies, or raw materials (a) when such  
3 transportation is within the scope of and furthers a primary  
4 business of the carrier other than transportation and (b) when  
5 not for hire. Nothing in sections 75-301 to 75-322 shall apply to  
6 private carriers except sections 75-307 to 75-307.03 as they apply  
7 to private carriers; and

8 (17) Regulated motor carrier means any person who or  
9 which owns, controls, manages, operates, or causes to be operated  
10 any motor vehicle used to transport passengers, other than those  
11 excepted under section 75-303, or household goods over any public  
12 highway in this state.

13 Sec. 4. Section 75-370, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 75-370 Enforcement of sections 75-307 to 75-307.03; and  
16 ~~75-309, 75-383, and 75-384~~ shall be carried out by the carrier  
17 enforcement division of the Nebraska State Patrol or the Nebraska  
18 State Patrol pursuant to the rules and regulations adopted and  
19 promulgated by the commission to enforce such sections. Any  
20 violation of such sections by any regulated motor carrier, motor  
21 carrier, or private carrier shall be referred to the commission for  
22 disposition under section 75-156, and the commission may take any  
23 other action provided by section 75-133.

24 Sec. 5. Section 75-371, Reissue Revised Statutes of

25 Nebraska, is amended to read:

26 75-371 Any person, private carrier, common carrier, or  
 27 contract carrier which operates any motor vehicle in violation  
 1 of section 75-307, 75-307.01, 75-307.02, or 75-307.03, ~~75-383,~~  
 2 ~~or 75-384~~ or any rule, regulation, or order of the commission  
 3 pertaining to any of such sections shall be guilty of a Class IV  
 4 misdemeanor. Each day of such violation shall constitute a separate  
 5 offense.

6 Sec. 6. Original sections 75-109.01, 75-302, 75-370, and  
 7 75-371, Reissue Revised Statutes of Nebraska, are repealed.

8 Sec. 7. The following sections are outright repealed:  
 9 Sections 75-383 and 75-384, Reissue Revised Statutes of Nebraska.

10 2. On page 1, strike beginning with "services" in line  
 11 1 through line 6 and insert "; to amend sections 75-109.01,  
 12 75-302, 75-370, and 75-371, Reissue Revised Statutes of Nebraska;  
 13 to provide for reimbursement of transportation costs for eligible  
 14 persons as prescribed; to eliminate certain provisions related to  
 15 transportation of hazardous materials; to harmonize provisions;  
 16 to repeal the original sections; and to outright repeal sections  
 17 75-383 and 75-384, Reissue Revised Statutes of Nebraska.".

**LEGISLATIVE BILL 1069A.** Placed on Select File.

**LEGISLATIVE BILL 962.** Placed on Select File as amended.  
 E & R amendment to LB 962:

AM7180

1 1. On page 1, line 1, strike "appropriations" and insert  
 2 "the Nursing Faculty Student Loan Act"; and in lines 3 and 4 strike  
 3 "to state intent;".

4 2. Renumber section 3 as section 2.

**LEGISLATIVE BILL 962A.** Placed on Select File.

(Signed) Michael Flood, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 308.** Introduced by Kopplin, 3.

**PURPOSE:** To examine the funding mechanisms and financial situation of Nebraska's two tribally-controlled community colleges. The study should examine the current funding of the two schools relative to state aid, the ramifications of additional state aid, and alternative or potential methods of funding including, but not limited to, the possibility of enhanced cooperative agreements with the Nebraska community college system, the Nebraska state college system, or the University of Nebraska. The study should also investigate how other states fund tribal postsecondary schools.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 309.** Introduced by Engel, 17; Cunningham, 40; Kremer, 34; Wehrbein, 2.

WHEREAS, Taiwan and the United States enjoy one of the most important economic and strategic international relationships; and

WHEREAS, together, Taiwan and the United States promote a shared faith in, and respect for, freedom, democracy, and free market principles; and

WHEREAS, Taiwan and the United States have worked hand-in-hand to preserve peace and stability within the Asia-Pacific region and to help improve the lives of their citizens and people around the world; and

WHEREAS, trade between Taiwan and the United States has increased significantly during recent decades, with the United States being Taiwan's second largest source of imports and Taiwan being the eighth largest trading partner of the United States; and

WHEREAS, Taiwan is also an important overseas market for United States agricultural products and, given the remarkable economic performance of Taiwan and the strong purchasing power of its twenty-three million people, there are many opportunities to further expand bilateral trade between the United States and Taiwan; and

WHEREAS, streamlined foreign investment procedures developed under a Taiwan-United States free trade agreement would lead to further investment by firms in both Taiwan and the United States and would create new business opportunities and new jobs; and

WHEREAS, a Taiwan-United States free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications, and new cooperative ventures; and

WHEREAS, a recent study by the United States International Trade Commission supports the negotiation of a Taiwan-United States free trade agreement to further boost trade between the two countries and serve the broader interests of the United States in the Asia-Pacific region.

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

1. That the Legislature shows its support for free trade between the United States and Taiwan by urging the United States Congress to support the negotiation of a Taiwan-United States free trade agreement.

2. That the Clerk of the Legislature send a copy of this resolution to the President of the United States, the United States Secretary of State, to the United States Secretary of Commerce, to the United States Trade Representative, to each member of the Nebraska congressional delegation,

and to the Taipei Economic and Cultural Office in Kansas City.

Laid over.

### **VISITORS**

Visitors to the Chamber were 47 fourth-grade students and teachers from Nebraska City Public School; 27 students and teacher from Madonna School, Omaha; members of Women Involved in Farm Economics from across the state; and 16 students and teacher from Bryan High School, Omaha.

### **RECESS**

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

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senator Landis who was excused; and Senators Cornett, Heidemann, Jensen, and Mines who were excused until they arrive.

### **SPEAKER BRASHEAR PRESIDING**

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 296 and 297 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 296 and 297.

### **SENATOR CUDABACK PRESIDING**

### **GENERAL FILE**

**LEGISLATIVE BILL 1060.** The Schimek pending motion, found in this day's Journal, to reconsider the vote on AM2441, was renewed.

Senator Schimek moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Schimek requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 18:

Aguilar	Chambers	Janssen	McDonald	Schimek
Beutler	Connealy	Johnson	Pederson, D.	Thompson
Brashear	Cudaback	Kopplin	Price	
Brown	Howard	Kruse	Raikes	

Voting in the negative, 20:

Baker	Cunningham	Foley	Louden	Schrock
Burling	Erdman	Friend	Mines	Smith
Byars	Fischer	Jensen	Pedersen, Dw.	Stuhr
Cornett	Flood	Kremer	Redfield	Wehrbein

Present and not voting, 9:

Bourne	Engel	Hudkins	Preister	Synowiecki
Combs	Heidemann	Pahls	Stuthman	

Excused and not voting, 2:

Landis	Langemeier
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The Schimek motion to reconsider failed with 18 ayes, 20 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:  
Recommit LB 1060 to Appropriations Committee.

Senator Brashear asked unanimous consent to bracket LB 1060 until Wednesday, March 15, 2006. No objections. So ordered.

**LEGISLATIVE BILL 1061.** Title read. Considered.

The Standing Committee amendment, AM2584, found on page 946, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**PROPOSED RULES CHANGE**

Senator Hudkins offered the following proposed rules change:

**Amend Rule 3**

**Sec. 3. Standing Committees.** (a) The standing committees of the Legislature shall be as follows:

Agriculture .....	8 members
Appropriations.....	9 members
Banking, Commerce and Insurance.....	8 members
Business and Labor .....	7 members
Education.....	8 members
General Affairs.....	8 members
Government, Military and Veterans Affairs.....	7 8 members
Health and Human Services .....	8 7 members
Judiciary .....	8 members
Natural Resources.....	8 members
Nebraska Retirement Systems.....	8 6 members
Revenue.....	8 members
Transportation and Telecommunications .....	8 members
Urban Affairs.....	7 members

(b) The Speaker shall not be a regular member of a standing committee.

**Sec. 6. Meeting Times.** (a) After consultation with the Speaker, ~~and with the approval of the Executive Board,~~ the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Referred to the Rules Committee.

**AMENDMENTS - Print in Journal**

Senator Fischer filed the following amendment to LB 1060:

AM2713

(Amendments to Standing Committee amendments, AM2581)

- 1 1. On page 120, line 16, strike "\$5,000,000" and insert

2 "\$1,000,000".

Senators Raikes and Thompson filed the following amendment to LB 1208:  
AM2721

- 1 1. On page 6, line 2, after "~~(4)~~" insert "(a)"; in line  
2 15 after the stricken "2006-07" insert "(b)"; and strike the new  
3 matter in lines 21 through 25 and insert:  
4 "(c) For fiscal year 2006-07, the Education Innovation  
5 Fund shall be allocated as follows: The first two hundred fifty  
6 thousand dollars shall be transferred to the Attracting Excellence  
7 to Teaching Program Cash Fund to fund the Attracting Excellence  
8 to Teaching Program Act, the next one million dollars shall  
9 be transferred to the School District Reorganization Fund, and  
10 the amount remaining in the Education Innovation Fund shall be  
11 allocated, after administrative expenses, for distance education  
12 equipment and incentives pursuant to sections 21 and 22 of this  
13 act.  
14 (d) For fiscal year 2007-08, the Education Innovation  
15 Fund shall be allocated as follows: The first five hundred thousand  
16 dollars shall be transferred to the Attracting Excellence to  
17 Teaching Program Cash Fund to fund the Attracting Excellence to  
18 Teaching Program Act and the amount remaining in the Education  
19 Innovation Fund shall be allocated, after administrative expenses,  
20 for distance education equipment and incentives pursuant to such  
21 sections.  
22 (e) For fiscal year 2008-09, the Education Innovation  
23 Fund shall be allocated as follows: The first seven hundred fifty  
1 thousand dollars shall be transferred to the Attracting Excellence  
2 to Teaching Program Cash Fund to fund the Attracting Excellence  
3 to Teaching Program Act and the amount remaining in the Education  
4 Innovation Fund shall be allocated, after administrative expenses,  
5 for distance education equipment and incentives pursuant to such  
6 sections.  
7 (f) For fiscal years 2009-10 through 2015-16, the  
8 Education Innovation Fund shall be allocated as follows: The  
9 first one million dollars shall be transferred to the Attracting  
10 Excellence to Teaching Program Cash Fund to fund the Attracting  
11 Excellence to Teaching Program Act and the amount remaining in the  
12 Education Innovation Fund shall be allocated, after administrative  
13 expenses, for distance education equipment and incentives pursuant  
14 to such sections.  
15 (g) For fiscal year 2016-17 and each fiscal year  
16 thereafter, the Education Innovation Fund shall be allocated,  
17 after administrative expenses, for education purposes as provided  
18 by the Legislature."  
19 2. On page 7, lines 1 through 7, strike the new matter.  
20 3. On page 69, strike beginning with "79-8,132" in line 4  
21 through "79-8,140," in line 5.

Senator Janssen filed the following amendment to LB 1060:  
AM2726

(Amendments to AM2441)

- 1 1. On page 1, line 8, strike "3,149,166", show as
- 2 stricken, and insert "3,669,007"; in line 11 strike "46,481,952",
- 3 show as stricken, and insert "47,001,793"; and in line 16 strike
- 4 "\$3,149,166", show as stricken, and insert "\$3,669,007".
- 5 2. On page 2, line 6, strike "\$519,841", show as
- 6 stricken, and insert "\$1,039,682".

Senator Baker filed the following amendment to LB 275:  
(Amendment, AM2660, is printed separately and available in the Bill Room,  
Room 1104.)

Senator Baker filed the following amendment to LB 275:  
(Amendment, AM2662, is printed separately and available in the Bill Room,  
Room 1104.)

Senator Jensen filed the following amendment to LB 994:  
AM2685

(Amendments to E & R amendments, AM7178)

- 1 1. On page 30, line 2, strike "three", show as stricken,
- 2 and insert "six".

Senator Jensen filed the following amendment to LB 994:  
AM2732

(Amendments to AM2598)

- 1 1. On page 7, line 23, after "public" insert "or
- 2 private".

Senator Baker filed the following amendment to LB 1222:  
AM2734

(Amendments to Standing Committee amendments, AM2238)

- 1 1. Strike section 25.
- 2 2. On page 1, line 21, strike "2007" and insert "2009".
- 3 3. On page 8, line 13, strike "26" and insert "25"; and
- 4 in line 22 after "month" insert "or has a positive balance greater
- 5 than or equal to the surcharge amount".
- 6 4. On page 9, line 21, after the second occurrence of
- 7 "customer" insert "or a customer in a county containing a city of
- 8 the metropolitan class"; and after the period in line 24 insert
- 9 "Each wireless carrier who has a customer in a county containing
- 10 a city of the metropolitan class shall collect a surcharge of not
- 11 more than fifty cents.".
- 12 5. On page 11, line 9, strike "Each" and insert "As the
- 13 commission may require, each".
- 14 6. On page 16, line 9, after "86-465," insert "and" and
- 15 strike "and 86-468,".
- 16 7. Renumber the remaining sections accordingly.

Senator Kremer filed the following amendment to LB 933:  
AM2722

(Amendments to AM2573)

1 1. Insert the following new sections:  
2 Sec. 29. Section 61-201, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 61-201 The Director of Natural Resources shall be  
5 qualified by education, training, and business experience to manage  
6 and supervise the Department of Natural Resources. The director,  
7 deputy director, or manager of the permits and registration  
8 division shall be a professional engineer as provided in the  
9 Engineers and Architects Regulation Act and shall have had at  
10 least five years' experience in a position of responsibility in  
11 irrigation work.

12 Sec. 30. Section 61-202, Reissue Revised Statutes of  
13 Nebraska, is amended to read:  
14 61-202 The Director of Natural Resources may employ such  
15 personnel, including legal and technical advisors, as necessary  
16 to carry out the duties required of the director. All powers and  
17 duties lawfully conferred upon the Department of Natural Resources  
18 shall be exercised under the direction of the director. The  
19 director shall:

- 20 (1) Have charge of the records of the department;  
21 (2) Cause accurate and complete books of account to be  
22 kept;  
1 (3) Supervise the signing of vouchers and orders for  
2 supplies, materials, and any other expenditures;  
3 (4) Contract for consulting services;  
4 (5) Employ all engineers, assistants, clerks, agents,  
5 advisors, technicians, and other employees required for the proper  
6 transaction of the business of the department and fix their titles,  
7 determine their duties and compensation, and discharge them in the  
8 discretion of the director;  
9 (6) Sign and execute or supervise the signing and  
10 executing of all documents and papers; and  
11 (7) Work with the Nebraska Natural Resources Commission  
12 to develop and implement the policies and programs of the  
13 commission.

14 2. Amend the operative date and repealer sections so  
15 that the sections added by this amendment become operative three  
16 calendar months after adjournment of this legislative session.

17 3. Renumber the remaining sections and correct internal  
18 references accordingly.

Senator Chambers filed the following amendment to LB 1060:  
AM2730

(Amendments to Standing Committee amendments, AM2581)

- 1 1. On page 27, lines 15 and 16, strike "365,000" and

2 insert "1,165,000"; and in line 19 strike "\$200,000" and insert  
3 "\$1,000,000".

### GENERAL FILE

**LEGISLATIVE BILL 1131.** Title read. Considered.

The Standing Committee amendment, AM2620, found on page 947, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1126.** Title read. Considered.

The Standing Committee amendment, AM2318, found on page 695, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 817.** Title read. Considered.

The Standing Committee amendment, AM1952, found on page 436, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 746.** Title read. Considered.

The Standing Committee amendment, AM1308, found on page 1336, First Session, 2005, was considered.

Senator D. Pederson offered the following amendment to the Standing Committee amendment:

AM2733

(Amendments to AM1308)

- 1 1. Insert the following new section:
- 2 Sec. 5. There is hereby appropriated \$200,000 from the
- 3 General Fund for FY2006-07 and \$200,000 from the General Fund
- 4 for FY2007-08 to the Supreme Court, for Program 52, to aid in
- 5 carrying out the provisions of Legislative Bill 746, Ninety-ninth
- 6 Legislature, Second Session, 2006.
- 7 No expenditures for permanent and temporary salaries and

8 per diems for state employees shall be made from funds appropriated  
9 in this section.

The D. Pederson amendment lost with 3 ayes, 15 nays, 28 present and not voting, and 3 excused and not voting.

The Standing Committee amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

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

**LEGISLATIVE BILL 605.** Title read. Considered.

### **SPEAKER BRASHEAR PRESIDING**

The Standing Committee amendment, AM1285, found on page 1287, First Session, 2005, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator D. Pederson renewed his pending amendment, AM1845, found on page 395.

The D. Pederson amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 605A.** Title read. Considered.

Senator D. Pederson renewed his pending amendment, AM1897, found on page 401.

The D. Pederson amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1208.** Title read. Considered.

The Standing Committee amendment, AM2565, found on page 911, was considered.

Senator Raikes renewed his pending amendment, AM2688, found on page 1019, to the Standing Committee amendment.

The Raikes amendment was adopted with 29 ayes, 0 nays, 11 present and

not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Senator Thompson withdrew her pending amendment, AM2640, found on page 959.

Advanced to E & R for review with 36 ayes, 1 nay, 3 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 1208A.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 746A.** Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 746, Ninety-ninth Legislature, Second Session, 2006.

### **AMENDMENTS - Print in Journal**

Senator Preister filed the following amendment to LB 994:  
AM2657

(Amendments to E & R amendments, AM7178)

- 1 1. Strike section 49 and insert the following new
- 2 sections:
- 3 Sec. 46. Section 80-315, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 80-315 (1) The Grand Island Veterans' Home, the Norfolk
- 6 Veterans' Home, the Thomas Fitzgerald Veterans' Home, and the
- 7 Western Nebraska Veterans' Home are established. On July 1, 2007,
- 8 the Eastern Nebraska Veterans' Home is established. The State of
- 9 Nebraska shall maintain the homes as provided in sections 80-314 to
- 10 80-331.
- 11 (2) The veterans' home known as the Thomas Fitzgerald
- 12 Veterans' Home as of the effective date of this act shall continue
- 13 to be known by that name until July 1, 2007. On and after July
- 14 1, 2007, the veterans' home shall be known as the Eastern Nebraska
- 15 Veterans' Home.
- 16 Sec. 50. Section 81-1316, Revised Statutes Cumulative
- 17 Supplement, 2004, is amended to read:
- 18 81-1316 (1) All agencies and personnel of state

19 government shall be covered by sections 81-1301 to 81-1319 and  
20 shall be considered subject to the State Personnel System, except  
21 the following:

22 (a) All personnel of the office of the Governor;

1 (b) All personnel of the office of the Lieutenant  
2 Governor;

3 (c) All personnel of the office of the Secretary of  
4 State;

5 (d) All personnel of the office of the State Treasurer;

6 (e) All personnel of the office of the Attorney General;

7 (f) All personnel of the office of the Auditor of Public  
8 Accounts;

9 (g) All personnel of the Legislature;

10 (h) All personnel of the court systems;

11 (i) All personnel of the Board of Educational Lands and  
12 Funds;

13 (j) All personnel of the Public Service Commission;

14 (k) All personnel of the Nebraska Brand Committee;

15 (l) All personnel of the Commission of Industrial  
16 Relations;

17 (m) All personnel of the State Department of Education;

18 (n) All personnel of the Nebraska state colleges and the  
19 Board of Trustees of the Nebraska State Colleges;

20 (o) All personnel of the University of Nebraska;

21 (p) All personnel of the Coordinating Commission for  
22 Postsecondary Education;

23 (q) All personnel of the Governor's Policy Research  
24 Office, but not to include personnel within the State Energy  
25 Office;

26 (r) All personnel of the Commission on Public Advocacy;

27 (s) All agency heads;

1 (t) The Director of Medical Services established under  
2 section 83-125, the director of the Division of Veterans Homes  
3 created in section 80-314, and the chief executive officers of  
4 the Beatrice State Developmental Center, Lincoln Regional Center,  
5 Norfolk Regional Center, Hastings Regional Center, Grand Island  
6 Veterans' Home, Norfolk Veterans' Home, Thomas Fitzgerald Veterans'  
7 Home prior to July 1, 2007, and the Eastern Nebraska Veterans'  
8 Home on and after July 1, 2007, Western Nebraska Veterans'  
9 Home, Youth Rehabilitation and Treatment Center-Kearney, and Youth  
10 Rehabilitation and Treatment Center-Geneva;

11 (u) All personnel employed as pharmacists, physicians,  
12 psychiatrists, or psychologists of the Department of Health and  
13 Human Services, the Department of Health and Human Services Finance  
14 and Support, and the Department of Health and Human Services  
15 Regulation and Licensure; and

16 (v) Deputies and examiners of the Department of Banking  
17 and Finance and the Department of Insurance as set forth in  
18 sections 8-105 and 44-119, except for those deputies and examiners

19 who remain in the State Personnel System.

20 (2) At each agency head's discretion, up to the following  
 21 number of additional positions may be exempted from the State  
 22 Personnel System, based on the following agency size categories:

23	Number of Agency	Number of Noncovered
24	Employees	Positions
25	less than 25	0
26	25 to 100	1
27	101 to 250	2
1	251 to 500	3
2	501 to 1000	4
3	1001 to 2000	5
4	2001 to 3000	8
5	3001 to 4000	11
6	4001 to 5000	14
7	over 5000	17

8 The purpose of having such noncovered positions shall  
 9 be to allow agency heads the opportunity to recruit, hire,  
 10 and supervise critical, confidential, or policymaking personnel  
 11 without restrictions from selection procedures, compensation rules,  
 12 career protections, and grievance privileges. Persons holding the  
 13 noncovered positions shall serve at the pleasure of the agency head  
 14 and shall be paid salaries set by the agency head.

15 (3) No changes to this section or to the number of  
 16 noncovered positions within an agency shall affect the status  
 17 of personnel employed on the date the changes become operative  
 18 without their prior written agreement. A state employee's career  
 19 protections or coverage by personnel rules and regulations shall  
 20 not be revoked by redesignation of the employee's position as a  
 21 noncovered position without the prior written agreement of such  
 22 employee.

23 Sec. 51. Section 83-107.01, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25 83-107.01 The official names of the state institutions  
 26 under the supervision of the Department of Health and Human  
 27 Services shall be as follows: (1) Beatrice State Developmental  
 1 Center, (2) Lincoln Regional Center, (3) Norfolk Regional Center,  
 2 (4) Hastings Regional Center, (5) Grand Island Veterans' Home, (6)  
 3 Norfolk Veterans' Home, ~~(7) Thomas Fitzgerald Veterans' Home,~~ (8)  
 4 ~~(7)~~ Western Nebraska Veterans' Home, ~~(9)~~ (8) Youth Rehabilitation  
 5 and Treatment Center-Kearney, and ~~(10)~~ (9) Youth Rehabilitation and  
 6 Treatment Center-Geneva.

7 Prior to July 1, 2007, the official name of the state  
 8 institution under the supervision of the Department of Health and  
 9 Human Services shall be the Thomas Fitzgerald Veterans' Home and,  
 10 on and after July 1, 2007, shall be the Eastern Nebraska Veterans'  
 11 Home.

12 2. Correct the operative date section and repealer so  
 13 that the sections added by this amendment become operative three

- 14 calendar months after adjournment of this legislative session.  
15 3. Renumber the remaining sections accordingly.

Senator Bourne filed the following amendment to LB 1096:  
AM2448

- 1 1. Strike section 3 and insert the following new  
2 sections:  
3 Sec. 3. (1) In a county which contains a city of the  
4 metropolitan class, no person shall be elected clerk of the  
5 district court after 2006.  
6 (2) In a district court judicial district within or  
7 comprising a county which contains a city of the metropolitan  
8 class, the clerk of the district court shall be appointed by  
9 majority vote of the district court judges in that district court  
10 judicial district beginning January 1, 2011, or beginning with any  
11 vacancy in the office of clerk of the district court occurring  
12 prior to January 1, 2011.

13 Sec. 5. Section 32-567, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 32-567 Vacancies in office shall be filled as follows:

16 (1) In state and judicial district offices and in the  
17 membership of any board or commission created by the state when no  
18 other method is provided, by the Governor;

19 (2) In county offices other than clerks of the district  
20 court in counties containing a city of the metropolitan class, by  
21 the county board;

22 (3) In the membership of the county board, by the county  
23 clerk, county attorney, and county treasurer;

1 (4) In township offices, by the township board or, if  
2 there are two or more vacancies on the township board, by the  
3 county board;

4 (5) In offices in public power and irrigation districts,  
5 according to section 70-615;

6 (6) In offices in natural resources districts, according  
7 to section 2-3215;

8 (7) In offices in community college areas, according to  
9 section 85-1514;

10 (8) In offices in educational service units, according to  
11 section 79-1217;

12 (9) In offices in hospital districts, according to  
13 section 23-3534;

14 (10) In offices in metropolitan utilities districts,  
15 according to section 14-2104;

16 (11) In membership on airport authority boards, according  
17 to section 3-502, 3-611, or 3-703, as applicable;

18 (12) In membership on the board of trustees of a road  
19 improvement district, according to section 39-1607; and

20 (13) In membership on the council of a municipal county,  
21 by the council.

22 Unless otherwise provided by law, all vacancies shall be  
 23 filled within forty-five days after the vacancy occurs unless good  
 24 cause is shown that the requirement imposes an undue burden.

25 2. On page 8, line 18, strike "and" and after the last  
 26 comma insert "and 32-567,".

27 3. Renumber the remaining section accordingly.

Senator Chambers filed the following amendment to LB 1086:  
 AM2741

1 1. Insert the following new sections:

2 Sec. 6. Section 28-101, Revised Statutes Cumulative

3 Supplement, 2004, is amended to read:

4 28-101 Sections 28-101 to 28-1350 and section 8 of this  
 5 act shall be known and may be cited as the Nebraska Criminal Code.

6 Sec. 7. Section 28-801, Reissue Revised Statutes of  
 7 Nebraska, is amended to read:

8 28-801 (1) Any person who performs, offers, or agrees to  
 9 perform any act of sexual contact or sexual penetration, as those  
 10 terms are defined in subdivision (6) of section 28-318, with any  
 11 person not his or her spouse, in exchange for money or other thing  
 12 of value, commits prostitution.

13 ~~Prostitution is a Class I misdemeanor.~~ Any person  
 14 convicted of violating subsection (1) of this section shall be  
 15 punished as follows:

16 (a) If such person has had no prior convictions or has  
 17 had one prior conviction, such person shall be guilty of a Class  
 18 II misdemeanor. If the court places such person on probation, such  
 19 order of probation shall include, as one of its conditions, that  
 20 such person shall satisfactorily attend and complete an appropriate  
 21 mental health and substance abuse assessment conducted by a  
 22 licensed mental health professional or substance abuse professional  
 23 authorized to complete such assessment; and

1 (b) If such person has had two or more prior convictions,  
 2 such person shall be guilty of a Class I misdemeanor. If the  
 3 court places such person on probation, such order of probation  
 4 shall include, as one of its conditions, that such person shall  
 5 satisfactorily attend and complete an appropriate mental health and  
 6 substance abuse assessment conducted by a licensed mental health  
 7 professional or substance abuse professional authorized to complete  
 8 such assessment.

9 For purposes of this subsection, prior conviction means  
 10 any conviction on or after the effective date of this act for  
 11 violation of subsection (1) of this section or any conviction on  
 12 or after the effective date of this act for violation of a city or  
 13 village ordinance relating to prostitution.

14 Sec. 8. (1) Any person who solicits another person not  
 15 his or her spouse to perform any act of sexual contact or sexual  
 16 penetration, as those terms are defined in section 28-318, in  
 17 exchange for money or other thing of value, commits solicitation of

18 prostitution.

19 (2) Any person convicted of violating subsection (1) of  
 20 this section shall be punished as follows:

21 (a) If such person has had no prior convictions, such  
 22 person shall be guilty of a Class I misdemeanor and pay a  
 23 fine of not less than two hundred fifty dollars. If the court  
 24 places such person on probation, such order of probation shall  
 25 include, as one of its conditions, the payment of a fine of  
 26 not less than two hundred fifty dollars and such person shall  
 27 satisfactorily attend and complete an appropriate mental health and  
 1 substance abuse assessment conducted by a licensed mental health  
 2 professional or substance abuse professional authorized to complete  
 3 such assessment; and

4 (b) If such person has had one or more prior convictions,  
 5 such person shall be guilty of a Class IV felony and pay a fine of  
 6 not less than five hundred dollars. If the court places such person  
 7 on probation, such order of probation shall include, as one of its  
 8 conditions, the payment of a fine of not less than five hundred  
 9 dollars and such person shall satisfactorily attend and complete an  
 10 appropriate mental health and substance abuse assessment conducted  
 11 by a licensed mental health professional or substance abuse  
 12 professional authorized to complete such assessment.

13 Sec. 9. Section 28-804.01, Reissue Revised Statutes of  
 14 Nebraska, is amended to read:

15 28-804.01 In all cases arising under sections 28-801 to  
 16 28-804 and section 8 of this act, no person shall be excused  
 17 from testifying against another person by reason of such testimony  
 18 tending to incriminate the person testifying, but the testimony  
 19 so given, unless voluntary, shall in no case be used against the  
 20 person so testifying in any criminal prosecution or otherwise.

21 Sec. 10. Original sections 28-801 and 28-804.01, Reissue  
 22 Revised Statutes of Nebraska, and section 28-101, Revised Statutes  
 23 Cumulative Supplement, 2004, are repealed.

24 2. On page 2, line 1, strike "This" and insert "Sections  
 25 1 to 5 of this".

Senator Janssen filed the following amendment to LB 1060:  
 AM2744

(Amendments to AM2441)

1 1. On page 1, line 8, strike "3,149,166", show as  
 2 stricken, and insert "3,379,325"; in line 11 strike "46,481,952",  
 3 show as stricken, and insert "46,712,111"; and in line 16 strike  
 4 "\$3,149,166", show as stricken, and insert "\$3,379,325".

5 2. On page 2, line 6, strike "\$519,841", show as  
 6 stricken, and insert "\$750,000"; and in line 19 strike "The" and  
 7 insert "If the General Fund appropriation for this purpose equals  
 8 or exceeds seven hundred fifty thousand dollars, the".

Senator Chambers filed the following amendment to LB 1060:  
AM2731

(Amendments to Standing Committee amendments, AM2581)

- 1 1. On page 27, lines 15 and 16, strike "365,000" and
- 2 insert "915,000"; and in line 19 strike "\$200,000" and insert
- 3 "\$750,000".

Senator Chambers filed the following amendment to LB 1086:  
FA606

Amendment to AM2429

In line 12 strike "close".

Senator Stuhr filed the following amendment to LB 690:  
AM2725

(Amendments to Standing Committee amendments, AM0705)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 Section 1. Sections 1 to 5 of this act shall be known and
- 4 may be cited as the Career Education Partnership Act.
- 5 Sec. 2. The Legislature finds that:
- 6 (1) As defined in the Essential Education Policy of the
- 7 State Board of Education, all students in Nebraska should have
- 8 equitable opportunities to obtain knowledge and skills to meet the
- 9 academic, civic, and economic demands of the twenty-first century;
- 10 (2) Schools need resources to provide programs for
- 11 students to learn information and communication skills, thinking
- 12 and problem solving skills, and interpersonal and self-directional
- 13 skills for them to be productive and successful in their work,
- 14 family, and community;
- 15 (3) Schools need resources to rethink the high school
- 16 experience and to provide programs that will motivate all students,
- 17 including high-risk students, to graduate from high school;
- 18 (4) There is a need to establish strategies and programs
- 19 that develop skills which enable young people to complete high
- 20 school, pursue postsecondary education, find jobs, and remain in
- 21 their communities; and
- 22 There is a need to prepare young adults for employment
- 1 opportunities in the State of Nebraska.
- 2 Sec. 3. For purposes of the Career Education Partnership
- 3 Act, career education includes curriculum, work ethics, general
- 4 employability skills, technical skills, occupational specific
- 5 skills, and applied learning that integrates academic knowledge
- 6 and vocational skills taught through the following course areas:
- 7 Agriculture education; business education; career education; family
- 8 and consumer sciences; health occupations; industrial technology
- 9 education; marketing education; and trade and industrial education.
- 10 Sec. 4. The purpose of the Career Education Partnership
- 11 Act is to support schools in Nebraska in continuing and enhancing
- 12 career education programs through state grants. The act shall:

- 13 (1) Identify and explore options for Nebraska Career  
 14 Education implementation in different sizes of schools;  
 15 (2) Collaborate with ongoing school improvement efforts;  
 16 (3) Create models of collaboration between career and  
 17 academic education;  
 18 (4) Encourage relationships and coordination in support  
 19 of entrepreneurship education;  
 20 (5) Develop partnerships between public secondary and  
 21 postsecondary institutions; and  
 22 (6) Develop partnerships with business and industry based  
 23 on Nebraska workforce development needs.  
 24 Sec. 5. (1) The State Department of Education shall  
 25 establish and administer a competitive grant process to provide  
 26 grants to a collaborative project of two or more public schools  
 27 with an educational service unit, or a public postsecondary  
 1 institution, and an advisory group related to the purpose of  
 2 the Career Education Partnership Act. For purposes of this  
 3 section, an advisory group means a local or regional economic  
 4 development board, a local or regional chamber of commerce board,  
 5 or a group specifically designed to support career education and  
 6 entrepreneurial activities or programs.  
 7 (2) Grant money shall be used to provide for equitable  
 8 opportunities for students in a minimum of two of the following  
 9 areas:  
 10 (a) Assist schools in developing academic competencies,  
 11 technical competencies, and basic work skill foundations for  
 12 students;  
 13 (b) Assist schools in developing curriculum;  
 14 (c) Assist schools in employing certified teachers  
 15 related to the purposes of the act; and  
 16 (d) Assist schools in providing professional development  
 17 for certified teachers who provide course instruction.  
 18 (3) Grants shall not exceed seventy-five thousand dollars  
 19 per collaborative project. Grant recipients shall have two years to  
 20 expend the grant funds. No applicant shall receive funding for more  
 21 than one project at a time. The State Department of Education shall  
 22 act as the fiduciary agent for the grants.

Senators Stuhr and Raikes filed the following amendment to LB 690:  
 AM2724

(Amendments to Standing Committee amendments, AM0705)

1. Insert the following new section:

2 Sec. 7. (1) Beginning with the 2008-09 school year, every  
 3 school district shall develop an individual academic plan for each  
 4 student enrolled in the school district in the eighth grade. The  
 5 plan shall specify the courses the student should complete each  
 6 semester to gain the knowledge and skills necessary to pursue  
 7 postsecondary education and multiple career options in areas of  
 8 interest to the student. The academic plan shall be developed and

- 9 updated annually in consultation with the student.  
10 (2) When a new student enrolls in the high school grades  
11 of a school district, the district shall develop an academic plan  
12 meeting the requirements of this section:  
13 (a) Prior to the student's attendance if the student's  
14 attendance will not be delayed by the development of the academic  
15 plan; or  
16 (b) Within ten school days after the student's enrollment  
17 if the student's attendance would be delayed by the development of  
18 the academic plan.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Erdman asked unanimous consent to add his name as cointroducer to LB 1208. No objections. So ordered.

Senator Friend asked unanimous consent to add his name as cointroducer to LR 309. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 45 fourth- and fifth-grade students and teachers from Shell Creek Elementary School, Columbus; and Dave and Will Butler from Austin, Texas.

The Doctor of the Day was Dr. Jason Musser from Omaha.

### **ADJOURNMENT**

At 6:13 p.m., on a motion by Senator Fischer, the Legislature adjourned until 9:00 a.m., Wednesday, March 15, 2006.

Patrick J. O'Donnell  
Clerk of the Legislature