

**TWENTIETH DAY - JANUARY 31, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 31, 2007

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

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

The roll was called and all members were present except Senators Pedersen and Raikes who were excused; and Senators Cornett, Engel, and Nantkes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**COMMITTEE REPORT  
Enrollment and Review**

**LEGISLATIVE BILL 296.** Placed on Select File - ER8012.  
ER8012

- 1 1. On page 1, line 2, after the first comma insert
- 2 "80-314,".
- 3 2. On page 2, line 1; and page 23, line 27, strike
- 4 "83-3106" and insert "81-3106".
- 5 3. On page 6, line 25, after "grants" insert an
- 6 underscored comma.
- 7 4. On page 7, line 22, strike "act" and insert "Health
- 8 and Human Services System Act".
- 9 5. On page 17, line 13, strike "system" and insert
- 10 "Health and Human Services System".

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 119.** Placed on General File.

**LEGISLATIVE BILL 120.** Placed on General File - Com AM47.  
 AM47

- 1 1. On page 5, strike beginning with the comma in line
- 2 3 through line 5, show the old matter as stricken, and insert an
- 3 underscored semicolon; in line 6 strike "(c)", show as stricken,
- 4 and insert "(b)"; in line 7 strike "(d)", show as stricken, and
- 5 insert "(c)"; and in line 8 strike "(e)", show as stricken, and
- 6 insert "(d)".

**LEGISLATIVE BILL 121.** Placed on General File - Com AM87.  
 (Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Rich Pahls, Chairperson

**AMENDMENT - Print in Journal**

Senator Dierks filed the following amendment to LB 25:  
 FA9  
 Strike the enacting clause.

**GENERAL FILE**

**LEGISLATIVE BILL 80A.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 283A.** Title read. Considered.

Advanced to E & R for review with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**MOTION - Withdraw LB 146**

Senator McDonald renewed her motion, found on page 411, to withdraw LB 146.

The McDonald motion to withdraw prevailed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**MOTION - Withdraw LB 485**

Senator Louden renewed his motion, found on page 421, to withdraw LB 485.

The Louden motion to withdraw prevailed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**MOTION - Withdraw LB 468**

Senator Chambers renewed his motion, found on page 421, to withdraw LB 468.

The Chambers motion to withdraw prevailed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 213.** Title read. Considered.

Advanced to E & R for review with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 237.** Title read. Considered.

Senator Mines renewed his amendment, FA8, found on page 422.

Senator Synowiecki moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 10 nays, and 11 not voting.

The Mines amendment lost with 14 ayes, 25 nays, 6 present and not voting, and 4 excused and not voting.

**SPEAKER FLOOD PRESIDING**

Advanced to E & R for review with 27 ayes, 9 nays, 10 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORTS****Agriculture**

**LEGISLATIVE BILL 422.** Placed on General File - Com AM154.  
AM154

- 1 1. Insert the following section:
- 2 Sec. 5. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 2, line 4, strike "The", show as stricken,
- 5 and insert "Beginning August 28, 2007, the"; in line 19 after

6 the period insert "The Secretary of State shall remain a member  
 7 of the brand committee in the capacity as chairperson of the  
 8 brand committee until a chairperson is elected as provided in this  
 9 section."; and in line 21 after the period insert "The members of  
 10 the brand committee serving on August 28, 2007, shall be considered  
 11 appointed to serve the remainder of their terms. The Governor shall  
 12 complete any additional appointment of members as necessary to  
 13 fulfill the membership of the brand committee as prescribed by this  
 14 legislative bill on or before August 28, 2007.".

(Signed) Philip Erdman, Chairperson

### **Business and Labor**

**LEGISLATIVE BILL 204.** Placed on General File - Com AM167.  
 AM167

1 1. On page 2, line 20, strike "one hundred" and insert  
 2 "fifty"  
 3 2. On page 3, after line 26, insert the following new  
 4 subsection:  
 5 "(4) If the contractor has never been registered  
 6 under the Contractor Registration Act, the contractor shall have  
 7 sixty working days from the date of the citation to register.  
 8 No administrative penalty shall be assessed if the contractor  
 9 registers within such sixty-day period. This subsection shall  
 10 remain in effect until March 1, 2008.".

**LEGISLATIVE BILL 472.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

### **Urban Affairs**

**LEGISLATIVE BILL 347.** Placed on General File.

(Signed) Mike Friend, Chairperson

### **Transportation and Telecommunications**

**LEGISLATIVE BILL 307.** Placed on General File - Com AM163.  
 AM163

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 60-6,356, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 60-6,356 (1) ~~Except as provided in subsections (2)~~  
 6 ~~through (5) of this section, an An~~ all-terrain vehicle shall  
 7 not be operated on any ~~highway of this state. The controlled-access~~  
 8 highway, and the crossing of any controlled-access highway shall

9 not be permitted.

10 (2) ~~The crossing of a highway shall be permitted only if:~~

11 (a) ~~The crossing is made at an angle of approximately~~  
 12 ~~ninety degrees to the direction of the highway and at a place where~~  
 13 ~~no obstruction prevents a quick and safe crossing;~~

14 (b) ~~The vehicle is brought to a complete stop before~~  
 15 ~~crossing the shoulder or roadway of the highway;~~

16 (c) ~~The operator yields the right of way to all oncoming~~  
 17 ~~traffic that constitutes an immediate potential hazard;~~

18 (d) ~~In crossing a divided highway, the crossing is made~~  
 19 ~~only at an intersection of such highway with another highway; and~~

20 (e) ~~Both the headlight and taillight of the vehicle are~~  
 21 ~~on when the crossing is made.~~

22 (2) An all-terrain vehicle may be operated on any  
 23 highway, other than a controlled-access highway, in accordance  
 1 with the operating requirements of subsection (3) of this section:

2 (a) Outside the corporate limits of a city, village,  
 3 or unincorporated village if incidental to the vehicle's use for  
 4 agricultural purposes;

5 (b) Within the corporate limits of a city or village  
 6 if authorized by the city or village by ordinance adopted in  
 7 accordance with this section; or

8 (c) Within an unincorporated village if authorized by the  
 9 county board of the county in which the unincorporated village is  
 10 located by resolution in accordance with this section.

11 (3) ~~An all-terrain vehicle may be operated on a highway~~  
 12 ~~as authorized in subsection (2) of this section when such operation~~  
 13 ~~occurs only between the hours of sunrise and sunset, and such~~  
 14 ~~operation is incidental to the vehicle's use for agricultural~~  
 15 ~~purposes. Any person operating an all-terrain vehicle on a highway~~  
 16 ~~as authorized in subsection (2) of this section shall have a valid~~  
 17 ~~Class O operator's license or a farm permit as provided in section~~  
 18 ~~60-4,126 and shall not operate such vehicle at a speed in excess~~  
 19 ~~of thirty miles per hour. When operated on a highway, operating~~  
 20 ~~an all-terrain vehicle as authorized in subsection (2) of this~~  
 21 ~~section, the headlight and taillight of the vehicle shall be on~~  
 22 ~~and the vehicle shall be equipped with a bicycle safety flag which~~  
 23 ~~extends not less than five feet above ground attached to the rear~~  
 24 ~~of such vehicle. The bicycle safety flag shall be triangular in~~  
 25 ~~shape with an area of not less than thirty square inches and shall~~  
 26 ~~be day-glow in color.~~

27 (4) All-terrain vehicles may be operated without  
 1 complying with subsection (3) of this section on highways in  
 2 parades which have been authorized by the State of Nebraska or  
 3 any department, board, commission, or political subdivision of the  
 4 state.

5 (5) The crossing of a highway, other than a  
 6 controlled-access highway, shall be permitted by an all-terrain  
 7 vehicle without complying with subsection (3) of this section only

8 if:

9 (a) The crossing is made at an angle of approximately  
 10 ninety degrees to the direction of the highway and at a place where  
 11 no obstruction prevents a quick and safe crossing;

12 (b) The vehicle is brought to a complete stop before  
 13 crossing the shoulder or roadway of the highway;

14 (c) The operator yields the right-of-way to all oncoming  
 15 traffic that constitutes an immediate potential hazard;

16 (d) In crossing a divided highway, the crossing is made  
 17 only at an intersection of such highway with another highway; and

18 (e) Both the headlight and taillight of the vehicle are  
 19 on when the crossing is made.

20 ~~(5)-(6)~~ All-terrain vehicles may be operated on highways,  
 21 other than controlled-access highways, outside the corporate limits  
 22 of any municipality by electric utility personnel within the course  
 23 of their employment in accordance with the operation requirements  
 24 of subsection (3) of this section, except that the operation of the  
 25 vehicle pursuant to this subsection need not be incidental to the  
 26 use of the vehicle for agricultural purposes. limited to the hours  
 27 between sunrise and sunset.

1 (7) A city or village may adopt an ordinance authorizing  
 2 the operation of all-terrain vehicles within the corporate limits  
 3 of the city or village if the operation is in accordance with  
 4 subsection (3) of this section. The city or village may place other  
 5 restrictions on the operation of all-terrain vehicles within its  
 6 corporate limits.

7 (8) A county board may adopt a resolution authorizing the  
 8 operation of all-terrain vehicles within any unincorporated village  
 9 within the county if the operation is in accordance with subsection  
 10 (3) of this section. The county may place other restrictions on  
 11 the operation of all-terrain vehicles within the unincorporated  
 12 village.

13 Sec. 2. Original section 60-6,356, Reissue Revised  
 14 Statutes of Nebraska, is repealed.

(Signed) Deb Fischer, Chairperson

### Agriculture

**LEGISLATIVE BILL 108.** Placed on General File - Com AM172.  
 AM172

- 1 1. On page 5, lines 18 and 20; and page 6, lines 1 and 5,
- 2 strike "petition" and insert "complaint".

(Signed) Philip Erdman, Chairperson

**COMMITTEE REPORT**  
**Enrollment and Review**

**LEGISLATIVE BILL 80A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Government, Military and Veterans Affairs**  
Room 1507

LB 268	Wednesday, February 7, 2007	1:30 p.m.
LB 284	Wednesday, February 7, 2007	1:30 p.m.
LB 289	Wednesday, February 7, 2007	1:30 p.m.
LB 310	Wednesday, February 7, 2007	1:30 p.m.
LB 312	Wednesday, February 7, 2007	1:30 p.m.

Wednesday, February 7, 2007		1:30 p.m.
Keith Deiml - State Emergency Response Commission		

LB 133	Thursday, February 8, 2007	1:30 p.m.
LB 135	Thursday, February 8, 2007	1:30 p.m.
LB 464	Thursday, February 8, 2007	1:30 p.m.
LB 471	Thursday, February 8, 2007	1:30 p.m.

(Signed) Ray Aguilar, Chairperson

**Judiciary**  
Room 1113

LB 78	Wednesday, February 7, 2007	1:30 p.m.
LB 197	Wednesday, February 7, 2007	1:30 p.m.
LB 373	Wednesday, February 7, 2007	1:30 p.m.
LB 274	Wednesday, February 7, 2007	1:30 p.m.
LB 228	Wednesday, February 7, 2007	1:30 p.m.
LB 448	Wednesday, February 7, 2007	1:30 p.m.

LB 242	Thursday, February 8, 2007	1:30 p.m.
LB 428	Thursday, February 8, 2007	1:30 p.m.
LB 525	Thursday, February 8, 2007	1:30 p.m.
LB 532	Thursday, February 8, 2007	1:30 p.m.
LB 179	Thursday, February 8, 2007	1:30 p.m.
LB 474	Thursday, February 8, 2007	1:30 p.m.

LB 225	Wednesday, February 14, 2007	1:30 p.m.
LB 564	Wednesday, February 14, 2007	1:30 p.m.
LB 566	Wednesday, February 14, 2007	1:30 p.m.
LB 567	Wednesday, February 14, 2007	1:30 p.m.
LB 20	Wednesday, February 14, 2007	1:30 p.m.

LB 221      Wednesday, February 14, 2007

1:30 p.m.

(Signed) Brad Ashford, Chairperson

**MESSAGE FROM THE GOVERNOR**

January 31, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 21e, 24e and 26 were received in my office on January 30, 2007.

I signed these bills and delivered them to the Secretary of State on January 31, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

**GENERAL FILE****LEGISLATIVE BILL 263.** Title read. Considered.

Committee AM100, found on page 396, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 291.** Title read. Considered.

Committee AM123, found on page 398, was considered.

Senator Hudkins renewed the Hudkins-Hansen amendment, AM156, found on page 422, to the committee amendment.

Senator Hudkins withdrew the Hudkins-Hansen amendment.

The committee amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 313.** Title read. Considered.

Committee AM101, found on page 398, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 248.** Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 311.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 39.** Title read. Considered.

Pending.

### **COMMITTEE REPORTS** **General Affairs**

**LEGISLATIVE BILL 549.** Placed on General File.

(Signed) Vickie McDonald, Chairperson

### **Judiciary**

**LEGISLATIVE BILL 19.** Indefinitely postponed.

**LEGISLATIVE BILL 102.** Indefinitely postponed.

**LEGISLATIVE BILL 154.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

### **WITHDRAW - Cointroducer**

Senator McDonald withdrew her name as cointroducer to LB 153.

### **VISITORS**

Visitors to the Chamber were John Borstelman from Lincoln; and Dale and Audrey Caskey from Bassett.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Thursday, February 1, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature