

TWELFTH DAY - JANUARY 19, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 19, 2007

PRAYER

The prayer was offered by Pastor Brenda Pfeifly, Beautiful Savior Lutheran Church, Palmyra.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Cornett who was excused; and Senator Schimek who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 483	Appropriations (rereferred)
LB 515	Agriculture
LB 581	Natural Resources
LB 582	Revenue
LB 583	Natural Resources
LB 584	Health and Human Services
LB 585	Judiciary
LB 586	Judiciary
LB 587	Appropriations
LB 588	Business and Labor
LB 589	Transportation and Telecommunications
LB 590	Education
LB 591	Urban Affairs
LB 592	Urban Affairs
LB 593	Natural Resources

LB 594	Natural Resources
LB 595	Education
LB 596	Nebraska Retirement Systems
LB 597	Urban Affairs
LB 598	Transportation and Telecommunications
LB 599	Judiciary
LB 600	Education
LB 601	Education
LB 602	Education
LB 603	Education
LB 604	Revenue
LB 605	Revenue
LB 606	Judiciary
LB 607	Urban Affairs
LB 608	Revenue
LB 609	Business and Labor
LB 610	Health and Human Services
LB 611	Nebraska Retirement Systems
LB 612	Nebraska Retirement Systems
LB 613	Nebraska Retirement Systems
LB 614	Education
LB 615	Education
LB 616	Health and Human Services
LB 617	Health and Human Services
LB 618	Judiciary
LB 619	Judiciary
LB 620	Judiciary
LB 621	Transportation and Telecommunications
LB 622	Government, Military and Veterans Affairs
LB 623	Judiciary
LB 624	Judiciary
LB 625	Judiciary
LB 626	Agriculture
LB 627	Revenue
LB 628	Revenue
LB 629	Agriculture
LB 630	Education
LB 631	Health and Human Services
LB 632	Agriculture
LB 633	Agriculture
LB 634	Agriculture
LB 635	Health and Human Services
LB 636	Natural Resources
LB 637	General Affairs
LB 638	General Affairs
LB 639	Judiciary
LB 640	Revenue
LB 641	Education
LB 642	Education

LB 643	Education
LB 644	Education
LB 645	General Affairs
LB 646	Government, Military and Veterans Affairs
LB 647	Banking, Commerce and Insurance
LB 648	Revenue
LB 649	Education
LB 650	Education
LB 651	Education
LB 652	Natural Resources
LB 653	Education
LB 654	Education
LB 655	Education
LB 656	Education
LB 657	Education
LB 658	Education
LB 659	Judiciary
LB 660	Transportation and Telecommunications
LB 661	Transportation and Telecommunications
LB 662	Revenue
LB 663	Transportation and Telecommunications
LB 664	Natural Resources
LB 665	Nebraska Retirement Systems
LB 666	Health and Human Services
LB 667	Transportation and Telecommunications
LB 668	Judiciary
LB 669	Judiciary
LB 670	Health and Human Services
LB 671	Judiciary
LB 672	Judiciary
LB 673	Judiciary
LB 674	Judiciary
LB 675	Health and Human Services
LB 676	Transportation and Telecommunications
LB 677	Natural Resources
LB 678	Education
LB 679	Nebraska Retirement Systems
LB 680	Judiciary
LB 681	Transportation and Telecommunications
LB 682	Judiciary
LB 683	Revenue
LB 684	Revenue
LB 685	Judiciary
LB 686	Government, Military and Veterans Affairs
LB 687	Revenue
LB 688	Revenue
LB 689	General Affairs
LB 690	Natural Resources
LB 691	Education

LB 692	Judiciary
LB 693	Judiciary
LB 694	Government, Military and Veterans Affairs
LB 696	Judiciary
LB 697	Revenue
LB 698	Revenue
LB 699	Health and Human Services
LB 700	Judiciary
LB 701	Natural Resources
LB 702	Education
LB 703	Revenue
LB 704	Natural Resources
LB 705	Natural Resources
LR 10	Health and Human Services
LR 12CA	Education
LR 13	Urban Affairs
LR 14	Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 1. Placed on Select File.
LEGISLATIVE BILL 2. Placed on Select File.

(Signed) Amanda McGill, Chairperson

MESSAGES FROM THE GOVERNOR

January 18, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as Director of the Department of Administrative Services:

Carlos Castillo, 5143 Decatur Street, Omaha NE 68104

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

January 12, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Board of Trustees of the Nebraska State Colleges:

Larry Teahon, 930 Morehead Street, Chadron NE 69337

The following individual is being appointed to the Board of Trustees of the Nebraska State Colleges:

Floyd Vrtiska, 706 Wyoming Street, Table Rock NE 68847

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

January 12, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as State Fire Marshal:

John E. Falgione, 5820 Wilshire Blvd, Lincoln NE 68505

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

January 12, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as Director of the Department of Natural Resources:

Ann Bleed, 1315 North 37th Street, Lincoln NE 68503

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 18, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Affirmative Public Policy Solutions
Millard Business Association
Omaha Tribe of Nebraska

Anderson, Robert L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.
Lamson, Dugan and Murray, LLP

- Carmody, Patrick L.
Land America Financial Group
- DeMay, James
Citigroup Management Corp.
- Goc, John J.
Validation Services, Inc
- Johnson, Maurice
Affirmative Public Policy Solutions
- Licht, Alice L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.
Auctioneers Association, Nebraska
Automotive Recycling Industry of Nebraska
Aviation Trade Association, Nebraska
Hotel & Motel Association, Inc., Nebraska
Pest Control Association, Nebraska State
- Licht, Andrew W.
Anderson Management Services, Inc.
- McClymont, Pete
Cattlemen, Inc., Nebraska
- Mourad, Greg W.
National Right to Work Committee
- O'Hara, Lindsay & Associates, Inc.
Nebraskans Against the Death Penalty
- Seacrest, Kent
2015 Vision
- Thompson, Ben (Affirmative Public Policy Solutions)
Affirmative Public Policy Solutions
- Weak, Jeffrey John
Metro Omaha Theme Park

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
Bonding of State Employees, Officers, and Public Officials Report

Investment Finance Authority

2006 Series A, B, C, D, E and F Community Development Loan Notes
(City of Lincoln Program-2006) Report

Drinking Water State Revolving Fund Revenue Bonds Series 2006 A,
Quarterly Reports

Single Family Housing Revenue Bonds Series 2006 C and General
Obligation Bonds Series 2006 G.O.-21 Quarterly Report

Single Family Housing Revenue Bonds Series 2006 D and General
Obligation Bonds Series 2006 G.O.-22 Quarterly Report

Single Family Housing Revenue Bonds Series 2006 E Quarterly Report

Single Family Housing Revenue Bonds Series 2006 FG Quarterly Report

Treasurer, State

State of Nebraska Annual Budgetary Report for the year ended June 30,
2005

State of Nebraska Comprehensive Annual Financial Report for the year
ended June 30, 2006

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for October
2006

COMMUNICATION

Received communication from the Nebraska Supreme Court regarding the
January 8, 2007, meeting of the Judicial Resources Commission.

NOTICE OF COMMITTEE HEARINGS**Banking, Commerce and Insurance**

Room 1507

LB 122	Monday, January 29, 2007	1:30 p.m.
LB 124	Monday, January 29, 2007	1:30 p.m.
LB 125	Monday, January 29, 2007	1:30 p.m.
LB 126	Monday, January 29, 2007	1:30 p.m.
LB 156	Monday, January 29, 2007	1:30 p.m.
LB 127	Tuesday, January 30, 2007	1:30 p.m.
LB 128	Tuesday, January 30, 2007	1:30 p.m.
LB 130	Tuesday, January 30, 2007	1:30 p.m.
LB 149	Tuesday, January 30, 2007	1:30 p.m.
LB 129	Monday, February 5, 2007	1:30 p.m.
LB 380	Monday, February 5, 2007	1:30 p.m.
LB 346	Monday, February 5, 2007	1:30 p.m.
LB 381	Monday, February 5, 2007	1:30 p.m.
LB 136	Tuesday, February 6, 2007	1:30 p.m.
LB 114	Tuesday, February 6, 2007	1:30 p.m.
LB 189	Tuesday, February 6, 2007	1:30 p.m.

LB 116 Tuesday, February 6, 2007 1:30 p.m.

(Signed) Rich Pahls, Chairperson

Agriculture
Room 1524

LB 200 Tuesday, January 30, 2007 1:30 p.m.
LB 273 Tuesday, January 30, 2007 1:30 p.m.
LB 108 Tuesday, January 30, 2007 1:30 p.m.
LB 422 Tuesday, January 30, 2007 1:30 p.m.

(Signed) Philip Erdman, Chairperson

Judiciary
Room 1113

LB 29 Friday, January 26, 2007 1:30 p.m.
LB 306 Friday, January 26, 2007 1:30 p.m.
LB 102 Friday, January 26, 2007 1:30 p.m.
LB 97 Friday, January 26, 2007 1:30 p.m.
LB 290 Friday, January 26, 2007 1:30 p.m.

(Signed) Brad Ashford, Chairperson

Revenue
Room 1524

LB 106 Friday, January 26, 2007 1:30 p.m.
LB 537 Friday, January 26, 2007 1:30 p.m.
LB 403 Friday, January 26, 2007 1:30 p.m.
LB 22 Friday, January 26, 2007 1:30 p.m.
LB 364 Friday, January 26, 2007 1:30 p.m.

(Signed) Ray Janssen, Chairperson

COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 80. Placed on General File - Com AM30.
AM30

- 1 1. On page 7, line 24; and page 8, lines 4 and 17, strike
- 2 "schools or".

(Signed) LeRoy Louden, Chairperson

Revenue

LEGISLATIVE BILL 94. Placed on General File.

LEGISLATIVE BILL 98. Placed on General File.

LEGISLATIVE BILL 167. Placed on General File - Com AM31.
AM31

- 1 1. Strike original section 9.
- 2 2. On page 13, lines 8 and 9, strike the new matter and
- 3 reinstate the stricken matter.
- 4 3. On page 15, line 8, strike "77-5022,".
- 5 4. Renumber the remaining sections accordingly.

The Revenue 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.

Doug Ewald, State Tax Commissioner

VOTE: Aye: Senators Burling, Dierks, Janssen, Langemeier, Raikes and White. Nay: None. Absent: Senators Cornett and Preister.

(Signed) Ray Janssen, Chairperson

AMENDMENT - Print in Journal

Senator Erdman filed the following amendment to LB 25:
AM29

(Amendments to Standing Committee amendments, AM23)

- 1 1. Insert the following new amendments:
- 2 1. Insert the following new section:
- 3 Sec. 8. Section 71-4406, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-4406 (1) Any animal which is owned by a person and has
- 6 bitten any person or caused an abrasion of the skin of any person
- 7 shall be seized by the rabies control authority for a period of not
- 8 less than ten days if:
- 9 (a) The animal is suspected of having rabies, regardless
- 10 of the species and whether or not the animal has been vaccinated;
- 11 (b) The animal is not vaccinated and is of a species
- 12 determined by the department to be a rabid species; or
- 13 (c) The animal is of a species which has been determined
- 14 by the department to be a rabid species not amenable to rabies
- 15 protection by immunization, whether or not such animal has been
- 16 vaccinated.
- 17 If, after observation and examination by a veterinarian,
- 18 at the end of the ten-day period the animal shows no clinical signs
- 19 of rabies, the animal may be released to its owner.

20 (2)(a) Except as provided in subdivision (b) of this
 21 subsection, whenever any person has been bitten or has an abrasion
 22 of the skin caused by an animal owned by another person, which
 1 animal has been vaccinated in accordance with section 71-4402 and
 2 section 3 of this act, or if such injury to a person is caused by
 3 an owned animal determined by the department to be a rabid species
 4 amenable to rabies protection by immunization which has been
 5 vaccinated, such animal shall be confined by the owner or other
 6 responsible person as required by the rabies control authority for
 7 a period of at least ten days and shall be observed and examined by
 8 a veterinarian at the end of such ten-day period. If no clinical
 9 signs of rabies are found by the veterinarian, such animal may be
 10 released from confinement.

11 (b) A vaccinated animal owned by a law enforcement or
 12 governmental military agency which bites or causes an abrasion of
 13 the skin of any person during training or the performance of the
 14 animal's duties may be confined as provided in subdivision (a) of
 15 this subsection. Such agency shall maintain ownership of and shall
 16 control and supervise the actions of such animal for a period of
 17 fifteen days following such injury. If during such period the death
 18 of the animal occurs for any reason, a veterinarian shall within
 19 twenty-four hours of the death examine the tissues of the animal
 20 for clinical signs of rabies.

21 (3) Any animal of a rabid species which has bitten a
 22 person or caused an abrasion of the skin of a person and which
 23 is unowned or the ownership of which cannot be determined within
 24 seventy-two hours of the time of the bite or abrasion shall be
 25 immediately subject to any tests which the department believes are
 26 necessary to determine whether the animal is afflicted with rabies.
 27 The seventy-two-hour period shall include holidays and weekends
 1 and shall not be extended for any reason. The tests required by
 2 this subsection may include tests which require the animal to be
 3 destroyed.

4 3. On page 7, lines 5 and 11, after "71-4402" insert "and
 5 section 3 of this act".

6 4. On page 10, line 17, after "71-4405," insert
 7 "71-4406,".

8 5. Renumber the remaining sections accordingly.

9 2. Renumber the remaining amendment accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Friend asked unanimous consent to add his name as cointroducer to LB 457 and LR 14. No objections. So ordered.

Senator Preister asked unanimous consent to add his name as cointroducer to LB 496. No objections. So ordered.

Senator Burling asked unanimous consent to add his name as cointroducer to LB 688. No objections. So ordered.

VISITORS

Visitors to the Chamber were 42 twelfth-grade students and teachers from David City.

The Doctor of the Day was Dr. Sandra Ogata from Omaha.

ADJOURNMENT

At 11:31 a.m., on a motion by Senator Stuthman, the Legislature adjourned until 10:00 a.m., Monday, January 22, 2007.

Patrick J. O'Donnell
Clerk of the Legislature