

FORTY-SEVENTH DAY - MARCH 26, 2008**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 26, 2008

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present except Senators Aguilar, Dubas, Engel, Erdman, Fischer, Flood, Hudkins, Lautenbaugh, Louden, Pedersen, Schimek, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

AMENDMENT - Print in Journal

Senator McDonald filed the following amendment to LB1055:
AM2396

(Amendments to E & R amendments, ER8183)

- 1 1. On page 5, strike lines 5 through 21, show the old
- 2 matter as stricken, and insert the following new subdivision:
- 3 "(3)(a) Dangerous dog means a dog that, according to
- 4 the records of an animal control authority: (i) Has killed a
- 5 human being; (ii) has inflicted injury on a human being that
- 6 requires medical treatment; (iii) has killed a domestic animal
- 7 without provocation; or (iv) has been previously determined to be a
- 8 potentially dangerous dog by an animal control authority, the owner
- 9 has received notice of such determination, and the dog inflicts an
- 10 injury on a human being that does not require medical treatment,
- 11 injures a domestic animal, or threatens the safety of humans or
- 12 domestic animals.
- 13 (b)(i) A dog shall not be defined as a dangerous dog
- 14 under subdivision (3)(a)(ii) of this section if the individual was
- 15 tormenting, abusing, or assaulting the dog at the time of the

16 injury or has, in the past, been observed or reported to have
 17 tormented, abused, or assaulted the dog.

18 (ii) A dog shall not be defined as a dangerous dog
 19 under subdivision (3)(a)(iv) of this section if the injury, damage,
 20 or threat was sustained by an individual who, at the time, was
 21 committing a willful trespass as defined in section 20-203, 28-520,
 22 or 28-521, was committing any other tort upon the property of the
 1 owner of the dog, was tormenting, abusing, or assaulting the dog,
 2 or has, in the past, been observed or reported to have tormented,
 3 abused, or assaulted the dog, or was committing or attempting
 4 to commit a crime:"; and in line 26 after "(5)" insert "Medical
 5 treatment means treatment administered by a physician or other
 6 licensed health care professional;

7 (6)".

8 2. On page 6, line 2, strike "(6)", show as stricken, and
 9 insert "(7)"; in line 3 after "(i)" insert "inflicts an injury on
 10 a human being that does not require medical treatment, (ii)"; in
 11 line 5 strike "or (ii)", show as stricken, and insert ", or (iii)";
 12 and reinstate the stricken matter beginning with "upon" in line 5
 13 through "grounds" in line 6.

14 3. On page 8, lines 10 and 11, strike the new matter.

GENERAL FILE

LEGISLATIVE BILL 958A. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1058. Title read. Considered.

Committee AM1866, found on page 586, was considered.

Senator McDonald renewed her amendment, AM2122, found on page 850, to the committee amendment.

The McDonald amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

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

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1065. Title read. Considered.

Committee AM1991, found on page 687, was considered.

Senator Louden renewed his amendment, AM2307, found on page 979, to the committee amendment.

SENATOR SCHIMEK PRESIDING

Senator Louden offered the following motion:

MO151

Unanimous consent to bracket until April 5, 2008.

No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 736A. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 736, One Hundredth Legislature, Second Session, 2008.

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB1065:
AM2498

- 1 1. On page 7, strike beginning with "A" in line 3 through
- 2 the period in line 8.

Senator Preister filed the following amendment to LB1065:
AM2490

- 1 1. On page 2, lines 17 and 25; page 4, line 24; page 5,
- 2 lines 7 and 13; and page 6, lines 2, 15, and 18, strike "ten" and
- 3 insert "sixty-five".

Senator Friend filed the following amendment to LB988:
AM2431

(Amendments to E & R amendments, ER8211)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 79-458, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 79-458 (1) Any freeholder or freeholders, person in
- 5 possession or constructive possession as vendee pursuant to a
- 6 contract of sale of the fee, holder of a school land lease under
- 7 section 72-232, or entrant upon government land who has not yet
- 8 received a patent therefor may file a petition ~~on or before July~~
- 9 ~~15 for 2007 and~~ on or before June 1 for all other years with
- 10 a board consisting of the county assessor, county clerk, and
- 11 county treasurer, asking to have any tract or tracts of land
- 12 described in the petition set off from an existing ~~Class II or III~~

13 school district in which the land is situated and attached to ~~an~~
 14 ~~accredited a different school~~ district which is contiguous to such
 15 tract or tracts of land if:

16 ~~(a)-(a)(i)~~ The school district in which the land is
 17 situated is a Class II or III school district which has had an
 18 average daily membership in grades nine through twelve of less
 19 than sixty for the two consecutive school fiscal years immediately
 20 preceding the filing of the petition;

21 ~~(b)-The (ii)~~ Such Class II or III school district has
 22 voted pursuant to section 77-3444 to exceed the maximum levy
 1 established pursuant to subdivision (2)(a) of section 77-3442,
 2 which vote is effective for the school fiscal year in which the
 3 petition is filed or for the following school fiscal year;

4 ~~(e)-(iii)~~ The high school in such Class II or III school
 5 district is within fifteen miles on a maintained public highway or
 6 maintained public road of another public high school; and

7 ~~(d)-(iv)~~ Neither school district is a member of a
 8 learning community; or-

9 (b) Except as provided in subsection (7) of this section,
 10 the school district in which the land is situated, regardless of
 11 the class of school district, has approved a budget for the school
 12 fiscal year in which the petition is filed that will cause the
 13 combined levies for such school fiscal year, except levies for
 14 bonded indebtedness approved by the voters of such school district
 15 and levies for the refinancing of such bonded indebtedness, to
 16 exceed the greater of (i) one dollar and twenty cents per one
 17 hundred dollars of taxable valuation of property subject to the
 18 levy or (ii) the maximum levy authorized by a vote pursuant to
 19 section 77-3444.

20 For purposes of determining whether a tract of land is
 21 contiguous, all petitions currently being considered by the board
 22 shall be considered together as a whole.

23 (2) The petition shall state the reasons for the proposed
 24 change and shall show with reference to the land of each
 25 petitioner: (a) That (i) the land described in the petition is
 26 either owned by the petitioner or petitioners or that he, she,
 27 or they hold a school land lease under section 72-232, are in
 1 possession or constructive possession as vendee under a contract
 2 of sale of the fee simple interest, or have made an entry on
 3 government land but have not yet received a patent therefor and
 4 (ii) such tract of land includes all such contiguous land owned or
 5 controlled by each petitioner; (b) that the ~~land described in the~~
 6 ~~petition is located in a Class II or III district that is not a~~
 7 ~~member of a learning community, the district has had an average~~
 8 ~~daily membership in grades nine through twelve of less than sixty~~
 9 ~~for the two consecutive school fiscal years immediately preceding~~
 10 ~~the filing of the petition, the district has voted to exceed the~~
 11 ~~maximum levy established pursuant to subdivision (2)(a) of section~~
 12 ~~77-3442 as provided in subdivision (1)(b) of this section, and the~~

13 ~~land is to be attached to an accredited school district which is~~
 14 ~~contiguous to such tract or tracts of land and which is not a~~
 15 ~~member of a learning community; conditions of subdivision (1)(a) or~~
 16 ~~(1)(b) of this section have been met; and (c) that such petition is~~
 17 approved by a majority of the members of the school board of the
 18 district to which such land is sought to be attached.

19 (3) The petition shall be verified by the oath of each
 20 petitioner. Notice of the filing of the petition and of the hearing
 21 on such petition before the board constituted as prescribed in
 22 subsection (1) or (4) of this section shall be given at least
 23 ten days prior to the date of such hearing by one publication
 24 in a legal newspaper of general circulation in each district and
 25 by posting a notice on the outer door of the schoolhouse in each
 26 district affected thereby, and such notice shall designate the
 27 territory to be transferred. Following the filing of a petition
 1 pursuant to this section, such board shall hold a public hearing
 2 on the petition and, ~~on or before November 1 following the filing~~
 3 ~~of the petition,~~ shall approve or disapprove the petition on or
 4 before July 15 following the filing of the petition based on
 5 a determination of whether the petitioner has complied with all
 6 requirements of this section. If such board approves the petition,
 7 such board shall change the boundaries of the school districts so
 8 as to set off the land described in the petition and attach it to
 9 such district pursuant to the petition with an effective date of
 10 August 15 following the filing of the petition, which actions shall
 11 cause such transfer to be in effect for levies set for the year in
 12 which such transfer takes effect.

13 (4) Petitions requesting transfers of property across
 14 county lines shall be addressed jointly to the county clerks of
 15 the counties concerned, and the petitions shall be acted upon
 16 by the county assessors, county clerks, and county treasurers of
 17 the counties involved as one board, with the county clerk of the
 18 county from which the land is sought to be transferred acting as
 19 chairperson of the board.

20 (5) Appeals may be taken from the action of such board
 21 or, when such board fails to ~~agree, act on the petition, on or~~
 22 ~~before August 1 following the filing of the petition,~~ to the
 23 district court of the county in which the land is located ~~within~~
 24 ~~twenty days after entry of such action on the records of the board~~
 25 ~~by the county clerk of the county in which the land is located~~
 26 ~~or within twenty days after November 1 if such board fails to act~~
 27 ~~upon such petition, on or before August 10 following the filing~~
 1 of the petition, in the same manner as appeals are now taken from
 2 the action of the county board in the allowance or disallowance of
 3 claims against the county. If an appeal is taken from the action of
 4 the board approving the petition or failing to act on the petition,
 5 the transfer shall occur effective August 15 following the filing
 6 of the petition, which actions shall cause such transfer to be in
 7 effect for levies set for the year in which such transfer takes

8 effect, unless action by the district court prevents such transfer.

9 (6) This section does not apply to any school district
10 located on an Indian reservation and substantially or totally
11 financed by the federal government.

12 (7) If approved by the board, the transfer shall take
13 place on January 1 next following the filing of the petition.

14 (7) For school districts that have approved a budget for
15 school fiscal year 2007-08 that will cause the combined levies,
16 except levies for bonded indebtedness approved by the voters of
17 the school district and levies for the refinancing of such bonded
18 indebtedness, to exceed the greater of (a) one dollar and twenty
19 cents per one hundred dollars of taxable valuation of property
20 subject to the levy or (b) the maximum levy authorized by a vote
21 pursuant to section 77-3444, the school boards of such school
22 districts may adopt a binding resolution stating that the combined
23 levies, except levies for bonded indebtedness approved by the
24 voters of the school district and levies for the refinancing of
25 such bonded indebtedness, for school fiscal year 2008-09 shall not
26 exceed the greater of (i) one dollar and twenty cents per one
27 hundred dollars of taxable valuation of property subject to the
1 levy or (ii) the maximum levy authorized by a vote pursuant to
2 section 77-3444. On or before May 9, 2008, such binding resolutions
3 shall be filed with the Auditor of Public Accounts and the county
4 assessors, county clerks, and county treasurers for all counties in
5 which the school district has territory. If such binding resolution
6 is filed on or before May 9, 2008, land shall not be set off and
7 attached to another district pursuant to subdivision (2)(b) of this
8 section in 2008.

9 (8) Nothing in this section shall be construed to detach
10 obligations for voter-approved bonds from any tract of land.

11 2. On page 8, after line 15, insert the following new
12 subsection:

13 "(14) For school districts that file a binding resolution
14 on or before May 9, 2008, with the county assessors, county clerks,
15 and county treasurers for all counties in which the school district
16 has territory pursuant to subdivision (7) of section 79-458, if the
17 combined levies, except levies for bonded indebtedness approved by
18 the voters of the school district and levies for the refinancing
19 of such bonded indebtedness, are in excess of the greater of (a)
20 one dollar and twenty cents per one hundred dollars of taxable
21 valuation of property subject to the levy or (b) the maximum
22 levy authorized by a vote pursuant to section 77-3444, all school
23 district levies, except levies for bonded indebtedness approved by
24 the voters of the school district and levies for the refinancing of
25 such bonded indebtedness, shall be considered unauthorized levies
26 under section 77-1606."

27 3. On page 12, after line 14, insert the following new
1 subsection:

2 "(5) The withdrawal of a participating school district

3 from a unified system or dissolution of a unified system shall
4 occur only if each participating school district in such unified
5 system either will be merged with at least one other school
6 district or will continue participation in such unified system
7 with at least one other participating school district following
8 such withdrawal or dissolution. The withdrawal of a participating
9 school district from a unified system or dissolution of a unified
10 system shall be accomplished and the rights and liabilities of
11 the participating school districts determined through an action for
12 declaratory judgment pursuant to the Uniform Declaratory Judgments
13 Act. An action under the act praying for the withdrawal of a
14 participating school district, dissolution of the unified system,
15 or a declaration of the rights and liabilities of the participating
16 school districts may be brought by the school board of any
17 participating school district. The court shall have jurisdiction
18 to determine all matters relating to the rights and liabilities
19 of the participating school districts, including, but not limited
20 to, the allocation among the participating school districts of
21 (a) the certificated staff employed by the unified system among
22 the participating school districts, (b) the real and personal
23 property acquired by and held in the name of the unified system,
24 (c) the local, state, and federal revenue of the unified system,
25 including state aid to be paid to the unified system for the year
26 following the withdrawal of a participating school district or the
27 dissolution of the unified system, and (d) the liability for the
1 repayment pursuant to subsection (8) of section 79-1010 of any
2 incentive aid received by the unified system and its participating
3 school districts, which liability shall be subtracted from the
4 state aid of the participating school districts to which such
5 repayment is allocated for the school fiscal years following the
6 last school fiscal year of participation of a withdrawing school
7 district or the operation of the dissolved unified system. The
8 State Department of Education shall implement and enforce all terms
9 of any decree of declaratory judgment entered pursuant to this
10 section.

11 (6) After the effective date of this act, the State
12 Committee for the Reorganization of School Districts shall not
13 approve or order into effect any new unified system under
14 this section. The committee may approve and order into effect
15 the addition of school districts to a unified system or the
16 continuation of a unified system if the continuing unified system
17 will consist of at least two school districts which are continuing
18 participation in the unified system."

19 4. Renumber the remaining sections, correct internal
20 references, and amend the repealer accordingly.

Senator Preister filed the following amendment to LB1065:
AM2495

1 1. On page 6, line 19, after the period insert: "If
2 the governing board denies a request for net metering above ten
3 kilowatts, the board shall provide to the person making the request
4 a written explanation for the denial which includes, at a minimum:
5 (a) The number of current or approved customer-generators in the
6 local distribution system and the size of each customer-generator's
7 qualified generation unit; and (b) a detailed calculation of the
8 estimated financial impact of the requester's proposed qualified
9 generation unit on the local distribution system."

GENERAL FILE

LEGISLATIVE BILL 916. Title read. Considered.

Committee AM1932, found on page 681, was considered.

Senator Janssen renewed his amendment, AM2241, found on page 862, to the committee amendment.

The Janssen amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Cornett offered the following amendment:
AM2515

1 1. On page 12, line 25, after "tax" insert "If any or
2 all of the charge for installation is free to the customer and is
3 paid by a third-party service provider, any tax due on that part
4 of the activation commission, finder's fee, installation charge, or
5 similar payment made by the third-party service provider shall be
6 paid by the third-party service provider and collected and remitted
7 by the installer".
8 2. On page 18, line 6, after "products" insert ",
9 community antenna services, Internet services, and satellite
10 services"; and in lines 7 and 9 after "product" insert "or
11 service".

The Cornett amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 965. Title read. Considered.

Committee AM1750, found on page 486, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Raikes offered the following amendment:

AM2511

- 1 1. Insert the following new sections:
- 2 Sec. 17. Section 77-1704.02, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-1704.02 (1) Any county treasurer shall accept payments
- 5 of five hundred dollars or more for the partial discharge of
- 6 current or delinquent real property taxes, personal property taxes,
- 7 or both or any charges for interest, publication, penalties, or
- 8 other charges by reason of the delinquency of such taxes. Such
- 9 partial payment shall be in an amount of at least five hundred
- 10 dollars unless the partial payment is for the remaining obligation.
- 11 The county treasurer shall distribute partial payments to the
- 12 entities levying taxes on the property in proportion to the total
- 13 amount of taxes levied on the property by each entity levying
- 14 taxes on such property. Partial payment shall stop the accumulation
- 15 of interest with regard to the amount of payment made. Partial
- 16 payments for delinquent taxes shall be applied to the oldest
- 17 delinquencies first. Partial payment of delinquent taxes shall not
- 18 affect any collection procedure that is underway or available to
- 19 the county until the delinquency is fully satisfied.
- 20 ~~(1)-(2)~~ Any county board may pass a resolution to allow
- 21 payments ~~for the~~ of amounts less than five hundred dollars for
- 22 the partial discharge of current or delinquent real property
- 23 taxes, personal property taxes, or both or any charges for
- 1 interest, publication, penalties, or other charges by reason of
- 2 the delinquency of such taxes to be held in escrow by the
- 3 county treasurer or may contract with another party to hold such
- 4 payments in escrow. Upon passage of such a resolution or such
- 5 other effective date as the resolution may provide, the county
- 6 treasurer shall accept payments in accordance with the resolution
- 7 or any subsequent amendments thereto and hold such amounts until
- 8 the accumulated payments are sufficient to pay at least one-half
- 9 the taxes currently due on the property or the full amount of
- 10 delinquency and any interest, penalties, or other charges due to
- 11 the delinquency. The resolution of the county board may require
- 12 a minimum, limited, or periodic payment amount as a condition
- 13 for acceptance of payments to be held in escrow. The resolution
- 14 may also require that an escrow agreement be executed between the
- 15 person making payment and the county treasurer as a condition for
- 16 accepting payments.
- 17 ~~(2)-(3)~~ Payments held in escrow under this section may be
- 18 held in a designated bank account or may be commingled with other
- 19 county funds. Such amounts are the property of the person making

20 payment and shall be held in trust for the benefit of such person
 21 and be accounted for with respect to the property for which the
 22 current or delinquent taxes are to be paid. The county may pay
 23 interest on amounts held in escrow at a rate to be determined by
 24 the county board or may retain any interest received. Upon sale
 25 of the property, any amounts held in escrow with respect to that
 26 property shall be returned to the person that made the payment or
 27 applied as directed by such person.

1 ~~(3)-(4)~~ Payments held in escrow for payment of delinquent
 2 taxes shall be applied to the oldest delinquencies first. Payments
 3 held in escrow for payment of delinquent taxes shall not affect any
 4 collection procedure that is underway or available to the county
 5 until the delinquency is fully satisfied.

6 Sec. 18. Section 77-1716, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 77-1716 The county treasurer ~~may, shall,~~ at any time
 9 prior to January 1 of each year, send by mail to the last-known
 10 address a notice to each person on the personal tax roll and each
 11 person owing real estate taxes on mobile homes, cabin trailers,
 12 manufactured homes, or similar property assessed and taxed as
 13 improvements to leased land, advising such taxpayer of the amount
 14 of such taxes owed for that year. At any time ~~after May 1 and~~
 15 ~~before September 1 next following,~~ on or before May 15 in counties
 16 with more than one hundred thousand inhabitants, as of the last
 17 federal decennial census, or on or before June 15 in all other
 18 counties, the county treasurer is required to notify by mail, at
 19 the last-known address, any taxpayer, whose personal or real estate
 20 tax under this section is delinquent, on account of such taxpayer
 21 not having paid the taxes, or the first installment thereof, on
 22 ~~May 1, or before such dates,~~ as required by law, of the amount
 23 of such delinquent tax. The delinquency notice shall also recite
 24 that unless the entire tax is paid by September 1, next following,
 25 a distress warrant will be issued therefor. One dollar shall be
 26 charged by the county treasurer as a cost to the taxpayer to defray
 27 the cost of sending the delinquency notice. The failure of the
 1 taxpayer to receive the notice shall not affect the validity of the
 2 distress warrant.

3 Sec. 19. Section 77-1719.03, Revised Statutes Cumulative
 4 Supplement, 2006, is amended to read:

5 77-1719.03 In any case ~~where in which~~ any distress
 6 warrant includes taxes for one year or more, the sheriff may,
 7 in his or her discretion, accept partial payment and shall pay
 8 the same, as received, to the county treasurer, who shall accept
 9 the same and receipt the sheriff therefor. ~~Pursuant to section~~
 10 ~~77-1704.02, the~~ The county treasurer may accept the partial payment
 11 and hold such amounts until the accumulated payments are sufficient
 12 to pay the full amount of the delinquency for one year and any
 13 interest, penalties, or other charges due to the delinquency, in
 14 the manner provided in section 77-1704.02. Notwithstanding any

15 partial payment, the sheriff shall make levy and return thereof, on
 16 the distress warrant, as required by law.

17 Sec. 20. Except for delinquent taxes on mobile homes,
 18 cabin trailers, manufactured homes, or similar property assessed
 19 and taxed as improvements to leased land, the county treasurer
 20 shall, at any time on or before May 15 in counties with more than
 21 one hundred thousand inhabitants, as of the last federal decennial
 22 census, or on or before June 15 in all other counties, notify by
 23 mail, at the last-known address, any taxpayer whose real estate
 24 tax is delinquent, on account of such taxpayer not having paid the
 25 taxes, or the first installment thereof, on or before such dates,
 26 as required by law, of the amount of such delinquent tax. The
 27 notice shall also recite that unless the entire tax is paid on or
 1 before the first Monday of March after the tax becomes delinquent,
 2 the real estate will be sold or foreclosed on as provided by law
 3 in order to pay the delinquent real estate taxes. One dollar shall
 4 be charged by the county treasurer as a cost to the taxpayer to
 5 defray the cost of sending the delinquency notice. The failure of
 6 the taxpayer to receive the notice shall not affect the validity of
 7 a sale under Chapter 77, article 18.

8 Sec. 23. Section 77-1802, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 77-1802 (1) The county treasurer shall, not less than
 11 four nor more than six weeks prior to the first Monday of March
 12 in each year, make out a list of all real property subject to
 13 sale and the amount of all delinquent taxes against each item,
 14 describing the property as it is described on the tax list, with an
 15 accompanying notice stating that so much of such property described
 16 in the list as may be necessary for that purpose will, on the first
 17 Monday of March next thereafter, be sold by such county treasurer
 18 at public auction at his or her office for the taxes, interest, and
 19 costs thereon.

20 (2) The county treasurer shall also notify by mail, at
 21 the last-known address, each owner of the real property subject
 22 to sale the amount of all delinquent taxes against each item,
 23 describing the property as it is described on the tax list with an
 24 accompanying notice stating that so much of such property described
 25 in the list as may be necessary for that purpose will, on the first
 26 Monday of March next thereafter, be sold by such county treasurer
 27 at public auction at his or her office for taxes, interest, and
 1 costs thereon.

2 2. Renumber the remaining sections and correct internal
 3 references and the repealer accordingly,

SENATOR AGUILAR PRESIDING

Senator Raikes withdrew his amendment.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present

and not voting, and 4 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1172A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1172, One Hundredth Legislature, Second Session, 2008.

RESOLUTIONS

LEGISLATIVE RESOLUTION 286. Introduced by Louden, 49.

PURPOSE: To study return flow issues as they affect surface water irrigation in the State of Nebraska.

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

1. That the Natural Resources 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 287. Introduced by Louden, 49.

PURPOSE: To examine Nebraska state forests as potential renewable energy resources.

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

1. That the Natural Resources 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 288. Introduced by Louden, 49.

PURPOSE: To study the effects of water depletion across the State of Nebraska as well as the causes of such depletion.

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

1. That the Natural Resources 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 289. Introduced by Louden, 49.

PURPOSE: To examine public power issues relating to the generation of power in the State of Nebraska.

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

1. That the Natural Resources 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 290. Introduced by Louden, 49.

PURPOSE: To study the possibility of recycling construction waste and deconstruction materials.

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

1. That the Natural Resources 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 291. Introduced by Louden, 49.

PURPOSE: To examine the application process for obtaining an instream flow right by either a natural resources district or the Game and Parks Commission.

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

1. That the Natural Resources 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.

GENERAL FILE

LEGISLATIVE BILL 880. Title read. Considered.

Committee AM1787, found on page 633, was considered.

Senator Pedersen asked unanimous consent to withdraw his amendment, AM2101, found on page 904, and replace it with his substitute amendment, AM2068, found on page 1073, to the committee amendment. No objections. So ordered.

Pending.

COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 968. Placed on General File with amendment. AM2080

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 79-933, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-933 (1) Upon retirement under section 79-931, a member
- 6 or emeritus member shall receive a school retirement allowance
- 7 which shall consist of the sum of: ~~(1)~~ (a) A savings annuity which
- 8 shall be the actuarial equivalent, as determined by the retirement
- 9 board, of the member's accumulated contributions at the time of
- 10 his or her retirement or, in the case of an emeritus member, the
- 11 savings annuity fixed by the retirement board at the time of his or
- 12 her original retirement; and ~~(2)~~ (b) a service annuity to be paid
- 13 by the State of Nebraska.
- 14 (2) The amount of any individual service annuity for (a)

15 a full-time school employee hired on or before April 1, 1988, who
 16 retires with thirty-five or more years of service or who retires
 17 under the provisions of disability retirement, (b) a full-time
 18 school employee who provided compensated service after April 1,
 19 1988, but prior to July 19, 1996, if the service annuity commences
 20 on or after the member's sixty-fifth birthday, who retires with
 21 thirty-five or more years of service, or who retires under the
 22 provisions of disability retirement, or (c) an emeritus member
 23 shall be three dollars and fifty cents per month for each year
 1 of creditable service commencing with his or her retirement on or
 2 after May 19, 1981. For employees not enumerated in subdivision (a)
 3 or (b) of this subsection or for employees hired on or after July
 4 19, 1996, —except that if the service annuity commences prior to
 5 the member's sixty-fifth birthday, it shall be on an actuarially
 6 reduced basis. Each school employee or emeritus member who retired
 7 before July 1, 1973, and who is receiving a service annuity as of
 8 that date shall have such service annuity adjusted by the increase
 9 in the cost of living as determined by the difference between the
 10 Consumer Price Index for Urban Wage Earners and Clerical Workers
 11 from the date the service annuity commenced and July 1, 1973,
 12 except that such annuity shall not exceed three dollars and fifty
 13 cents monthly per year of service based on the same number of years
 14 of service that is currently being used to determine his or her
 15 service annuity. Such increased service annuity shall commence on
 16 July 1, 1973.
 17 Sec. 2. Original section 79-933, Reissue Revised Statutes
 18 of Nebraska, is repealed.

(Signed) John Synowiecki, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1034. Placed on General File.

LEGISLATIVE BILL 1129. Placed on General File.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Ralph Holzfaster - Nebraska Railway Council

Aye: 7 Senators Aguilar, Fischer, Hudkins, Lautenbaugh, Loudon, Pedersen, Stuthman. Nay: 0. Absent: 1 Senator Schimek.

(Signed) Deb Fischer, Chairperson

RESOLUTIONS**LEGISLATIVE RESOLUTION 292.** Introduced by Adams, 24.

PURPOSE: To review Nebraska's current landscape of support for families with children age birth to five years who are at risk of failure in school and to advise on ways in which Nebraska can further support families and the positive development of children in their first five years.

Decades of scientific research demonstrate that the first five years in a child's life is the most crucial time for brain development. What happens in the first five years can set children on a trajectory of success or failure both in school and later in life. Guided by the principles that (1) learning begins at birth, (2) parents are a child's first and best teacher, (3) quality environments make a difference, (4) lack of quality environments can actually be harmful, and (5) a significant number of children arrive at kindergarten ill-prepared to learn, this interim study shall examine Nebraska's current investment in the first five years of a child's life and recommend additional support that will continue to ensure Nebraska's children have the best start in life.

The issues to be addressed by this study shall include the following:

- (1) Identify the strengths and gaps in quality services for at-risk children age birth to five years;
- (2) Identify the status of current funding invested in at-risk children age birth to five years and potential funding sources that could ensure full funding of age birth to five years services, quality support, and accountability;
- (3) An analysis of other states' funding in early childhood; and
- (4) Other issues as deemed pertinent by the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH 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 Executive Board of the Legislative Council shall designate two members of the Health and Human Services Committee of the Legislature and two members of the Appropriations Committee of the Legislature to participate in this study with the Education Committee of the Legislature.

3. 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 for the introduction of legislation in 2009.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 293. Introduced by Adams, 24.

PURPOSE: The Legislature finds that a work force well-educated in science and math disciplines is needed to compete in the global market. In order to create an interest and desire for science and math in postsecondary and job

skills training, efforts toward development of that interest need to begin in kindergarten and be sustained through grade twelve.

To promote these goals for workforce development in the science, technology, engineering, and math fields, this interim study shall address the following issues:

(1) The consideration of the establishment of pilot projects in both urban and rural Nebraska, with long-term support of ten years or greater;

(2) The development of public and private partnerships with the state and business community of Nebraska to fund math and science projects and programs;

(3) Funding options; and

(4) An assessment of current resources in the state that could be used for this initiative, including the University of Nebraska-Lincoln's Center for Science, Mathematics and Computer Education, the Strategic Air and Space Museum and facilities, research-based industries, and the Nebraska Math and Science Partnerships Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH 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 294. Introduced by Adams, 24.

PURPOSE: To study alternative salary compensation and funding systems for teachers in Nebraska public schools.

Salaries for Nebraska teachers rank forty-fifth nationally and next-to-last among the states bordering Nebraska. Beginning teacher salaries ranked forty-eighth for the most recent year for which national data is available. Nebraska schools, which rank high on national assessments such as the National Assessment of Educational Progress and the ACT, are in danger of losing their ability to recruit and retain high-quality teachers. Recently, significant numbers of beginning and experienced Nebraska teachers have left the state to achieve a greater level of economic security for themselves and their families.

Traditionally, teacher salary compensation has been based on what is known as the single index salary schedule with vertical increments for years of experience and horizontal increments for graduate postsecondary education. These locally negotiated salary schedules have resulted in starting and career teacher salaries with disparities of thirty-five to forty percent across the state.

Many states have developed alternative compensation systems which recognize the additional salary schedule compensation indices such as specialized knowledge, advanced teaching skills, and extra teaching

assignments, as well as educational and socioeconomic challenges of teaching in low-income schools with at-risk students. Some states have examined and developed additional salary incentives for positive movement of students on assessments of student achievement.

Teacher salaries are funded by local school boards through school district general fund budgets which are derived primarily through property taxes, approximately fifty-two percent, and secondarily through general, unrestricted state aid, approximately thirty-two percent. Both school district property tax levies and school budgets are capped under state law, restricting local school districts' abilities to address teacher salary compensation issues.

A number of states have addressed the issue of how to achieve or maintain competitive teacher salaries through specific state funding for teacher salaries and dedicated state revenue used to fund enhancement in teacher salaries, known as the trust fund concept.

This study shall examine alternative salary schedule systems and alternative funding systems for the enhancement of teacher salary compensation in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH 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 295. Introduced by Adams, 24.

PURPOSE: The purpose of this study is to examine regional models of delivering education in Nebraska's rural communities, particularly in those communities experiencing population decline. Several potential case studies of regional cooperation exist in the state.

The study may include, but need not be limited to, the following:

(1) Analysis of demographic trends in rural communities and rural schools and the impact of those trends on future educational needs;

(2) Identification of regional education models that would serve to expand rural opportunities, enhance educational quality, and improve cost-effectiveness through distance education, regional cooperation, staff-sharing, and other such strategies;

(3) Analysis of the applicability and adaptation of the learning community concept or other regional models to rural schools and communities;

(4) Analysis of current policies that serve as a disincentive to form rural learning communities or other regional education models which may enhance rural educational quality and cost-effectiveness; and

(5) Consideration of incentives that would encourage school districts to consider such models.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH 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.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 986. Placed on Select File with amendment.
ER8212

- 1 1. On page 1, line 3, after the second semicolon insert
- 2 "to provide for grants; to delete obsolete provisions;".

LEGISLATIVE BILL 986A. Placed on Select File.

LEGISLATIVE BILL 888. Placed on Select File.

LEGISLATIVE BILL 1068. Placed on Select File with amendment.
ER8213 is available in the Bill Room.

LEGISLATIVE BILL 958A. Placed on Select File.

LEGISLATIVE BILL 1058. Placed on Select File with amendment.
ER8214

- 1 1. On page 1, strike beginning with the last comma in
- 2 line 2 through "Fund" in line 6; and in line 8 after the semicolon
- 3 insert "to harmonize provisions;".

(Signed) Amanda McGill, Chairperson

VISITORS

Visitors to the Chamber were Roberta Knutson from Axtell and Kirsten and Grant Stoll from Lincoln; 37 fourth-grade students from Arlington; and 40 fourth-grade students and teachers from Washington Elementary, Norfolk.

RECESS

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

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Lautenbaugh and White who were excused; and Senators Ashford, Engel, Erdman, Langemeier, Nantkes, and Raikes who were excused until they arrive.

AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB880:
AM2471

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Insert the following new section:
- 2 Sec. 5. In undertaking any water project, a natural
- 3 resources district encompassing a city of the metropolitan class
- 4 shall not, directly or indirectly, cooperate with, enter into an
- 5 agreement with, or pay any person which the district has, directly
- 6 or indirectly, cooperated with, entered into an agreement with
- 7 or paid to study, analyze, evaluate, model, or investigate the
- 8 feasibility or propriety of such water project.
- 9 2. Insert the following new amendment:
- 10 "3. On page 3, line 4, strike "4" and insert "5".
- 11 3. Renumber the remaining sections and amendments
- 12 accordingly.

Senator Pedersen filed the following amendment to LB880:
AM2474

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Strike all amendments and insert the following new
- 2 amendments:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 Section 1. (1) The Papillion Creek Watershed Improvement
- 6 Task Force is created. The task force shall consist of the
- 7 following members:
- 8 (a) The chairperson of the Committee on Natural Resources
- 9 of the Legislature or his or her designee;
- 10 (b) The chairperson of the Committee on Revenue of the
- 11 Legislature or his or her designee;
- 12 (c) A member of the Douglas County Board of
- 13 Commissioners, appointed by that board;
- 14 (d) A member of the Sarpy County Board of Commissioners,
- 15 appointed by that board;
- 16 (e) A member of the Washington County Board of
- 17 Supervisors, appointed by that board;
- 18 (f) A mayor of one city or village located in Douglas

19 County, of one city or village located in Sarpy County, and of
 20 one city or village located in Washington County, appointed by the
 21 county board of the county in which the city or village is located;

22 (g) A member of the Papio-Missouri River Natural
 1 Resources District board of directors, designated by that board;
 2 and

3 (h) One landowner from each of Douglas, Sarpy, and
 4 Washington counties, appointed by the county board of the county
 5 in which the landowner resides. Such landowner shall not be in the
 6 business of selling or leasing real estate.

7 (2) The appointed members of the task force shall be
 8 appointed within thirty days after the effective date of this act.

9 (3) The task force shall meet and organize within thirty
 10 days after the appointment of the members listed in subsection (1)
 11 of this section. The task force shall then appoint two additional
 12 members, one engineer and one biologist. The task force shall meet
 13 monthly at a time and place to be fixed by the task force for the
 14 consideration of the issues described in section 2 of this act and
 15 for the transaction of such other business as properly comes before
 16 it. Special meetings may be called by the chairperson or at the
 17 request of two or more members of the task force. Any appointed
 18 task force member absent from three consecutive meetings may be
 19 dismissed.

20 (4) The members of the task force shall elect a
 21 chairperson who shall be the deciding vote in the event of a
 22 tie vote.

23 Sec. 2. The Papillion Creek Watershed Improvement Task
 24 Force:

25 (1) Shall consider an objective study of the measures
 26 needed to address water quality and quantity in the Papillion Creek
 27 watershed;

1 (2) Shall make recommendations on any legislation needed
 2 to ensure that all counties and cities in the Papillion Creek
 3 watershed implement zoning appropriate to address water quality and
 4 quantity;

5 (3) Shall make recommendations on any legislation needed
 6 to ensure that counties and cities in the Papillion Creek watershed
 7 implement zoning appropriate to address residential and commercial
 8 construction in the watershed flood plain;

9 (4) May consult with engineering authorities and
 10 organizations concerned with water quality and quantity in the
 11 Papillion Creek watershed;

12 (5) Shall recommend to the Legislature any legislation
 13 needed to ensure that the applicable natural resources district has
 14 the authority to implement measures to address water quality and
 15 quantity in the Papillion Creek watershed; and

16 (6) Shall recommend to the Legislature any legislation
 17 needed to ensure proper funding for the kinds and types of projects
 18 that will address concerns raised about water quality and quantity

19 in the Papillion Creek watershed.

20 Sec. 3. The members of the Papillion Creek Watershed
 21 Improvement Task Force shall be reimbursed for their actual and
 22 necessary expenses pursuant to sections 81-1174 to 81-1177.

23 Sec. 4. (1) The Papillion Creek Watershed Improvement
 24 Task Force shall present its recommendations in a report to the
 25 Committee on Natural Resources of the Legislature and Committee on
 26 Revenue of the Legislature in a joint hearing scheduled for the
 27 purpose of receiving this report.

1 (2) The hearing under subsection (1) of this section
 2 shall be held no later than December 15, 2008.

3 Sec. 5. The report required under section 4 of this act
 4 and all underlying data shall be considered a matter of public
 5 record and shall be made available to all members of the Papillion
 6 Creek Watershed Improvement Task Force and the public at least
 7 two weeks prior to presentation of the report to the Committee on
 8 Natural Resources of the Legislature and Committee on Revenue of
 9 the Legislature."

Senator Friend filed the following amendment to LB880:

AM2497

(Amendments to Standing Committee amendments, AM1787)

1 1. Insert the following new section:

2 Sec. 2. Watershed enhancement bonds authorized by section
 3 1 of this act may be issued only (1) after the question of their
 4 issuance has been submitted to the electors of each county and city
 5 located within a natural resources district that contains a city of
 6 the metropolitan class at a general or special election, of which
 7 three weeks' notice has been published in a legal newspaper in or
 8 of general circulation in each such city or county, and (2) if a
 9 majority of those voting at the election have voted in favor of
 10 the issuance of the bonds. Publication of the notice required by
 11 this section in a newspaper described in this section constitutes
 12 compliance with the notice requirements of this section.

13 2. Strike amendment 3 and insert the following new
 14 amendments:

15 "3. On page 3, line 4, strike "4" and insert "5".

16 4. Renumber the remaining sections and correct internal
 17 references accordingly."

18 3. On page 1, line 4; and page 3, line 2, strike "2" and
 19 insert "3".

Senator Hudkins filed the following amendment to LB880:

AM2476

(Amendments to Standing Committee amendments, AM1787)

1 1. On page 3, strike beginning with "No" in line 7
 2 through line 11 and insert: "No such project shall include a dam,
 3 reservoir, or water quality basin having a permanent pool."

GENERAL FILE

LEGISLATIVE BILL 846. Title read. Considered.

Committee AM1731, found on page 627, was considered.

Senator Fischer renewed her amendment, AM2355, found on page 978, to the committee amendment.

SENATOR FRIEND PRESIDING

PRESIDENT SHEEHY PRESIDING

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR281 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR281.

GENERAL FILE

LEGISLATIVE BILL 846. The Fischer amendment, AM2355, found on page 978 and considered in this day's Journal, to the committee amendment, was renewed.

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

Senator Schimek renewed the Schimek-Kruse amendment, AM2324, found on page 1046, to the committee amendment.

Senator Schimek withdrew the Schimek-Kruse amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Harms filed the following amendment to LB1092:
AM2385

(Amendments to Standing Committee amendments, AM1974)

- 1 1. On page 1, lines 3 and 18, strike "purchased new"
- 2 and insert "which is manufactured on or after January 1, 2012, and
- 3 which is purchased"; and in lines 4 and 5 and 18 strike "on or
- 4 after January 1, 2010.".

5 2. On page 3, line 14, after the period insert "The State
 6 Department of Education shall develop and make available to each
 7 school district a program of instruction in the proper use of lap
 8 belts, shoulder belts, or lap-shoulder belts.".

Senator Harms filed the following amendment to LB1092:
 AM2403

(Amendments to Standing Committee amendments, AM1974)

1 1. Insert the following new section:

2 Section 1. Section 60-6,267, Revised Statutes Supplement,
 3 2007, is amended to read:

4 60-6,267 (1) Any person in Nebraska who drives any motor
 5 vehicle which has or is required to have an occupant protection
 6 system shall ensure that:

7 (a) All children up to six years of age being transported
 8 by such vehicle use a child passenger restraint system of a
 9 type which meets Federal Motor Vehicle Safety Standard 213 as
 10 developed by the National Highway Traffic Safety Administration, as
 11 such standard existed on January 1, 2007, and which is correctly
 12 installed in such vehicle; and

13 (b) All children six years of age and less than eighteen
 14 years of age being transported by such vehicle use an occupant
 15 protection system.

16 This subsection shall apply to every motor vehicle which
 17 is equipped with an occupant protection system or is required to be
 18 equipped with restraint systems pursuant to Federal Motor Vehicle
 19 Safety Standard 208, as such standard existed on January 1, 2007,
 20 except school buses, taxicabs, mopeds, motorcycles, and any motor
 21 vehicle designated by the manufacturer as a 1963 year model or
 22 earlier which is not equipped with an occupant protection system.

1 (2) Whenever any licensed physician determines, through
 2 accepted medical procedures, that use of a child passenger
 3 restraint system by a particular child would be harmful by reason
 4 of the child's weight, physical condition, or other medical reason,
 5 the provisions of subsection (1) of this section shall be waived.
 6 The driver of any vehicle transporting such a child shall carry
 7 on his or her person or in the vehicle a signed written statement
 8 of the physician identifying the child and stating the grounds for
 9 such waiver.

10 (3) The drivers of authorized emergency vehicles shall
 11 not be subject to the requirements of subsection (1) of this
 12 section when operating such authorized emergency vehicles pursuant
 13 to their employment.

14 (4) A driver of a motor vehicle shall not be subject to
 15 the requirements of subsection (1) of this section if the motor
 16 vehicle is being operated in a parade or exhibition and the parade
 17 or exhibition is being conducted in accordance with applicable
 18 state law and local ordinances and resolutions.

19 (5) The Department of Motor Vehicles shall develop and

20 implement an ongoing statewide public information and education
21 program regarding the use of child passenger restraint systems and
22 occupant protection systems and the availability of distribution
23 and discount programs for child passenger restraint systems.

24 (6) All persons being transported by a motor vehicle
25 operated by a holder of a provisional operator's permit or a school
26 permit shall use such motor vehicle's occupant protection system.

27 2. Renumber the remaining sections and correct the
1 repealer accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 296. Introduced by Avery, 28; Cornett, 45; Gay, 14; Kopplin, 3; Pankonin, 2.

PURPOSE: To study the impact on Nebraska's current military installations and missions of a future Base Realignment and Closure (BRAC) Commission. The United States Department of Defense routinely examines existing military installations and missions overseas and in the United States to seek ways to increase military efficiency. Once an installation or mission is placed on the commission's list for closure or realignment, it is extremely difficult to have it removed from the list.

The BRAC process may be beneficial to a community by receiving either newly created missions or existing missions from another base. Whether a base gains or loses missions often depends on the determination of the United States Department of Defense as to the base's current and potential value. Nebraska is currently vulnerable to the BRAC process, and losing an installation or mission would likely prove detrimental to the local economy. In order to examine the impact on Nebraska, this interim study shall include the formation of a BRAC Task Force to be established by the Government, Military and Veterans Affairs Committee of the Legislature. The issues to be studied by the BRAC Task Force shall include, but not be limited to, (1) identifying the military installations and missions in Nebraska most vulnerable to the Base Realignment and Closure process, (2) identifying the military installations and missions in Nebraska most likely to benefit from the BRAC process, and (3) reviewing the actions taken by other states to protect their military installations and missions. The task force shall make recommendations as to what actions, if any, Nebraska should take to protect its military installations and missions and recommendations as to what actions, if any, Nebraska should take to increase the likelihood of benefiting from future base realignment and closure processes. The task force shall issue a written report with the recommendations to the committee.

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

1. That the Government, Military and Veterans Affairs 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 297. Introduced by Nantkes, 46.

PURPOSE: The purpose of this resolution is to study matters relating to the inspection requirements for Class B swimming pools and the standards, testing, and certification of certified swimming pool operators. The study shall include an examination of the requirements in other states.

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

1. That the Health and Human Services 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.

GENERAL FILE

LEGISLATIVE BILL 846. Committee AM1731, found on page 627 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 12 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 846A. Title read. Considered.

Senator Fischer moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 10 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1154. Title read. Considered.

Committee AM2449, found on page 1057, was considered.

Senator Gay offered the following amendment to the committee amendment:

AM2517 is available in the Bill Room.

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Gay moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Gay requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 11:

Dierks	Gay	Karpisek	Pankonin
Dubas	Hansen	Kopplin	Stuthman
Fulton	Hudkins	Langemeier	

Voting in the negative, 19:

Adams	Burling	Johnson	Nantkes	Rogert
Aguilar	Chambers	Kruse	Pahls	Schimek
Ashford	Friend	Lathrop	Preister	Synowiecki
Avery	Howard	McGill	Raikes	

Present and not voting, 16:

Carlson	Erdman	Heidemann	Nelson
Christensen	Fischer	Janssen	Pirsch
Cornett	Flood	Louden	Wallman
Engel	Harms	McDonald	Wightman

Excused and not voting, 3:

Lautenbaugh	Pedersen	White
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The Gay amendment lost with 11 ayes, 19 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Kopplin offered the following amendment to the committee amendment:

AM2516

(Amendments to Standing Committee amendments, AM2449)

- 1 1. On page 22, line 14, strike "The", show as stricken,
- 2 and insert "Beginning with school fiscal year 2010-11 and for each
- 3 school fiscal year thereafter, the".

Senator Kopplin withdrew his amendment.

SENATOR LANGEMEIER PRESIDING

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

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

AMENDMENT - Print in Journal

Senator Hudkins filed the following amendment to LB846:
AM2063

- 1 1. On page 21, line 7; and page 23, line 15, strike
- 2 "Sixty-six" and insert "Fifty-three and one-third".
- 3 2. On page 21, lines 9 and 11; and page 23, lines 17 and
- 4 19, strike "Seventeen" and insert "Twenty-three and one-third".

MOTIONS - Print in Journal

Senator Stuthman filed the following motion to LB1092:
MO153
Bracket until April 16, 2008.

Senator Stuthman filed the following motion to LB1092:
MO154
Indefinitely postpone.

GENERAL FILE

LEGISLATIVE BILL 736. Title read. Considered.

Committee AM2148, found on page 953, was considered.

PRESIDENT SHEEHY PRESIDING

The committee amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 895. Title read. Considered.

Committee AM2082, found on page 716, was considered.

Senator Flood renewed his amendment, AM2119, found on page 801, to the

committee amendment.

The Flood amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Janssen renewed the Janssen et al. amendment, AM2344, found on page 981, to the committee amendment.

The Janssen et al. amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 4 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1022. Title read. Considered.

Committee AM2085, found on page 922, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 830. Title read. Considered.

Committee AM2357, found on page 1025, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

AMENDMENT - Print in Journal

Senator Cornett filed the following amendment to LB1082:
AM2514

- 1 1. Insert the following new section:
- 2 Sec. 4. The changes made by this legislative bill to
- 3 the Nebraska Workers' Compensation Act apply only to injuries that
- 4 occurred on or after the effective date of this act.
- 5 2. On page 4, line 17, strike "section 1" and insert
- 6 "sections 1 and 4".
- 7 3. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were 27 fourth-grade students, teachers, and sponsors from Yutan; Dan Hoins and Brian Liesveld from Papillion; Michelle and Carter Svehla from Lincoln; and Bob and Nancy Giese from South Sioux City.

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

ADJOURNMENT

At 8:15 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 27, 2008.

Patrick J. O'Donnell
Clerk of the Legislature