

**FIFTY-NINTH DAY - APRIL 16, 2008**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
SECOND SESSION**

**FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 16, 2008

**PRAYER**

The prayer was offered by Senator Hudkins.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 1:30 p.m., President Sheehy presiding.

The roll was called and all members were present except Senator Engel who was excused; and Senators Ashford, Heidemann, Kruse, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 2008, at 8:05 p.m. were the following: LBs 151e, 195, 710, 724, 726, 726A, 727, 728, 754e, 764, 775, 789e, 798, 805, 821, 838, 845, 848, 850, 865, 893, 902, 904, 947, 972, 993, 1004e, 1011, 1045, 1048e, 1048A, 1067, 1103, 1108, 1145, and 1162.

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

**MESSAGE FROM THE GOVERNOR**

April 16, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 151e, 195, 280, 710, 724, 726, 726A, 727, 728, 736, 736A, 754e, 764, 775, 789e, 798, 805, 821, 838, 844, 845, 848, 850, 865, 893, 902, 904, 947, 972, 993, 1001, 1001A, 1004e, 1011, 1014e, 1014Ae, 1045, 1048e, 1048A, 1067, 1103, 1108, 1145, and 1162 were received in my office on April 15, 2008.

I signed these bills and delivered them to the Secretary of State on April 16, 2008.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

**MOTIONS - Approve Appointments**

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1182:

Oil and Gas Conservation Commission  
 James Gohl

Voting in the affirmative, 39:

Adams	Erdman	Janssen	McGill	Rogert
Aguilar	Fischer	Johnson	Nantkes	Schimek
Avery	Friend	Karpisek	Nelson	Stuthman
Burling	Gay	Kopplin	Pahls	Synowiecki
Carlson	Hansen	Lathrop	Pankonin	Wallman
Christensen	Harms	Lautenbaugh	Pedersen	White
Cornett	Howard	Loudon	Pirsch	Wightman
Dierks	Hudkins	McDonald	Preister	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Dubas	Flood	Fulton	Langemeier
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Excused and not voting, 5:

Ashford            Engel                    Heidemann            Kruse                    Raikes

The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1253:

Nebraska Information Technology Commission

Trev Peterson

Janie Park

Voting in the affirmative, 38:

Adams	Flood	Janssen	Nantkes	Schimek
Aguilar	Friend	Johnson	Nelson	Stuthman
Carlson	Fulton	Karpisek	Pahls	Synowiecki
Christensen	Gay	Kopplin	Pankonin	Wallman
Dierks	Hansen	Lathrop	Pedersen	White
Dubas	Harms	Lautenbaugh	Pirsch	Wightman
Erdman	Howard	Louden	Preister	
Fischer	Hudkins	McGill	Rogert	

Voting in the negative, 0.

Present and not voting, 6:

Avery	Chambers	Langemeier
Burling	Cornett	McDonald

Excused and not voting, 5:

Ashford            Engel                    Heidemann            Kruse                    Raikes

The appointments were confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1389:

Commission for the Deaf and Hard of Hearing

Mary Ann Burke

David Rutledge

Dillard Delts

Voting in the affirmative, 41:

Adams	Erdman	Janssen	Nantkes	Stuthman
Aguilar	Fischer	Johnson	Nelson	Synowiecki
Avery	Flood	Karpisek	Pahls	Wallman
Burling	Friend	Kopplin	Pankonin	White
Carlson	Fulton	Langemeier	Pedersen	Wightman
Christensen	Gay	Lautenbaugh	Pirsch	
Cornett	Hansen	Louden	Preister	
Dierks	Howard	McDonald	Rogert	
Dubas	Hudkins	McGill	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Harms	Lathrop
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Excused and not voting, 5:

Ashford	Engel	Heidemann	Kruse	Raikes
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The appointments were confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1389:

Commission for the Blind and Visually Impaired  
James Jirak

Voting in the affirmative, 41:

Adams	Erdman	Hudkins	McGill	Schimek
Aguilar	Fischer	Janssen	Nantkes	Stuthman
Avery	Flood	Johnson	Nelson	Wallman
Burling	Friend	Karpisek	Pahls	White
Carlson	Fulton	Kopplin	Pankonin	Wightman
Christensen	Gay	Lathrop	Pedersen	
Cornett	Hansen	Lautenbaugh	Pirsch	
Dierks	Harms	Louden	Preister	
Dubas	Howard	McDonald	Rogert	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Langemeier	Synowiecki
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Excused and not voting, 5:

Ashford      Engel              Heidemann      Kruse              Raikes

The appointment was confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator McDonald moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1410:

State Racing Commission  
Helen Abbott Feller

Voting in the affirmative, 38:

Adams	Erdman	Janssen	McGill	Rogert
Aguilar	Fischer	Karpisek	Nantkes	Schimek
Avery	Friend	Kopplin	Nelson	Stuthman
Burling	Fulton	Langemeier	Pahls	Synowiecki
Carlson	Gay	Lathrop	Pankonin	Wallman
Christensen	Harms	Lautenbaugh	Pedersen	Wightman
Dierks	Howard	Louden	Pirsch	
Dubas	Hudkins	McDonald	Preister	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Flood	Johnson
Cornett	Hansen	White

Excused and not voting, 5:

Ashford      Engel              Heidemann      Kruse              Raikes

The appointment was confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator McDonald moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1411:

Nebraska Arts Council  
Robert "Bob" Culver Jr.

Voting in the affirmative, 44:

Adams	Erdman	Hudkins	Louden	Preister
Aguilar	Fischer	Janssen	McDonald	Rogert
Avery	Friend	Johnson	McGill	Schimek
Burling	Fulton	Karpisek	Nantkes	Stuthman
Carlson	Gay	Kopplin	Nelson	Synowiecki
Chambers	Hansen	Kruse	Pahls	Wallman
Christensen	Harms	Langemeier	Pankonin	White
Dierks	Heidemann	Lathrop	Pedersen	Wightman
Dubas	Howard	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 2:

Cornett          Flood

Excused and not voting, 3:

Ashford          Engel          Raikes

The appointment was confirmed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

### **MOTION - Return LB245 to Select File**

Senator Preister moved to return LB245 to Select File for the following specific amendment:

FA276

Strike the enacting clause.

Senator Preister withdrew his motion to return.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 245.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-3305, Revised Statutes Supplement, 2007; to change provisions relating to fluoridation of drinking water; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Aguilar	Erdman	Janssen	Louden	Pirsch
Ashford	Flood	Johnson	McGill	Raikes
Avery	Friend	Karpisek	Nantkes	Rogert
Burling	Fulton	Kopplin	Nelson	Schimek
Carlson	Gay	Kruse	Pahls	Wallman
Chambers	Howard	Lathrop	Pankonin	Wightman
Cornett	Hudkins	Lautenbaugh	Pedersen	

Voting in the negative, 8:

Adams	Dubas	Hansen	Langemeier
Christensen	Fischer	Heidemann	Preister

Present and not voting, 6:

Dierks	McDonald	Synowiecki
Harms	Stuthman	White

Excused and not voting, 1:

Engel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 245A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 245, One Hundredth Legislature, Second Session, 2008; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 33:

Aguilar	Erdman	Hudkins	Lautenbaugh	Pirsch
Ashford	Flood	Janssen	McGill	Raikes
Avery	Friend	Johnson	Nantkes	Rogert
Burling	Fulton	Karpisek	Nelson	Schimek
Carlson	Gay	Kopplin	Pahls	Wightman
Chambers	Heidemann	Kruse	Pankonin	
Cornett	Howard	Lathrop	Pedersen	

Voting in the negative, 6:

Adams	Dubas	Langemeier
Christensen	Hansen	Preister

Present and not voting, 9:

Dierks	Harms	McDonald	Synowiecki	White
Fischer	Louden	Stuthman	Wallman	

Excused and not voting, 1:

Engel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **MOTION - Return LB745 to Select File**

Senator Chambers moved to return LB745 to Select File for the following specific amendment:

FA277

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 745.**

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-1316, Revised Statutes Supplement, 2007; to change provisions relating to personnel exempt from the State Personnel System; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Dubas	Howard	Louden	Raikes
Aguilar	Erdman	Hudkins	McDonald	Rogert
Ashford	Fischer	Janssen	McGill	Schimek
Avery	Flood	Johnson	Nantkes	Stuthman
Burling	Friend	Karpisek	Nelson	Synowiecki
Carlson	Fulton	Kopplin	Pahls	Wallman
Chambers	Gay	Kruse	Pankonin	White
Christensen	Hansen	Langemeier	Pedersen	Wightman
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	



Voting in the negative, 0.

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB806 with 37 ayes, 2 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 806.**

A BILL FOR AN ACT relating to animals; to amend sections 15-220, 16-206, 17-526, 20-126.01, 20-128, 20-131.02, 20-131.04, 49-801, 54-603, and 54-614, Reissue Revised Statutes of Nebraska, and sections 14-102, 20-127, 20-129, and 28-1009.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to dog guides, hearing aid dogs, and service dogs; to define a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 830.**

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-901, Revised Statutes Cumulative Supplement, 2006, and section 71-7611, Revised Statutes Supplement, 2007, as amended by section 2, Legislative Bill 480, One Hundredth Legislature, Second Session, 2008, and section 5, Legislative Bill 961, One Hundredth Legislature, Second Session, 2008; to adopt the Medicaid Prescription Drug Act; to harmonize provisions; to change provisions relating to use of the Nebraska Health Care Cash Fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 830A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 830, One Hundredth Legislature, Second Session, 2008.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 907.**

A BILL FOR AN ACT relating to corporations and other companies; to amend sections 21-1905, 21-2604, and 21-2611, Reissue Revised Statutes of Nebraska, and section 21-2005, Revised Statutes Supplement, 2007; to change provisions relating to fees; to change provisions relating to names and reinstatement of limited liability companies; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Adams	Erdman	Hudkins	McDonald	Schimek
Aguilar	Fischer	Janssen	McGill	Stuthman
Ashford	Flood	Johnson	Nantkes	Synowiecki
Avery	Friend	Karpisek	Nelson	Wallman
Burling	Fulton	Kopplin	Pahls	White
Carlson	Gay	Kruse	Pankonin	Wightman
Chambers	Hansen	Langemeier	Pedersen	
Christensen	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	
Dubas	Howard	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 2:

Engel            Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 953.**

A BILL FOR AN ACT relating to mobile homes and manufactured homes; to amend sections 60-137 and 60-164, Revised Statutes Supplement, 2007; to provide classification under bankruptcy plans, certificate of title requirements, and security interest perfection as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Engel                 Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 956.**

A BILL FOR AN ACT relating to the Job Training Cash Fund; to amend sections 81-1202 and 81-1205, Reissue Revised Statutes of Nebraska, and section 81-1201.21, Revised Statutes Supplement, 2007; to provide for small, rural, or poverty area employer grants; to change provisions relating to job training grants; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Dubas	Howard	Louden	Schimek
Aguilar	Erdman	Hudkins	McDonald	Stuthman
Ashford	Fischer	Janssen	Nantkes	Synowiecki
Avery	Flood	Johnson	Nelson	Wallman
Burling	Friend	Karpisek	Pahls	White
Carlson	Fulton	Kopplin	Pankonin	Wightman
Chambers	Gay	Kruse	Pedersen	
Christensen	Hansen	Langemeier	Pirsch	
Cornett	Harms	Lathrop	Preister	
Dierks	Heidemann	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 2:

Engel                 Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 995.**

A BILL FOR AN ACT relating to cemeteries; to amend sections 12-401,

12-806, 12-807, 12-808, 12-810, 12-1202, and 12-1204, Reissue Revised Statutes of Nebraska, and sections 12-402, 12-805, and 12-1401, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to cemetery boards, cemetery funds, abandoned and neglected cemeteries, Indian burial grounds, and pioneer cemeteries; to harmonize provisions; to repeal the original sections; and to outright repeal section 12-806.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Engel                Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1072.** With Emergency.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 66-1838 and 75-130.01, Reissue Revised Statutes of Nebraska, and section 66-1852, Revised Statutes Cumulative Supplement, 2006; to change rate filing provisions under the State Natural Gas Regulation Act; to change provisions relating to extension of natural gas transmission lines and to contested cases; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Engel                      Raikes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1116 with 34 ayes, 6 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 1116.**

A BILL FOR AN ACT relating to the Nebraska State Fair; to amend section 2-258, Reissue Revised Statutes of Nebraska, sections 2-101, 2-101.01, 2-103, and 81-1108.33, Revised Statutes Cumulative Supplement, 2006, and sections 2-108 and 84-612, Revised Statutes Supplement, 2007; to state intent to relocate the Nebraska State Fair; to provide a fair relocation plan; to provide for future use of the Nebraska State Fairgrounds; to change membership provisions of the Nebraska State Fair Board; to create a fund; to change provisions relating to use of a tax levy; to change and eliminate provisions relating to the Nebraska State Fairgrounds; to transfer funds; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 2-104, 2-104.01, and 2-106, Revised Statutes Cumulative Supplement, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Dierks	Howard	McDonald	Raikes
Aguilar	Dubas	Hudkins	McGill	Rogert
Ashford	Erdman	Janssen	Nantkes	Schimek
Avery	Fischer	Johnson	Nelson	Stuthman
Burling	Flood	Kopplin	Pahls	Synowiecki
Carlson	Friend	Langemeier	Pankonin	Wallman
Chambers	Fulton	Lathrop	Pedersen	White
Christensen	Gay	Lautenbaugh	Pirsch	Wightman
Cornett	Harms	Louden	Preister	

Voting in the negative, 3:

Hansen            Heidemann      Karpisek

Present and not voting, 1:

Kruse

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

### **LEGISLATIVE BILL 1116A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1116, One Hundredth Legislature, Second Session, 2008.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Dierks	Heidemann	Louden	Preister
Aguilar	Dubas	Howard	McDonald	Raikes
Ashford	Erdman	Hudkins	McGill	Rogert
Avery	Fischer	Janssen	Nantkes	Schimek
Burling	Flood	Johnson	Nelson	Stuthman
Carlson	Friend	Kopplin	Pahls	Synowiecki
Chambers	Fulton	Langemeier	Pankonin	Wallman
Christensen	Gay	Lathrop	Pedersen	White
Cornett	Harms	Lautenbaugh	Pirsch	Wightman

Voting in the negative, 2:



Hansen            Karpisek

Present and not voting, 1:

Kruse

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1153 with 33 ayes, 4 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1153.** With Emergency.

A BILL FOR AN ACT relating to education; to amend sections 79-1104.01 and 79-1104.02, Revised Statutes Cumulative Supplement, 2006, sections 79-1103 and 79-1104.04, Revised Statutes Supplement, 2007, and section 13, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008; to provide for a certificate of attendance for students receiving special education services; to permit certain early childhood education programs to enroll certain kindergarten-age students; to change provisions relating to calculation of state aid; to change and eliminate provisions relating to early childhood education endowment funds; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Adams	Dubas	Howard	McGill	Schimek
Aguilar	Erdman	Hudkins	Nantkes	Stuthman
Ashford	Fischer	Janssen	Nelson	Synowiecki
Avery	Flood	Johnson	Pahls	Wallman
Burling	Friend	Karpisek	Pankonin	White
Carlson	Fulton	Kopplin	Pedersen	Wightman
Chambers	Gay	Langemeier	Pirsch	
Christensen	Hansen	Lathrop	Preister	
Cornett	Harms	Lautenbaugh	Raikes	
Dierks	Heidemann	McDonald	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 2:

Engel            Kruse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1165.**

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 2007; to state intent related to and provide requirements for transfers of funds from the General Fund and the Cash Reserve Fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Adams	Dubas	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Schimek
Ashford	Fischer	Janssen	Nantkes	Stuthman
Avery	Flood	Johnson	Nelson	Synowiecki
Burling	Friend	Karpisek	Pahls	Wallman
Carlson	Fulton	Kopplin	Pankonin	White
Chambers	Gay	Langemeier	Pedersen	Wightman
Christensen	Hansen	Lathrop	Pirsch	
Cornett	Harms	Lautenbaugh	Preister	
Dierks	Heidemann	Louden	Raikes	

Voting in the negative, 0.

Excused and not voting, 2:

Engel                      Kruse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## COMMITTEE REPORT

### Education

**LEGISLATIVE BILL 1100.** Placed on General File with amendment.  
AM2775

1        1. Strike the original sections and insert the following  
2 new sections:  
3        Section 1. The Nebraska Teacher Trust Fund is created. On  
4 and after the effective date of this act, the fund shall consist  
5 of two hundred million dollars of the Cash Reserve Fund. Such  
6 two hundred million dollars shall remain in the Cash Reserve Fund  
7 and remain a part thereof for all purposes, except that interest  
8 earned on the two hundred million dollars deemed to constitute  
9 the Nebraska Teacher Trust Fund shall accrue to the Professional  
10 Teacher Knowledge and Skills Compensation Cash Fund as provided in  
11 section 84-613. The Nebraska Teacher Trust Fund shall be a separate  
12 state trust fund administered by the State Treasurer. Any money in  
13 the Nebraska Teacher Trust Fund available for investment shall be  
14 invested by the state investment officer pursuant to the Nebraska  
15 Capital Expansion Act and the Nebraska State Funds Investment Act.  
16        Sec. 2. The Professional Teacher Knowledge and Skills  
17 Compensation Cash Fund is created in the State Department of  
18 Education. The fund shall consist of the interest, earnings, and  
19 proceeds from the Nebraska Teacher Trust Fund. Money in the fund  
20 shall be distributed by the State Board of Education in the form of  
21 grants awarded pursuant to the Professional Teacher Knowledge and  
22 Skills Compensation Pilot Program. Any money in the fund available  
23 for investment shall be invested by the state investment officer  
1 pursuant to the Nebraska Capital Expansion Act and the Nebraska

2 State Funds Investment Act.

3 Sec. 3. The Professional Teacher Knowledge and Skills  
4 Compensation Pilot Program is created as provided in sections 3  
5 to 10 of this act. The program shall be administered by the State  
6 Department of Education. The purpose of the program is to develop  
7 and evaluate alternative teacher compensation models for teachers  
8 in the public school system.

9 Sec. 4. On or before October 15, 2008, a school district  
10 may apply to the State Department of Education for a performance  
11 and skills compensation plan development grant to support planning  
12 and research for and development of a compensation plan that  
13 rewards teacher performance, knowledge, and skills. The application  
14 shall be on forms provided by the department and shall include a  
15 signed agreement between the school board of the applicant school  
16 district and the collective bargaining unit representing teachers  
17 in the applicant school district, which agreement shall set out  
18 the goals, criteria, and research design for the compensation plan  
19 development proposal. The application may include all teachers in  
20 the school district or teachers at specified school buildings in  
21 the district. Teacher participation in activities funded by a grant  
22 under this section shall be voluntary and shall include a stipend  
23 or release time from regular classroom teaching responsibilities.

24 Sec. 5. On or before October 15, 2008, the State Board  
25 of Education shall award a maximum of ten performance and skills  
26 compensation plan development grants to school districts which  
27 apply under section 4 of this act. At least half of such  
1 grants shall be awarded to school districts with identified high  
2 levels of students in poverty and students with English language  
3 learning deficits. At least one grant shall be awarded to a school  
4 participating in a learning community as certified by the State  
5 Department of Education pursuant to section 79-2102, and at least  
6 one grant shall be awarded to a school district designated as  
7 sparse or very sparse as such terms are defined in section 79-1003.

8 A school district may receive only one grant. Grants  
9 shall be not less than twenty-five thousand dollars and not more  
10 than seventy-five thousand dollars, based on the scope of the  
11 plan development program described in the grant application. Grant  
12 periods shall be not less than six months and not more than two  
13 years.

14 Sec. 6. At the end of the grant period described in  
15 section 7 of this act, a school district that has received a  
16 grant pursuant to such section shall submit its performance and  
17 skills compensation plan to the State Department of Education for  
18 evaluation. After submitting such plan, the school district may  
19 apply for a pilot implementation grant. To be eligible to receive a  
20 pilot implementation grant, the district shall demonstrate that it  
21 meets the following minimum requirements:

22 (1) Teacher salaries at the school receiving the pilot  
23 implementation grant are competitive with school districts of

24 similar size within a geographically proximate area;

25 (2) The school district's expenditures for teacher  
26 salaries make up at least fifty percent of the district's general  
27 fund expenditures as reported on the most currently available  
1 annual financial report under section 79-528;

2 (3) The school board and the collective bargaining  
3 unit representing teachers in the applicant school district have  
4 signed an agreement to implement a pilot performance and skills  
5 compensation plan for a period of not less than three and not more  
6 than five school years; and

7 (4) Letters of support from community and business  
8 leaders accompany the application for pilot implementation grant.

9 Sec. 7. The State Board of Education shall award a  
10 maximum of ten pilot implementation grants under section 6 of  
11 this act. Such grants shall provide state funding for supplemental  
12 performance and skill compensation for participating teachers.  
13 Each grant shall be not less than seventy-five thousand dollars  
14 and not more than one million dollars for each year of the  
15 grant period, based upon the scope of the pilot performance and  
16 skills compensation program and the number of teachers expected  
17 to participate in such program. Grants may include all teachers  
18 in the school district or teachers at specified school buildings  
19 in the school district. Teacher participation shall be voluntary  
20 as provided in section 9 of this act. At least half of such  
21 grants shall be awarded to districts with identified high levels  
22 of students in poverty and students with English language learning  
23 deficits. At least one grant shall be awarded to a low-income  
24 school district or to a school participating in a learning  
25 community certified by the State Department of Education pursuant  
26 to section 79-2102, and at least one grant shall be awarded to a  
27 school district designated as sparse or very sparse as such terms  
1 are defined in section 79-1003.

2 Sec. 8. Grant funds awarded under section 7 of this act  
3 shall be used exclusively for supplemental salaries for eligible  
4 teachers. School districts receiving such grants shall not use  
5 grant funds in any way to supplant or replace local funding for  
6 teacher salaries. A portion of the grant funding may be used to pay  
7 required employer payroll tax and retirement contributions.

8 Sec. 9. Participation by teachers in a pilot performance  
9 and skills compensation program receiving a grant under section 5  
10 of this act shall be voluntary, and lack of participation in the  
11 program shall not otherwise negatively impact the compensation of  
12 teachers that choose not to participate in the program.

13 Sec. 10. (1) On or before October 15, 2011, and on  
14 or before October 15, 2013, the State Department of Education  
15 shall report to the Legislature, evaluating the impact of the  
16 Professional Teacher Knowledge and Skills Compensation Pilot  
17 Program.

18 (2) The report shall include, but not be limited to, the

19 following considerations:

20 (a) Impact on student achievement gaps;

21 (b) Impact on teacher recruitment and retention;

22 (c) Impact on collective bargaining relationships;

23 (d) Impact on teachers' skills and knowledge; and

24 (e) Impact on teacher compensation.

25 (3) The report shall include recommendations to the

26 Legislature relating to:

27 (a) Continuation of the grant program;

1 (b) Expansion of the grant program;

2 (c) Discontinuation of the grant program; or

3 (d) Implementation of a statewide professional teacher

4 performance and skills compensation program for providing

5 supplemental compensation to teachers, including plans for

6 transition of an ongoing program into the Tax Equity and

7 Educational Opportunities Support Act as an adjustment factor and

8 an allowance.

9 Sec. 11. Section 15, Legislative Bill 988, One Hundredth

10 Legislature, Second Session, 2008, is amended to read:

11 The department shall calculate a special receipts

12 allowance for each district equal to the amount of special

13 education, state ward, and accelerated or differentiated curriculum

14 program receipts and grant funds received under the Professional

15 Teacher Knowledge and Skills Compensation Pilot Program included in

16 local system formula resources under subdivisions (7), (8), (16),

17 ~~and (17), and (18)~~ of section 79-1018.01 attributable to the school

18 district.

19 Sec. 12. Section 79-1018.01, Revised Statutes Supplement,

20 2007, as amended by section 40, Legislative Bill 988, One Hundredth

21 Legislature, Second Session, 2008, is amended to read:

22 79-1018.01 Except as otherwise provided in this section,

23 local system formula resources include other actual receipts

24 available for the funding of general fund operating expenditures

25 as determined by the department for the second school fiscal

26 year immediately preceding the school fiscal year in which aid

27 is to be paid. Receipts from the Community Improvements Cash Fund

1 and receipts acquired pursuant to the Low-Level Radioactive Waste

2 Disposal Act shall not be included. Other actual receipts include:

3 (1) Public power district sales tax revenue;

4 (2) Fines and license fees;

5 (3) Tuition receipts from individuals, other districts,

6 or any other source except receipts derived from adult education,

7 receipts derived from summer school tuition, receipts derived from

8 early childhood education tuition, and receipts from educational

9 entities as defined in section 79-1201.01 for providing distance

10 education courses through the Distance Education Council until July

11 1, 2008, and the Educational Service Unit Coordinating Council on

12 and after July 1, 2008, to such educational entities;

13 (4) Transportation receipts;

- 14 (5) Interest on investments;
- 15 (6) Other miscellaneous noncategorical local receipts,  
16 not including receipts from private foundations, individuals,  
17 associations, or charitable organizations;
- 18 (7) Special education receipts;
- 19 (8) Special education receipts and non-special education  
20 receipts from the state for wards of the court and wards of the  
21 state;
- 22 (9) All receipts from the temporary school fund.  
23 Beginning with the calculation of aid for school fiscal year  
24 2002-03 and each school fiscal year thereafter, receipts from  
25 the temporary school fund shall only include receipts pursuant  
26 to section 79-1035 and the receipt of funds pursuant to section  
27 79-1036 for property leased for a public purpose as set forth in  
1 subdivision (1)(a) of section 77-202;
- 2 (10) Motor vehicle tax receipts received on or after  
3 January 1, 1998;
- 4 (11) Pro rata motor vehicle license fee receipts;
- 5 (12) Other miscellaneous state receipts excluding revenue  
6 from the textbook loan program authorized by section 79-734;
- 7 (13) Impact aid entitlements for the school fiscal year  
8 which have actually been received by the district to the extent  
9 allowed by federal law;
- 10 (14) All other noncategorical federal receipts;
- 11 (15) All receipts pursuant to the enrollment option  
12 program under sections 79-232 to 79-246;
- 13 (16) Receipts under the federal Medicare Catastrophic  
14 Coverage Act of 1988, as such act existed on May 8, 2001, as  
15 authorized pursuant to sections 43-2510 and 43-2511 but only to the  
16 extent of the amount the local system would have otherwise received  
17 pursuant to the Special Education Act; ~~and~~
- 18 (17) Receipts for accelerated or differentiated  
19 curriculum programs pursuant to sections 79-1106 to 79-1108.03;  
20 and-
- 21 (18) Receipts from grants received pursuant to the  
22 Professional Teacher Knowledge and Skills Compensation Pilot  
23 Program.
- 24 Sec. 13. Section 84-612, Revised Statutes Supplement,  
25 2007, is amended to read:
- 26 84-612 (1) There is hereby created within the state  
27 treasury a fund known as the Cash Reserve Fund which shall be under  
1 the direction of the State Treasurer. The fund shall only be used  
2 pursuant to this section.
- 3 (2) The State Treasurer shall transfer funds from the  
4 Cash Reserve Fund to the General Fund upon certification by the  
5 Director of Administrative Services that the current cash balance  
6 in the General Fund is inadequate to meet current obligations. Such  
7 certification shall include the dollar amount to be transferred.  
8 Any transfers made pursuant to this subsection shall be reversed

9 upon notification by the Director of Administrative Services that  
10 sufficient funds are available.

11 (3) The State Treasurer, at the direction of the  
12 budget administrator of the budget division of the Department  
13 of Administrative Services, shall transfer such amounts not to  
14 exceed seven million seven hundred fifty-three thousand two hundred  
15 sixty-three dollars in total from the Cash Reserve Fund to the  
16 Nebraska Capital Construction Fund between July 1, 2003, and June  
17 30, 2007.

18 (4) The State Treasurer, at the direction of the budget  
19 administrator, shall transfer an amount equal to the total amount  
20 transferred pursuant to subsection (3) of this section from the  
21 General Fund to the Cash Reserve Fund on or before June 30, 2008.

22 (5) In addition to receiving transfers from other funds,  
23 the Cash Reserve Fund shall receive federal funds received by the  
24 State of Nebraska for undesignated general government purposes,  
25 federal revenue sharing, or general fiscal relief of the state.

26 (6) On June 15, 2007, the State Treasurer shall transfer  
27 fifteen million six hundred seventy-four thousand one hundred seven  
1 dollars from the Cash Reserve Fund to the General Fund.

2 (7) On June 16, 2008, the State Treasurer shall transfer  
3 seventeen million nine hundred thirty-one thousand thirty dollars  
4 from the Cash Reserve Fund to the General Fund.

5 (8) On June 15, 2009, the State Treasurer shall transfer  
6 four million nine hundred ninety thousand five hundred five dollars  
7 from the Cash Reserve Fund to the General Fund.

8 (9) On or before June 16, 2008, the State Treasurer, at  
9 the direction of the budget administrator, shall transfer fifty  
10 million dollars from the Cash Reserve Fund to the General Fund.

11 (10) On or before June 16, 2009, the State Treasurer,  
12 at the direction of the budget administrator, shall transfer fifty  
13 million dollars from the Cash Reserve Fund to the General Fund.

14 (11) From the effective date of an endowment agreement  
15 as defined in subdivision (3)(c) of section 79-1101 until June  
16 30, 2007, forty million dollars of the Cash Reserve Fund shall be  
17 deemed to constitute the Early Childhood Education Endowment Fund.  
18 Such funds shall remain part of the Cash Reserve Fund for all  
19 purposes, except that the interest earned on such forty million  
20 dollars shall accrue as provided in section 84-613.

21 (12) The State Treasurer, at the direction of the budget  
22 administrator, shall transfer such amounts, as certified by the  
23 Director of Administrative Services, for employee health insurance  
24 claims and expenses, not to exceed twelve million dollars in total  
25 from the Cash Reserve Fund to the State Employees Insurance Fund  
26 between May 1, 2007, and June 30, 2011.

27 (13) On July 9, 2007, the State Treasurer shall transfer  
1 twelve million dollars from the Cash Reserve Fund to the Nebraska  
2 Capital Construction Fund.

3 (14) On July 9, 2007, the State Treasurer shall transfer



4 five million dollars from the Cash Reserve Fund to the Job Training  
5 Cash Fund. The State Treasurer shall transfer from the Job Training  
6 Cash Fund to the Cash Reserve Fund such amounts as directed in  
7 section 81-1201.21.

8 (15) On July 7, 2008, the State Treasurer shall transfer  
9 five million dollars from the Cash Reserve Fund to the Job Training  
10 Cash Fund. The State Treasurer shall transfer from the Job Training  
11 Cash Fund to the Cash Reserve Fund such amounts as directed in  
12 section 81-1201.21.

13 (16) On or before August 1, 2007, the State Treasurer,  
14 at the direction of the budget administrator, shall transfer  
15 seventy-five million dollars from the Cash Reserve Fund to the  
16 Nebraska Capital Construction Fund.

17 (17) On or before June 30, 2009, the State Treasurer  
18 shall transfer nine million five hundred ninety thousand dollars  
19 from the Cash Reserve Fund to the Nebraska Capital Construction  
20 Fund.

21 (18) The State Treasurer, at the direction of the budget  
22 administrator, shall transfer an amount equal to the total amount  
23 transferred pursuant to subsection (12) of this section from  
24 the appropriate health insurance accounts of the State Employees  
25 Insurance Fund in such amounts as certified by the Director of  
26 Administrative Services to the Cash Reserve Fund on or before June  
27 30, 2011.

1 (19) On July 9, 2007, the State Treasurer shall  
2 transfer one million dollars from the Cash Reserve Fund to the  
3 Microenterprise Development Cash Fund.

4 (20) On July 9, 2007, the State Treasurer shall transfer  
5 two hundred fifty thousand dollars from the Cash Reserve Fund to  
6 the Building Entrepreneurial Communities Cash Fund.

7 (21) On July 7, 2008, the State Treasurer shall  
8 transfer one million dollars from the Cash Reserve Fund to the  
9 Microenterprise Development Cash Fund.

10 (22) On July 7, 2008, the State Treasurer shall transfer  
11 two hundred fifty thousand dollars from the Cash Reserve Fund to  
12 the Building Entrepreneurial Communities Cash Fund.

13 (23) On and after the effective date of this act, two  
14 hundred million dollars of the Cash Reserve Fund shall be deemed to  
15 constitute the Nebraska Teacher Trust Fund. Such funds shall remain  
16 part of the Cash Reserve Fund for all purposes, except that the  
17 interest earned on such two hundred million dollars shall accrue as  
18 provided in section 84-613.

19 Sec. 14. Section 84-613, Revised Statutes Supplement,  
20 2007, is amended to read:

21 84-613 (1) Any money in the Cash Reserve Fund available  
22 for investment shall be invested by the state investment officer  
23 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
24 State Funds Investment Act.

25 (2) Until July 1, 2007, any interest earned by the

26 fund shall accrue to the General Fund, except for interest earned  
 27 on forty million dollars if such money is deemed to constitute  
 1 the Early Childhood Education Endowment Fund in accordance with  
 2 subsection (11) of section 84-612. From the effective date  
 3 of an endowment agreement as defined in subdivision (3)(c) of  
 4 section 79-1101 until June 30, 2007, interest earned on the forty  
 5 million dollars deemed to constitute the Early Childhood Education  
 6 Endowment Fund shall accrue to the Early Childhood Education  
 7 Endowment Cash Fund.

8 (3) Commencing July 1, 2007, any interest earned by the  
 9 Cash Reserve Fund shall accrue to the General Fund, except that  
 10 on and after the effective date of this act, interest earned on  
 11 two hundred million dollars of the fund deemed to constitute the  
 12 Nebraska Teacher Trust Fund in accordance with subsection (23) of  
 13 section 84-612 shall accrue to the Professional Teacher Knowledge  
 14 and Skills Compensation Cash Fund created in section 2 of this act.

15 Sec. 15. Original sections 84-612 and 84-613, Revised  
 16 Statutes Supplement, 2007, section 79-1018.01, Revised Statutes  
 17 Supplement, 2007, as amended by section 40, Legislative Bill 988,  
 18 One Hundredth Legislature, Second Session, 2008, and section 15,  
 19 Legislative Bill 988, One Hundredth Legislature, Second Session,  
 20 2008, are repealed.

(Signed) Ron Raikes, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 402.** Introduced by Appropriations Committee: Heidemann, 1, Chairperson; Fulton, 29; Harms, 48; Nantkes, 46; Nelson, 6; Synowiecki, 7; Wightman, 36; Cornett, 45.

**PURPOSE:** To examine various state aid to county programs and determine their impact and potential changes in their design. Such programs shall include, but not be limited to, county jail reimbursement assistance, the County Property Tax Relief Program, general aid to counties pursuant to section 77-27,136, and the insurance premium tax paid to counties. The study shall also examine the issue of state assumption of county programs, current spending on county services, county needs, and county property tax capacity. Such study shall be conducted in cooperation with the Revenue Committee of the Legislature and their study pursuant to LR349, One Hundredth Legislature, Second Session, 2008.

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

1. That the Appropriations 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 403.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Karpisek, 32; White, 8.

**PURPOSE:** To examine law enforcement throughout Nebraska. The study shall include, but not be limited to, the development of a plan to address the lack of retirement plans for peace officers employed by cities of the second class and villages. Additionally, the study shall examine the feasibility of moving law enforcement personnel employed by cities of the first class and counties into a new plan limited to law enforcement. These plans could include, but not be limited to, the creation of a new defined-benefit plan, the creation of a new defined-contribution plan, or the possible inclusion of peace officers employed by cities of the second class and villages in the County Employees Retirement Act. In addition, this study shall examine possible sources of funding available to contribute to the plan developed under this study.

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

1. That the Nebraska Retirement Systems 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.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 245, 245A, 745, 806, 830, 830A, 907, 953, 956, 995, 1072, 1116, 1116A, 1153, and 1165.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 223.** Read. Considered.

LR223 was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE RESOLUTION 238.** Read. Considered.

Senator Johnson renewed the Kruse amendment, AM2780, found on page 1473.

The Kruse amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LR238, as amended, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE RESOLUTION 376.** Read. Considered.

LR376 was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 223, 238, and 376.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR387 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR387.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 404.** Introduced by Judiciary Committee: Ashford, 20, Chairperson; Lathrop, 12; McDonald, 41; McGill, 26; Pedersen, 39; Pirsch, 4; Schimek, 27.

WHEREAS, Nebraska legislative hearing rooms have been named in honor of certain historic political figures and name plaques have been placed above the doors to identify the rooms and commemorate the individuals; and  
WHEREAS, on November 3, 1970, Senator Ernie Chambers was elected to represent District 11 of the Nebraska Unicameral Legislature; and

WHEREAS, Senator Chambers was reelected in the elections held in 1972 through 2004 to continue his representation of District 11; and

WHEREAS, due to the constitutional amendment placing a limit on the terms of members of the Legislature, Senator Chambers' service as an elected member of the Legislature will end on January 6, 2009; and

WHEREAS, Senator Chambers will make history by being the member of the Legislature with the longest length of service; and

WHEREAS, Senator Chambers during his years of public service worked to make the State of Nebraska a better place for all with particular focus on individual rights, minorities, the poor, and traditionally powerless groups serving as Defender of the Downtrodden; and

WHEREAS, Senator Chambers drew national prominence for his legislative accomplishments requiring the divestment of state funds in stocks and bonds of corporations or financial institutions doing business in the Republic of South Africa and his legislative accomplishments protecting Native American burial sites and returning human skeletal remains and burial goods to relatives and Indian tribes; and

WHEREAS, additional major legislative accomplishments of Senator Chambers include a ban on imposing the death penalty on the developmentally disabled and establishing district elections for city councils of cities of the metropolitan class, Class V school districts, and county boards in counties with over three hundred thousand inhabitants; and

WHEREAS, Senator Chambers has served as a member of the Executive Board of the Legislative Council for twenty-six years and in that leadership role and as a member of the Legislature he has been a champion of the Legislature as a separate branch of government, promoting institutional autonomy and respect; and

WHEREAS, Senator Chambers has served as a member of the Legislature's Judiciary Committee for each of his thirty-eight years of service in the Nebraska Legislature; and

WHEREAS, naming the Judiciary Committee hearing room in Senator Chambers' honor would be a tangible display of the Legislature's respect and honor.

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

1. That the Legislature thanks Senator Chambers for his historic thirty-eight years of service.
2. That the Judiciary Committee Hearing Room, Room 1113 of the Nebraska State Capitol, be named in his honor.
3. That a name plaque naming Room 1113 of the State Capitol the Ernie Chambers Hearing Room be placed above the door to identify the room and honor Senator Chambers.
4. That a copy of this resolution be presented to Senator Chambers.

Laid over.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 16, 2008, at 3:23 p.m. were the following: LBs 245e, 245Ae, 745, 806, 830, 830A, 907, 953, 956, 995, 1072e, 1116, 1116A, 1153e, and 1165.

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

**VISITORS**

Visitors to the Chamber were 32 fourth-grade students and teachers from Stoddard Elementary, Beatrice; David Sumegi from Lincoln; and 18 fourth-grade students and teachers from Red Cloud.

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

**ADJOURNMENT**

At 3:28 p.m., on a motion by Senator Pedersen, the Legislature adjourned until 9:00 a.m., Thursday, April 17, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature