

THIRTY-SECOND DAY - FEBRUARY 21, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 21, 2007

PRAYER

The prayer was offered by Senator Heidemann.

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 Gay and Pedersen who were excused; and Senators Ashford, Dierks, Loudon, and Mines who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

**COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bill was correctly engrossed: LB 307.

ST9007

Enrollment and Review Change to LB 307

The following changes, required to be reported for publication in the Journal, have been made:

1. In the White amendment, AM267, on page 1, line 1, "16, after 'section' " has been struck and "18, after '60-4,126' " inserted; and the matter beginning with the semicolon in line 3 through "comma" in line 4 has been struck.

2. The Christensen amendment, FA00026, has been incorporated into AM267.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 116. Placed on General File.

(Signed) Rich Pahls, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 396. Placed on General File.

LEGISLATIVE BILL 464. Placed on General File.

LEGISLATIVE BILL 5. Placed on General File - Com AM415.
 AM415

- 1 1. On page 2, line 8, after "personnel" insert "except
- 2 those personnel listed in subdivisions (1)(n), (1)(o), and (1)(s)
- 3 of section 81-1316, any judge, or any elected official"; and strike
- 4 beginning with the comma in line 8 through line 10 and insert an
- 5 underscored period.

LEGISLATIVE BILL 198. Placed on General File - Com AM211.
 AM211

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 49-1474.02, Revised Statutes
- 4 Cumulative Supplement, 2006, is amended to read:
- 5 49-1474.02 (1) Any person who makes an expenditure
- 6 reportable under the Nebraska Political Accountability and
- 7 Disclosure Act to disseminate by any means of telecommunication
- 8 a prerecorded message or a recorded message relating to a
- 9 candidate or ballot question shall include, immediately preceding
- 10 the message, in the message the name of the person, including
- 11 committees, making the expenditure. Such messages shall only be
- 12 disseminated between the hours of 8:00 a.m. and 9:00 p.m. at the
- 13 location of the person receiving such messages.
- 14 (2) Any person who makes an expenditure reportable under
- 15 the act to disseminate by any means of telecommunication a message
- 16 relating to a candidate or ballot question which is not a recorded
- 17 message or a prerecorded message shall, immediately upon the
- 18 request of the recipient of the message, disclose the name of
- 19 the person, including committees, making the expenditure. If the
- 20 message is disseminated through an employee or agent of the person
- 21 making the expenditure, the employee or agent shall, immediately
- 22 upon the request of the recipient of the message, disclose the name
- 23 of the person, including committees, making the expenditure.
- 1 (3) Any person who makes an expenditure reportable under
- 2 the act to disseminate by any electronic means, including the
- 3 Internet or email, a message relating to a candidate or ballot

4 question shall include in the message the name of the person,
5 including committees, making the expenditure.

6 Sec. 2. Section 86-236, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 86-236 Sections 86-236 to 86-257 and section 3 of
9 this act shall be known and may be cited as the Automatic
10 Dialing-Announcing Devices Act.

11 Sec. 3. Any person using an automatic dialing-announcing
12 device for messages of a political nature, including, but not
13 limited to, messages relating to a candidate or ballot question,
14 shall:

15 (1) At the beginning of the message, state clearly the
16 identity of the person on whose behalf the message is being
17 transmitted; and

18 (2) Transmit such messages only between the hours of 8:00
19 a.m. and 9:00 p.m. at the location of the person receiving such
20 messages.

21 Sec. 4. Original sections 49-1474.02 and 86-236, Revised
22 Statutes Cumulative Supplement, 2006, are repealed.

LEGISLATIVE BILL 256. Placed on General File - Com AM380.
AM380

- 1 1. On page 3, line 17, strike "A", show as stricken, and
- 2 insert "Except as provided in section 37-330, a".

LEGISLATIVE BILL 388. Placed on General File - Com AM411.
AM411

- 1 1. On page 2, line 20, before the semicolon insert " ,
- 2 one such individual shall represent a company with no more than
- 3 seventy-five employees".

LEGISLATIVE BILL 471. Placed on General File - Com AM412.
AM412

- 1 1. Insert the following new section:
- 2 Sec. 13. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The Government, Military and Veterans Affairs 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.

Keith Hansen - State Emergency Response Commission
Larry Johnson - State Emergency Response Commission

VOTE: Aye: Senators Aguilar, Friend, Karpisek, Mines, Pahls, and Rogert.
Nay: None. Absent: Senators Adams and Avery.

(Signed) Ray Aguilar, Chairperson

MESSAGES FROM THE GOVERNOR

February 15, 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 individuals are being appointed to the Nebraska Educational Telecommunications Commission:

Kenneth Bird, 7303 Western Avenue, Omaha NE 68114
Mandy Johnson, 1729 North 160th, Omaha NE 68118
Robert Moline, 7423 SW 70th St., Denton NE 68339
Clay Smith, 2310 Woodsdale Blvd., Lincoln NE 68502

The following individual is being reappointed:

Dennis Miller, Jr., 311 Farnam Street, Lewellen NE 69147

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

February 14, 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 individuals are being appointed to the Community Corrections Council:

Kermit Brashear, 216 North 117th St., Omaha NE 68154
Thomas Dorwart, 2310 11th Ave., Sidney NE 69162
Alan Smith, 210094 Wright's Gap Rd., Gering NE 69341

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

ATTORNEY GENERAL'S OPINION

Opinion 07006

DATE: February 20, 2007

SUBJECT: LB 39 – Constitutionality of Prohibition Against the Payment of Petition Circulators Based on the Number of Signatures Collected.

REQUESTED BY: Senator Annette Dubas
Nebraska Legislature

WRITTEN BY: Jon Bruning, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of LB 39, as amended. Section 1 of the bill would amend Neb. Rev. Stat. § 32-630 (2004), which establishes certain duties and prohibited acts in connection with the circulation of initiative and referendum petitions, to provide that "[n]o person shall. . ."[p]ay a circulator based on the number of signatures collected." Your question is whether imposing such a limitation on the payment of petition circulators is constitutional. The primary constitutional questions presented are whether the proposed restriction: (1) Violates the First and Fourteenth Amendments to the U.S. Constitution by infringing core political speech rights; or (2) Impermissibly burdens the initiative and referendum process in violation of the Nebraska Constitution.

I. First Amendment Free Speech Rights.

In *Meyer v. Grant*, 486 U.S. 414 (1988), the Supreme Court considered a First Amendment challenge to a Colorado statute prohibiting the payment of any compensation to initiative petition circulators. The Court recognized that "the circulation of a petition involves the type of interactive political communication concerning political change that is appropriately described as 'core political speech' ". *Id.* at 421-22. The Court found the ban on paying petition circulators restricted political expression in two respects:

First, it limits the number of voices who will convey appellees' message and the hours they can speak and, therefore, limits the size of the

audience they can reach. Second, it makes it less likely that appellees will garner the number of signatures necessary to place the matter on the ballot, thus limiting their ability to make the matter the focus of statewide discussion.

Id. at 422-23.

The Court rejected Colorado's claim that the absolute ban on payment of petition circulators was justified by the state's interest in protecting the integrity of the initiative process, stating:

The State's interest in protecting the integrity of the initiative process does not justify the prohibition because the State has failed to demonstrate that it is necessary to burden appellees' ability to communicate their message in order to meet its concerns. The Attorney General has argued that the petition circulator has the duty to verify the authenticity of signatures on the petition and that compensation might provide the circulator with a temptation to disregard that duty. No evidence has been offered to support that speculation, however, and we are not prepared to assume that a professional circulator-whose qualifications for similar future assignments may well depend on a reputation for competence and integrity-is any more likely to accept false signatures than a volunteer who is motivated entirely by an interest in having the proposition placed on the ballot.

Id. at 426.

The Court further noted that "[o]ther provisions of the Colorado statute deal expressly with the potential danger that circulators might be tempted to pad their petitions with false signatures . . .", citing provisions making it a crime to forge petition signatures, to make false or misleading statements relating to a petition, or to pay someone to sign a petition. Id. at 426-27. Such provisions were deemed "adequate to the task of minimizing the risk of improper conduct in the circulation of a petition." Id. at 427. The Court thus held the statute violated the First and Fourteenth Amendments because its ban on "the payment of petition circulators impose[d] a burden on political expression that the State [] failed to justify." Id. at 428.

In the wake of Meyer's holding that an absolute ban on payment of petition circulators is unconstitutional, courts have reached varying results in deciding challenges to state laws which, while not prohibiting all payment of petition circulators, barred payment of circulators on the basis of the number of signatures collected. Three United States Court of Appeals decisions have upheld per-signature payment prohibitions challenged on First Amendment grounds. *Initiative & Referendum Inst. v. Jaeger*, 241 F.3d 614 (8th Cir. 2001); *Prete v. Bradbury*, 438 F.3d 949 (9th Cir. 2006); *Person v. New York State Bd. of Elections*, 467 F.3d 141(2d Cir. 2006). Several federal district courts, however, have held that statutes prohibiting per-signature payment of circulators violated the First Amendment. Citizens for

Tax Reform v. Deters, ___ F.Supp.2d ___ (2006 WL 3408224) (S.D. Ohio 2006); On Our Terms '97 PAC v. Secretary of State, 101 F.Supp.2d 19 (D. Maine 1999); Term Limits Leadership Council, Inc. v. Clark, 984 F.Supp. 470 (S.D. Miss. 1997); LIMIT v. Maleng, 874 F.Supp. 1138 (D. Wash. 1994); See also Idaho Coalition for Bears v. Cenarrusa, 234 F.Supp.2d 1159 (D. Idaho 2001) (Invalidating statute which criminalized selling petition signatures because it could be interpreted to bar per signature payment.).

In analyzing the question presented, the decision in Initiative and Referendum Inst. v. Jaeger is significant because Nebraska is in Eighth Circuit. Jaeger involved a First Amendment challenge to a North Dakota statute that prohibited the payment of petition circulators on a "per signature" or commission basis.¹ 241 F.3d at 615. The North Dakota statute, like LB 39, "prohibited payment "' on a basis related to the number of signatures obtained.'" Id. (quoting N.D. Cent. Code § 16.1-01-12(11) (1997)). The court noted that, unlike Meyer, "[t]he statute. . .only regulate[d] the way in which circulators may be paid . . .", and did "not involve the complete prohibition of payment that the Supreme Court ruled unconstitutional." Id. at 617. As the state's evidence demonstrated the prohibition was necessary to prevent fraud and ensure the integrity of the petition process, and those challenging the ban failed to present evidence "showing that the ban on commissioned payments burden[ed] their ability to collect signatures. . .", the court concluded there was "sufficient evidence regarding signature fraud to justify the State's prohibition on commission payments." Id. at 618.

Initiative & Referendum Inst. v. Jaeger indicates that a prohibition against payment of petition circulators based on the number of signatures collected does not, on its face, violate the First Amendment. Crucial to the court's finding that the ban did not contravene the First Amendment, however, was its determination that the state's evidence "justified the ban on commission payments as a necessary means to prevent fraud and abuse." Id. at 618. That evidence included legislative history discussing past irregularities in the signature gathering process linked to per-signature payments and evidence that per-signature payments were "an issue" in a 1994 incident in which approximately 17,000 petition signatures were invalidated. Id. In contrast, the court concluded those contesting the prohibition "produced no evidence that payment by the hour, rather than commission, would in any way burden their ability to collect signatures." Id. Thus, Jaeger is properly viewed as demonstrating that a ban on per-signature payment of circulators will survive a First Amendment challenge to its application where the contestant cannot demonstrate a significant burden on the ability to gather signatures, and the state can produce evidence justifying the prohibition as necessary to prevent fraud and abuse in the petition process.

This analysis is consistent with that employed in the other cases involving First Amendment challenges to the payment of petition circulators on a per-signature basis. In Prete v. Bradbury, the Ninth Circuit affirmed the district court's finding that Oregon's constitutional ban on the payment of petition

circulators based on the number of signatures obtained "[did] not violate the First Amendment as applied . . ." because the "plaintiffs failed to prove the district court erred in determining [the ban did] not severely burden their First Amendment rights in circulating initiative petitions, and [the state] ha[d] established that [the prohibition] serve[d] the important regulatory interest in preventing fraud and forgery in the initiative process." 483 F.3d at 971. The Ninth Circuit distinguished the district court decisions concluding such a ban violated the First Amendment "because in each case the state defending the prohibition on per-signature payment for petition circulators failed to present any evidence that per-payment signatures increased fraud. . . ." 483 F.3d at 970n.29 (citing *Idaho Coalition for Bears v. Cenarrusa*, 234 F.Supp.2d 1159 (D. Idaho 2001); *On Our Terms '97 PAC v. Secretary of State*, 101 F.Supp.2d 19 (D. Maine 1999); *Term Limits Leadership Council, Inc. v. Clark*, 984 F.Supp. 470 (S.D. Miss. 1997); *LIMIT v. Maleng*, 874 F.Supp. 1138 (W.D. Wash. 1994)).

Based on the foregoing authority, we conclude that LB 39's proposed ban on the payment of petition circulators based on the number of signatures collected does not facially violate the First Amendment. Such a prohibition, however, could be subject to challenge on the ground that, as applied, it violates the First Amendment rights of petition supporters. Whether such a challenge would be successful would turn on an evaluation of the evidence presented by petition sponsors seeking to demonstrate the burden imposed by such a ban, and the State's evidence to justify the prohibition as a necessary means to prevent fraud and to preserve the integrity of the petition process. We cannot, however, conclude that LB 39 is clearly unconstitutional under the First and Fourteenth Amendments.

II. Initiative and Referendum Rights under the Nebraska Constitution.

Article III, § 2, of the Nebraska Constitution, provides: "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature." Article III, § 3, provides: "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of state government or a state institution existing at the time of the passage of such act." Article III, § 4, further provides: "The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation."

Legislative "facilitation" of the initiative process pursuant to art. III, § 4, means that the Legislature "may enact reasonable legislation to prevent fraud or to render intelligible the purpose of the proposed law or constitutional amendment." *State ex rel. Stenberg v. Beermann*, 240 Neb. 754, 755-56, 485 N.W.2d 151, 152 (1992) (quoting *State ex rel. Winter v. Swanson*, 138 Neb. 597, 599, 294 N.W. 200, 201 (1940)). "Any legislative act which tends to insure a fair, intelligent and impartial result on the part of the electorate may be said to facilitate the exercise of the initiative power.

Id. "Laws to facilitate the operation of [the initiative] must be reasonable, so as not to unnecessarily obstruct or impede the operation of the law." State ex rel. Ayres v. Amsberry, 104 Neb. 273, 277, 177 N.W. 179, 180 (1920), later vacated on procedural grounds. "Any legislation which would hamper or render ineffective the power reserved to the people would be unconstitutional." Id.

The proposed ban on payment of petition circulators based on the number of signatures collected is designed to prevent fraud in the petition gathering process. Prohibiting payment of circulators based on the number of signatures gathered arguably preserves the integrity of the process by eliminating the incentive for circulators to forge signatures or engage in other fraudulent activity in collecting petition signatures. As is the case regarding the First Amendment analysis, however, determining whether the prohibition proposed in LB 39 is a reasonable regulation to prevent fraud which facilitates the initiative process, as opposed to an impermissible obstruction or impediment, would no doubt hinge on an evaluation of evidence relating to the burden imposed on petition sponsors by such a restriction, as well as evidence as to the State's justification of the prohibition as a means to prevent fraud. Thus, while the prohibition against payment of petition circulators based on the number of signatures collected in LB 39 does not facially violate art. III, § 4, its application could be challenged based on facts demonstrating it does not reasonably serve to facilitate the petition process.

¹A statute requiring that petition circulators be North Dakota residents was also challenged in Jaeger. The Circuit Court upheld the residency requirement, finding that the state had a "compelling interest in preventing fraud" and that the requirement did "not unduly restrict speech. . . ." 241 F.3d at 616.

Sincerely yours,
JON BRUNING
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

Pc: Patrick J. O'Donnell
Clerk of the Legislature
07-521-21

GENERAL FILE

LEGISLATIVE BILL 124. Title read. Considered.

Committee AM299, printed separately and referred to on page 566, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

PRESIDENT SHEEHY PRESIDING

SELECT FILE

LEGISLATIVE BILL 166. ER8013, printed separately and referred to on page 435, was adopted.

Senator Janssen renewed his amendment, AM387, found on page 588.

The Janssen amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Janssen offered the following amendment:

FA27

Strike sections 10, 11, and 13.

The Janssen amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Flood requested a roll call vote on the advancement of the bill.

Advanced to E & R for engrossment with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 211. ER8023, found on page 496, was adopted.

Senator Cornett withdrew her amendment, AM278, found on page 596.

Senator Cornett renewed her amendment, AM423, found on page 605.

Senator Cornett moved for a call of the house. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

Senator Cornett requested a roll call vote on her amendment.

Voting in the affirmative, 2:

Stuthman Wallman

Voting in the negative, 30:

Adams	Christensen	Flood	Hudkins	Nantkes
Aguilar	Cornett	Friend	Karpisek	Nelson
Avery	Dubas	Fulton	Langemeier	Pahls
Burling	Engel	Hansen	Lathrop	Pankonin
Carlson	Erdman	Harms	McGill	Pirsch
Chambers	Fischer	Heidemann	Mines	Wightman

Present and not voting, 13:

Ashford	Johnson	Louden	Raikes	White
Howard	Kopplin	McDonald	Rogert	
Janssen	Kruse	Preister	Schimek	

Excused and not voting, 4:

Dierks	Gay	Pedersen	Synowiecki
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The Cornett amendment lost with 2 ayes, 30 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Hudkins' birthday.

SELECT FILE

LEGISLATIVE BILL 211. Senator Erdman renewed his amendment, AM253, found on page 501.

The Erdman amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 211A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 527. Senator Erdman withdrew his motion, found on page 498, to recommit to the Government, Military and Veterans Affairs Committee.

Senator Erdman renewed his amendment, AM401, found on page 597.

The Erdman amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Erdman renewed his amendment, AM404, found on page 605.

Senator Erdman moved for a call of the house. The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

The Erdman amendment was adopted with 36 ayes, 4 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Nelson offered the following amendment:

FA29

Strike on page 3, line 19 through page 4, line 2.

Senator Carlson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Nelson moved for a call of the house. The motion prevailed with 31 ayes, 4 nays, and 14 not voting.

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

Voting in the affirmative, 25:

Ashford	Dubas	Harms	Langemeier	Pankonin
Burling	Erdman	Howard	Lathrop	Pirsch
Christensen	Flood	Hudkins	Louden	Rogert
Cornett	Fulton	Karpisek	McGill	Synowiecki
Dierks	Hansen	Kopplin	Nelson	White

Voting in the negative, 10:

Adams	Avery	Chambers	Janssen	Schimek
Aguilar	Carlson	Friend	Raikes	Wallman

Present and not voting, 10:

Fischer	Kruse	Mines	Pahls	Stuthman
Heidemann	McDonald	Nantkes	Preister	Wightman

Excused and not voting, 4:

Engel	Gay	Johnson	Pedersen
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The Nelson amendment was adopted with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 147. Placed on General File.

LEGISLATIVE BILL 663. Placed on General File.

LEGISLATIVE BILL 681. Placed on General File.

LEGISLATIVE BILL 489. Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Natural Resources

LEGISLATIVE BILL 504. Placed on General File.

LEGISLATIVE BILL 636. Placed on General File - Com AM381.
AM381

1 1. Strike original section 2 and insert the following new
2 sections:

3 Section 1. Section 13-801, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 13-801 Sections 13-801 to 13-827 and sections 2 to 4
6 of this act shall be known and may be cited as the Interlocal
7 Cooperation Act.

8 Sec. 2. (1) A joint entity shall cause estimates of the
9 costs to be made by some competent engineer or engineers before
10 the joint entity enters into any contract for the construction,
11 management, operation, ownership, maintenance, or purchase of an
12 electric generating facility and related facilities.

13 (2) If the estimated cost exceeds the sum of one hundred
14 thousand dollars, no such contract shall be entered into without
15 advertising for sealed bids.

16 (3)(a) The provisions of subsection (2) of this section
17 and sections 3 and 4 of this act relating to sealed bids shall not
18 apply to contracts entered into by a joint entity in the exercise
19 of its rights and powers relating to equipment or supplemental
20 labor procurement from an electric utility or from or through an
21 electric utility alliance if:

22 (i) The engineer or engineers certify that, by reason of
23 the nature of the subject matter of the contract, compliance with
1 subsection (2) of this section would be impractical or not in the
2 public interest;

3 (ii) The engineer's certification is approved by a
4 two-thirds vote of the governing body of the joint entity; and

5 (iii) The joint entity advertises notice of its intention

6 to enter into such contract, the general nature of the proposed
7 work, and the name of the person to be contacted for additional
8 information by anyone interested in contracting for such work.

9 (b) Any contract for which the governing body has
10 approved an engineer's certificate described in subdivision (a) of
11 this subsection shall be advertised in three issues, not less than
12 seven days between issues, in one or more newspapers of general
13 circulation in the municipality or county where the principal
14 office or place of business of the joint entity is located, or
15 if no newspaper is so published then in a newspaper qualified to
16 carry legal notices having general circulation therein, and in such
17 additional newspapers or trade or technical periodicals as may be
18 selected by the governing body in order to give proper notice of
19 its intention to enter into such contract, and any such contract
20 shall not be entered into prior to twenty days after the last
21 advertisement.

22 (4) The provisions of subsection (2) of this section and
23 sections 3 and 4 of this act shall not apply to contracts in excess
24 of one hundred thousand dollars entered into for the purchase of
25 any materials, machinery, or apparatus to be used in facilities
26 described in subsection (1) of this section when the contract does
27 not include onsite labor for the installation thereof if, after
1 advertising for sealed bids:

2 (a) No responsive bids are received; or

3 (b) The governing body of the joint entity determines
4 that all bids received are in excess of the fair market value of
5 the subject matter of such bids.

6 (5) Notwithstanding any other provision of subsection
7 (2) of this section or sections 3 and 4 of this act, a
8 joint entity may, without advertising or sealed bidding, purchase
9 replacement parts or services relating to such replacement parts
10 for any generating unit, transformer, or other transmission and
11 distribution equipment from the original manufacturer of such
12 equipment upon certification by an engineer or engineers that
13 such manufacturer is the only available source of supply for
14 such replacement parts or services and that such purchase is in
15 compliance with standards established by the governing body of the
16 joint entity. A written statement containing such certification and
17 a description of the resulting purchase of replacement parts or
18 services from the original manufacturer shall be submitted to the
19 joint entity by the engineer or engineers certifying the purchase
20 for the governing body's approval. After such certification, but
21 not necessarily before the governing body's review, notice of any
22 such purchase shall be published once a week for at least three
23 consecutive weeks in one or more newspapers of general circulation
24 in the municipality or county where the principal office or place
25 of business of the joint entity is located and published in such
26 additional newspapers or trade or technical periodicals as may be
27 selected by the governing body in order to give proper notice of

1 such purchase.

2 (6) Notwithstanding any other provision of subsection
3 (2) of this section or sections 3 and 4 of this act, a joint
4 entity may, without advertising or sealed bidding, purchase used
5 equipment and materials on a negotiated basis upon certification
6 by an engineer that such equipment is or such materials are in
7 compliance with standards established by the governing body. A
8 written statement containing such certification shall be submitted
9 to the joint entity by the engineer for the governing body's
10 approval.

11 Sec. 3. Prior to advertisement for sealed bids, plans
12 and specifications for the proposed work or materials shall be
13 prepared and filed at the principal office or place of business
14 of the joint entity. Such advertisement shall be made in three
15 issues, not less than seven days between issues, in one or more
16 newspapers of general circulation in the municipality or county
17 where the principal office or place of business of the joint
18 entity is located, or if no newspaper is so published then
19 in a newspaper qualified to carry legal notices having general
20 circulation therein, and in such additional newspapers or trade or
21 technical periodicals as may be selected by the governing body of
22 the joint entity in order to give proper notice of the receiving
23 of bids. Such advertisement shall designate the nature of the work
24 proposed to be done or materials proposed to be purchased, that the
25 plans and specifications therefor may be inspected at the office
26 of the joint entity, giving the location thereof, the time within
27 which bids shall be filed, and the date, hour, and place the same
1 shall be opened.

2 Sec. 4. The governing body of the joint entity may let
3 the contract for such work or materials to the responsible bidder
4 who submits the lowest and best bid, or in the sole discretion
5 of the governing body, all bids tendered may be rejected, and
6 readvertisement for bids made, in the manner, form, and time
7 as provided in section 3 of this act. In determining whether a
8 bidder is responsible, the governing body may consider the bidder's
9 financial responsibility, skill, experience, record of integrity,
10 ability to furnish repairs and maintenance services, ability to
11 meet delivery or performance deadlines, and whether the bid is in
12 conformance with specifications. Consideration may also be given
13 by the governing body of the joint entity to the relative quality
14 of supplies and services to be provided, the adaptability of
15 machinery, apparatus, supplies, or services to be purchased to the
16 particular uses required, to the preservation of uniformity, and
17 the coordination of machinery and equipment with other machinery
18 and equipment already installed. No such contract shall be valid
19 nor shall any money of the joint entity be expended thereunder
20 unless advertisement and letting has been had as provided in
21 sections 2 to 4 of this act.

22 Sec. 5. Section 18-2442, Revised Statutes Cumulative

23 Supplement, 2006, is amended to read:

24 ~~18-2442 Before any agency shall enter into any contract~~
 25 ~~for the~~ (1) An agency shall cause estimates of the costs to be made
 26 by some competent engineer or engineers before the agency enters
 27 into any contract for:

1 (a) The construction, reconstruction, remodeling,
 2 building, alteration, maintenance, repair, extension, or
 3 improvement, for the use of the agency, of any:

4 (i) Power project, power plant, or system; ~~or~~
 5 ~~irrigation~~

6 (ii) Irrigation works; ~~or any part~~

7 (iii) Part or section thereof, for the use of the agency,
 8 of a project, plant, system, or works described in subdivision (i)
 9 or (ii) of this subdivision; or for the purchase

10 (b) The purchase of any materials, machinery, or
 11 apparatus to be used in such construction, reconstruction,
 12 remodeling, building, alteration, maintenance, repair, extension,
 13 or improvement, such agency shall cause estimates of the cost
 14 thereof to be made by some competent engineer or engineers. If such
 15 a project, plant, system, or works described in subdivision (1)(a)
 16 of this section.

17 (2) If the estimated cost shall exceed exceeds the sum
 18 of one hundred thousand dollars, no such contract shall be entered
 19 into without advertising for sealed bids; ~~except that with~~
 20 ~~respect~~

21 (3)(a) The provisions of subsection (2) of this section
 22 and sections 18-2443 and 18-2444 relating to sealed bids shall
 23 not apply to contracts entered into by an agency in the exercise
 24 of its rights and powers, relating to (i) radioactive material or
 25 the energy therefrom, (ii) relating to any technologically complex
 26 or unique equipment, contracts, or relating to (iii) equipment or
 27 supplemental labor procurement from an electric utility or from or
 1 through an electric utility alliance, or (iv) any maintenance or
 2 repair, contracts, if such the requirements of subdivisions (b) and
 3 (c) of this subsection are met.

4 (b) A contract described in subdivision (a) of this
 5 subsection need not comply with subsection (2) of this section or
 6 sections 18-2443 and 18-2444 if:

7 (i) The engineer or engineers shall certify that, by
 8 reason of the nature of the subject matter of the contract,
 9 compliance with subsection (2) of this section would be impractical
 10 and or not in the public interest; ~~and the~~

11 (ii) The engineer's certification is approved by a
 12 two-thirds vote of the board; and, then sections 18-2442 to
 13 18-2444 shall not apply, and the

14 (iii) The agency shall advertise-advertises notice of its
 15 intention to enter into such contract, the general nature of the
 16 proposed work, and the name of the person to be contacted for
 17 additional information by anyone interested in contracting for such

18 work.

19 (c) Any contract for which the board has approved such
20 an engineer's certificate described in subdivision (b) of this
21 subsection shall be advertised in three issues, not less than
22 seven days between issues, in one or more newspapers of general
23 circulation in the municipality or county where the principal
24 office or place of business of the agency is located, or if
25 no newspaper is so published then in a newspaper qualified to
26 carry legal notices having general circulation therein, and in
27 such additional newspapers or trade or technical periodicals as
1 may be selected by the board in order to give proper notice of
2 its intention to enter into such contract, and any such contract
3 shall not be entered into prior to twenty days after the last
4 advertisement.

5 (4) The provisions of subsection (2) of this section
6 and sections 18-2443 and 18-2444 shall not apply. With respect to
7 contracts in excess of one hundred thousand dollars entered into
8 for the purchase of any materials, machinery, or apparatus to
9 be used in the construction, reconstruction, remodeling, building,
10 alteration, maintenance, repair, extension, or improvement of any
11 power plant or system, or irrigation works, or any part or
12 section thereof projects, plants, systems, or works described in
13 subdivision (1)(a) of this section when the contract does not
14 include onsite labor for the installation thereof; if, after
15 advertising for sealed bids; ~~no~~

16 (a) No responsive bids are received; or if the

17 (b) The board of directors of such agency determines that
18 all bids received are in excess of the fair market value of the
19 subject matter of such bids, ~~then the provisions of sections~~
20 18-2442 to 18-2444 shall not apply.

21 (5) Notwithstanding any other provision of subsection (2)
22 of this section or sections 18-2443 and 18-2444, an agency may,
23 without advertising or sealed bidding, purchase replacement parts
24 or services relating to such replacement parts for any generating
25 unit, transformer, or other transmission and distribution equipment
26 from the original manufacturer of such equipment upon certification
27 by an engineer or engineers that such manufacturer is the only
1 available source of supply for such replacement parts or services
2 and that such purchase is in compliance with standards established
3 by the board. A written statement containing such certification
4 and a description of the resulting purchase of replacement parts
5 or services from the original manufacturer shall be submitted to
6 the board by the engineer or engineers certifying the purchase for
7 the board's approval. After such certification, but not necessarily
8 before the board's review, notice of any such purchase shall be
9 published once a week for at least three consecutive weeks in
10 one or more newspapers of general circulation in the municipality
11 or county where the principal office or place of business of the
12 agency is located and published in such additional newspapers or

13 trade or technical periodicals as may be selected by the board in
 14 order to give proper notice of such purchase.

15 (6) Notwithstanding any other provision of subsection (2)
 16 of this section or sections ~~18-2442 to 18-2443~~ and 18-2444, an
 17 agency may, without advertising or sealed bidding, purchase used
 18 equipment and materials on a negotiated basis ~~without advertising~~
 19 ~~or sealed bidding~~ upon certification by an engineer that such
 20 equipment is or such materials are in compliance with standards
 21 established by the board. A written statement containing such
 22 certification shall be submitted to the board by the engineer for
 23 the board's approval.

24 Sec. 7. Original section 13-801, Reissue Revised Statutes
 25 of Nebraska, and sections 18-2442 and 70-637, Revised Statutes
 26 Cumulative Supplement, 2006, are repealed.

27 2. On page 3, line 10, strike "(i)"; in line 12 after
 1 the first "to" insert "(i)"; in line 13 after "equipment" insert an
 2 underscored comma and strike "contracts," and show as stricken;
 3 strike line 14 and insert "equipment or supplemental labor
 4 procurement from an"; and in line 16 after "repair" insert an
 5 underscored comma and strike "contracts," and show as stricken.

6 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 690. Placed on General File - Com AM77.
 AM77

1 1. Strike the original sections and insert the following
 2 new sections:

3 Section 1. Section 37-413, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 37-413 (1) For the purpose of establishing and
 6 administering a mandatory firearm hunter education program for
 7 persons ~~born on or after January 1, 1977, twelve through~~
 8 twenty-nine years of age who hunt with a firearm or crossbow any
 9 species of game, game birds, or game animals, the commission shall
 10 provide a program of firearm hunter education training leading
 11 to obtaining a certificate of successful completion in the safe
 12 handling of firearms and shall locate and train volunteer firearm
 13 hunter education instructors. The program shall provide a training
 14 course having a minimum of (a) ten hours of classroom instruction
 15 or (b) independent study on the part of the student sufficient
 16 to pass an examination given by the commission followed by such
 17 student's participation in a minimum of four hours of practical
 18 instruction. The program shall provide instruction in the areas
 19 of safe firearms use, shooting and sighting techniques, hunter
 20 ethics, game identification, and conservation management. The
 21 commission shall issue a firearm hunter education certificate of
 22 successful completion to persons having satisfactorily completed a
 23 firearm hunter education course accredited by the commission and
 1 shall print, purchase, or otherwise acquire materials as necessary
 2 for effective program operation. The commission shall adopt and

3 promulgate rules and regulations for carrying out and administering
 4 such programs.

5 (2) It shall be unlawful for any person ~~born on or after~~
 6 ~~January 1, 1977, twenty-nine years of age or younger~~ to hunt with
 7 a firearm or crossbow any species of game, game birds, or game
 8 animals except:

9 (a) A person under the age of twelve years who is
 10 accompanied by a person nineteen years of age or older having a
 11 valid hunting permit; ~~and~~

12 (b) A person ~~born on or after January 1, 1977, twelve~~
 13 ~~through twenty-nine years of age~~ who has on his or her person a
 14 ~~hunter education certificate~~ proof of successful completion of a
 15 hunter education course or a firearm hunter education course issued
 16 by the person's state or province of residence or ~~a firearm hunter~~
 17 ~~education certificate issued~~ by an accredited program recognized by
 18 the commission; or -

19 (c) A person twelve through twenty-nine years of age who
 20 has on his or her person the appropriate hunting permit and an
 21 apprentice hunter education exemption certificate issued by the
 22 commission pursuant to subsection (3) of this section and who is
 23 accompanied as described in subsection (4) of this section.

24 (3) An apprentice hunter education exemption certificate
 25 may be issued to a person twelve through twenty-nine years of age,
 26 once during such person's lifetime with one renewal, upon payment
 27 of a fee of five dollars and shall expire at midnight on December
 1 31 of the year for which the apprentice hunter education exemption
 2 certificate is issued. The commission may adopt and promulgate
 3 rules and regulations allowing for the issuance of apprentice
 4 hunter education exemption certificates. All fees collected under
 5 this subsection shall be remitted to the State Treasurer for credit
 6 to the State Game Fund.

7 (4) For purposes of this section, accompanied means under
 8 the direct supervision of a person nineteen years of age or older
 9 having a valid hunting permit who is at all times in unaided visual
 10 and verbal communication of no more than two persons having an
 11 apprentice hunter education exemption certificate. This subsection
 12 does not prohibit the use by such person nineteen years of age
 13 or older of ordinary prescription eyeglasses or contact lenses or
 14 ordinary hearing aids.

15 Sec. 2. Section 37-414, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 37-414 (1) The commission shall establish and administer
 18 a bow hunter education program consisting of a minimum of (a)
 19 ten hours of classroom instruction or (b) independent study on
 20 the part of the student sufficient to pass an examination given
 21 by the commission followed by such student's participation in a
 22 minimum of four hours of practical instruction. The program shall
 23 provide instruction in the safe use of bow hunting equipment,
 24 the fundamentals of bow hunting, shooting and hunting techniques,

25 game identification, conservation management, and hunter ethics.
 26 When establishing such a program, the commission shall locate and
 27 train volunteers as bow hunter education ~~training~~ instructors. The
 1 commission shall issue a certificate of successful completion to
 2 any person who satisfactorily completes a bow hunter education
 3 program established by the commission and shall print, purchase,
 4 or otherwise acquire materials necessary for effective program
 5 operation. The commission shall adopt and promulgate rules and
 6 regulations for carrying out and administering such program.

7 (2) A person ~~born on or after January 1, 1977,~~ twelve
 8 through twenty-nine years of age who is hunting antelope, deer,
 9 elk, ~~or mountain sheep, or wild turkey~~ with a bow and arrow
 10 pursuant to any provision of sections 37-447 to 37-453 and 37-457
 11 shall have on his or her person ~~a bow hunter education certificate~~
 12 (a) proof of successful completion of a bow hunter education
 13 course issued by his or her state or province of residence or a
 14 ~~bow hunter education certificate issued by an accredited program~~
 15 recognized by the commission or (b) the appropriate hunting permit
 16 and an apprentice hunter education exemption certificate issued and
 17 enforced by the commission pursuant to section 37-413.

18 Sec. 3. Section 37-452, Revised Statutes Cumulative
 19 Supplement, 2006, is amended to read:

20 37-452 (1) No person shall ~~be issued a permit to hunt~~
 21 ~~deer, antelope, elk, wild turkey, hunt antelope, elk, or mountain~~
 22 sheep unless such person is at least twelve years of age, except
 23 that any person who is twelve through fifteen years of age shall
 24 only hunt ~~deer, antelope, elk, wild turkey, or mountain sheep~~ when
 25 ~~accompanied supervised~~ by a person ~~twenty one nineteen~~ years of age
 26 or ~~over older~~ having a valid hunting permit.

27 (2) No person shall hunt deer unless such person is at
 1 least ten years of age, except that any person who is ten through
 2 fifteen years of age shall only hunt deer when supervised by
 3 a person nineteen years of age or older having a valid hunting
 4 permit.

5 (3) A person nineteen years of age or older having a
 6 valid hunting permit shall not supervise more than two persons
 7 while hunting deer, antelope, elk, or mountain sheep at the same
 8 time.

9 Sec. 4. Original sections 37-413 and 37-414, Reissue
 10 Revised Statutes of Nebraska, and section 37-452, Revised Statutes
 11 Cumulative Supplement, 2006, are repealed.

(Signed) LeRoy Loudon, Chairperson

Education

The Education 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.

Tom Baker - Board of Educational Lands and Funds

VOTE: Aye: Senators Adams, Ashford, Avery, Burling, Howard, Johnson, Kopplin, and Raikes. Nay: None. Absent: None.

The Education 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.

Richard B. Uhing - Coordinating Commission for Postsecondary Education

VOTE: Aye: Senators Adams, Ashford, Avery, Burling, Howard, Johnson, Kopplin, and Raikes. Nay: None. Absent: None.

(Signed) Ron Raikes, Chairperson

Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

Phyllis Chambers - Public Employees Retirement Board
Don Pederson - Public Employees Retirement Board

VOTE: Aye: Senators Erdman, Heidemann, Karpisek, Loudon, Synowiecki, and White. Nay: None. Absent: None.

(Signed) John Synowiecki, Chairperson

MESSAGE FROM THE GOVERNOR

February 21, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 283 and 283A were received in my office on February 15, 2007.

I signed these bills and delivered them to the Secretary of State on February 21, 2007.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 33. Introduced by Dubas, 34.

WHEREAS, in December of 2006, Nebraska was hit by two ice storms that destroyed over six thousand five hundred utility poles and demolished major electrical grids which subsequently suspended electrical service to customers from days to weeks; and

WHEREAS, to restore power, companies such as Southern Power District utilized all available manpower, an additional four hundred workers hired as private contractors, and employees from other public power districts and municipal electrical systems; and

WHEREAS, workers labored twelve or more hours per day to restore power to customers for several consecutive days without respite; and

WHEREAS, workers traveled many miles and resided in hotels and motels, removed from their families and homes for weeks and months; and

WHEREAS, workers continue to work to repair and rebuild the electrical grids to this day.

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

1. That the Legislature commends the workers who continue to rebuild the electrical grids for their dedication and perseverance to restoring electrical power to Nebraskans.

2. That a copy of this resolution be sent to Southern Power District and those companies who assisted in the rebuilding process.

Laid over.

LEGISLATIVE RESOLUTION 34. Introduced by Dubas, 34.

WHEREAS, the soldiers of the United States Armed Forces voluntarily risk their lives to defend our nation; and

WHEREAS, these soldiers exhibit courage, honor, and sacrifice; and

WHEREAS, the people of Nebraska and this country owe their freedom and liberty to the brave men and women who voluntarily risk their lives; and

WHEREAS, the people of the 34th Legislative District are proud that some of these distinguished soldiers are from the Great State of Nebraska, including Sergeant Michael Belleci, Central City, Nebraska, who received a Bronze Star with Valor, Specialist Adam Dack, Grand Island, Nebraska, who received an Army Commendation Medal with Valor, and Staff Sergeant Lauren McConnell, Grand Island, Nebraska, who received a Purple Heart and Army Commendation Medal with Valor.

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

1. That the Legislature honors Sergeant Michael Belleci, Specialist Adam Dack, and Staff Sergeant Lauren McConnell for their achievements and display of gallantry, fortitude, sacrifice, and unwavering, selfless dedication to their duties as members of the United States Armed Forces.

2. That a copy of this resolution be sent to Sergeant Michael Belleci, Specialist Adam Dack, and Staff Sergeant Lauren McConnell.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bird, Kenneth - Nebraska Educational Telecommunications Commission - Education

Brashear, Kermit - Community Corrections Council - Judiciary

Dorwart, Thomas - Community Corrections Council - Judiciary

Johnson, Mandy - Nebraska Educational Telecommunications Commission - Education

Miller, Dennis, Jr. - Nebraska Educational Telecommunications Commission - Education

Moline, Robert - Nebraska Educational Telecommunications Commission - Education

Smith, Alan - Community Corrections Council - Judiciary

Smith, Clay - Nebraska Educational Telecommunications Commission - Education

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

AMENDMENTS - Print in Journal

Senator Stuthman filed the following amendment to LB 299:
AM342

(Amendments to Standing Committee amendments, AM189)

- 1 1. On page 1, strike beginning with line 10 through line
- 2 13 and insert:
- 3 "(2)(a) It shall be unlawful to trap any wildlife in
- 4 the county road right-of-way unless a permit has been issued by

5 the county. The county board may provide for the issuance of such
 6 permits and charge a fee of twenty-five dollars per permit.".

Senator Ashford filed the following amendment to LB 67:
 AM416

(Amendments to Final Reading copy)

1 1. On page 2, line 16, strike "25-1629.02" and insert
 2 "25-1611".

Senator Kruse filed the following amendment to LB 261:
 AM264

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 53-180.02, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 53-180.02 Except as provided in section 53-168.06, no
 6 minor may sell, dispense, consume, or have in his or her possession
 7 or physical control any alcoholic liquor in any tavern or in any
 8 other place, including public streets, alleys, roads, or highways,
 9 upon property owned by the State of Nebraska or any subdivision
 10 thereof, or inside any vehicle while in or on any other place,
 11 including, but not limited to, the public streets, alleys, roads,
 12 or highways, or upon property owned by the State of Nebraska or any
 13 subdivision thereof, except that a minor may consume, possess, or
 14 have physical control of alcoholic liquor as a part of a bona fide
 15 religious rite, ritual, or ceremony. in his or her permanent place
 16 of residence or on the premises of a place of religious worship
 17 on which premises alcoholic liquor is consumed as a part of a
 18 religious rite, ritual, or ceremony.
 19 The governing bodies of counties, cities, and villages
 20 shall have the power to, and may by applicable resolution or
 21 ordinance, regulate, suppress, and control the transportation,
 22 consumption, or knowing possession of or having under his or her
 23 control beer or other alcoholic liquor in or transported by any
 1 motor vehicle, by any person under twenty-one years of age, and may
 2 provide penalties for violations of such resolution or ordinance.
 3 Sec. 2. Original section 53-180.02, Reissue Revised
 4 Statutes of Nebraska, is repealed.

Senator McDonald filed the following amendment to LB 441:
 AM320

1 1. On page 3, line 8, strike "Such" and insert "Until
 2 April 30, 2012, such".

UNANIMOUS CONSENT - Add Cointroducers

Senator Christensen asked unanimous consent to add his name as
 cointroducer to LBs 425 and 677. No objections. So ordered.

Senator Langemeier asked unanimous consent to add his name as cointroducer to LB 484. No objections. So ordered.

VISITORS

Visitors to the Chamber were 18 eleventh- and twelfth-grade students and teacher from Kearney Catholic School, Kearney; Senator Engel's wife, Dee Engel, and B. J. Heitzman, Mary Kneifl, and Norma Graves from South Sioux City; Senator Wightman's wife, Janet Wightman, and Sally Schneider and Karen Darby from Lexington; and Senator Carlson's wife, Margo Carlson, and Lynn Embury, Marliss Allmond, Sue Moomey, and Shirley Butz from Holdrege.

The Doctor of the Day was Dr. Dennis DeRoin from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Thursday, February 22, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

