

**FORTY-FOURTH DAY - MARCH 12, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 12, 2007

**PRAYER**

The prayer was offered by Pastor Nancy Leonard, St. Paul United Methodist Church, South Sioux City.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Langemeier presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**COMMITTEE REPORTS****Enrollment and Review****Correctly Reengrossed**

The following bills were correctly reengrossed: LBs 25, 67, and 211A.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS****Health and Human Services**

**LEGISLATIVE BILL 469.** Placed on General File.

**LEGISLATIVE BILL 53.** Placed on General File - Com AM525.  
AM525

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 68-1803, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:

5 68-1803 (1) Each intermediate care facility for the  
 6 mentally retarded shall pay a tax equal to ~~six percent~~ a percentage  
 7 of its net revenue for the most recent State of Nebraska fiscal  
 8 year. The percentage shall be (a) six percent prior to January  
 9 1, 2008, (b) five and one-half percent beginning January 1, 2008,  
 10 through September 30, 2011, and (c) six percent beginning October  
 11 1, 2011.

12 (2) Taxes collected under this section shall be remitted  
 13 to the State Treasurer for credit to the ICF/MR Reimbursement  
 14 Protection Fund.

15 (3) Taxes collected pursuant to this section shall be  
 16 reported on a separate line on the cost report of the intermediate  
 17 care facility for the mentally retarded, regardless of how such  
 18 costs are reported on any other cost report or income statement.  
 19 The department shall recognize such tax as an allowable cost  
 20 within the state plan for reimbursement of intermediate care  
 21 facilities for the mentally retarded which participate in the  
 22 medical assistance program. The tax shall be a direct pass-through  
 23 and shall not be subject to cost limitations.

1 Sec. 2. Original section 68-1803, Revised Statutes  
 2 Cumulative Supplement, 2006, is repealed.

**LEGISLATIVE BILL 417.** Placed on General File - Com AM524.  
 AM524

1 1. On page 3, strike beginning with "sections" in line 12  
 2 through the second "and" in line 13 and insert "section"; and in  
 3 line 14 strike "are" and insert "is".

**LEGISLATIVE BILL 445.** Placed on General File - Com AM615.  
 AM615

1 1. On page 5, line 14, strike "A" and insert "Except as  
 2 otherwise provided in subsection (5) of this section, a"; in line  
 3 16 after "an" insert "appropriate"; and strike beginning with line  
 4 20 through line 21 and insert:

5 "(c) Completion of appropriate training as approved by  
 6 the executive director of the commission or the board.".

7 2. On page 6, after line 1 insert the following new  
 8 subsection:

9 "(5) The commission may waive some or all of the  
 10 requirements of subsection (3) of this section for any person  
 11 engaged in rehabilitation counseling for the blind on or before the  
 12 effective date of this act.".

**LEGISLATIVE BILL 410.** Indefinitely postponed.

(Signed) Joel Johnson, Chairperson

**Revenue**

**LEGISLATIVE BILL 627.** Placed on General File.

**LEGISLATIVE BILL 338.** Placed on General File - Com AM660.  
AM660

- 1 1. On page 6, line 12, strike "five" through "thousand",
- 2 show the old matter as stricken, and insert "two thousand five
- 3 hundred"; and in line 13 strike "ten" and insert "five".

**LEGISLATIVE BILL 343.** Placed on General File - Com AM661.  
AM661

- 1 1. On page 2, line 6, after "investment" insert "prior to
- 2 January 1, 2015,"; and in line 11 strike "taxable year" and insert
- 3 "the first taxable year in which the biodiesel facility produces
- 4 B100".
- 5 2. On page 3, line 11, after the comma insert
- 6 "cooperative, including a cooperative exempt under section 521 of
- 7 the Internal Revenue Code of 1986, as amended,"; in line 13 strike
- 8 "investment" and insert "credit"; and in lines 16 and 17 after the
- 9 last comma insert "cooperative,".

**LEGISLATIVE BILL 551.** Placed on General File - Com AM662.  
AM662

- 1 1. Insert the following new section:
- 2 Sec. 10. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 3, lines 7 and 8, strike beginning with
- 5 "collected" through "facilities", show the old matter as stricken,
- 6 and insert "collected by retailers and operators doing business at
- 7 such facilities, including primary and secondary box office sales,
- 8 merchandise sales, and contracted labor for which sales tax is
- 9 paid".
- 10 3. On page 8, lines 6, 7, and 19; and page 9, lines 12,
- 11 13, and 24 strike beginning with "collected" through "facilities"
- 12 and insert "collected by retailers and operators doing business at
- 13 such facilities, including primary and secondary box office sales,
- 14 merchandise sales, and contracted labor for which sales tax is
- 15 paid".

**LEGISLATIVE BILL 173.** Indefinitely postponed.

**LEGISLATIVE BILL 514.** Indefinitely postponed.

**LEGISLATIVE BILL 569.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 157.** The Chambers motion, found on page 799, to bracket until April 18, 2007, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Chambers motion to bracket failed with 10 ayes, 23 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

**ANNOUNCEMENT**

Speaker Flood designates LR 2CA and LBs 112, 144, 171, 177, 188, 208, 219, 233, 246, 274, 285, 289, 292, 351, 358, 389, 404, 471, 530, 540, 565, 622, 646, and 664 as Speaker priority resolution and bills.

**COMMITTEE REPORT**  
**Health and Human Services**

**LEGISLATIVE BILL 351.** Placed on General File - Com AM645.  
 AM645

- 1 1. On page 16, line 10, reinstate the stricken matter;
- 2 and in lines 11 and 12 strike the new matter.

(Signed) Joel Johnson, Chairperson

**NOTICE OF COMMITTEE HEARING**  
**Health and Human Services**  
 Room 1510

Tuesday, March 20, 2007

1:30 p.m.

Linda L. Jensen - Board of Emergency Medical Services

Donald Frey - Rural Health Advisory Commission

Leon Sykes - Board of Emergency Medical Services

Kate Hesser - Rural Health Advisory Commission

(Signed) Joel Johnson, Chairperson

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 73A.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 73, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 162A.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 162, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 253A.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 253, One Hundredth Legislature, First Session, 2007.

**GENERAL FILE**

**LEGISLATIVE BILL 157.** Senator Chambers offered the following motion:  
Recommit to Judiciary Committee.

Pending.

**COMMITTEE REPORTS**  
**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 233.** Placed on General File.

**LEGISLATIVE BILL 622.** Placed on General File - Com AM259.  
AM259

- 1 1. On page 2, strike beginning with line 1 through "(2)"
- 2 in line 7 and insert
- 3 "(1) Except as otherwise provided in subsection (2) of
- 4 this section, any member of a public body shall complete a training
- 5 course regarding the powers and duties of a public body and its
- 6 members under the Open Meetings Act no later than one year after
- 7 the operative date of this act.
- 8 (2) Any person who becomes a member of a public body
- 9 after the operative date of this act shall complete the training
- 10 course required in subsection (1) of this section no later than one
- 11 year after the day the member (a) takes the oath of office or (b)
- 12 assumes his or her duties as a member of a public body, if the

- 13 member is not required to take an oath of office.  
 14 (3)"; in line 13 strike "(3)" and insert "(4)"; and in  
 15 line 20 strike "(4)" and insert "(5)".  
 16 2. On page 3, line 1, strike "(5)" and insert "(6)"; in  
 17 line 4 strike "ex officio" and insert "current or future"; in line  
 18 6 strike "(6)" and insert "(7)"; in line 10 strike "(7)" and insert  
 19 "(8)"; and strike beginning with line 16 through "(2)" in line 22  
 20 and insert  
 21 "(1) Except as otherwise provided in subsection (2) of  
 22 this section, any public officer or public employee subject to  
 23 this section under subsection (9) of this section shall complete  
 1 a training course regarding sections 84-712 to 84-712.09 no later  
 2 than one year after the operative date of this act.  
 3 (2) Any person who becomes a public officer or public  
 4 employee subject to this section under subsection (9) of this  
 5 section after the operative date of this act shall complete the  
 6 training course required in subsection (1) of this section no later  
 7 than one year after the day the officer or employee (a) takes the  
 8 oath of office or (b) assumes his or her duties with a governmental  
 9 agency, if not required to take an oath of office.  
 10 (3)".  
 11 3. On page 4, line 8, strike "(3)" and insert "(4)"; in  
 12 line 14 strike "(4)" and insert "(5)"; and in line 22 strike "(5)"  
 13 and insert "(6)".  
 14 4. On page 5, line 5, strike "(6)" and insert "(7)";  
 15 in line 9 strike "ex officio" and insert "current or future"; in  
 16 line 11 strike "(7)" and insert "(8)"; in line 13 strike "(8)"  
 17 and insert "(9)"; and in line 15 strike "governmental agency" and  
 18 insert "governing body".

**LEGISLATIVE BILL 7.** Indefinitely postponed.

**LEGISLATIVE BILL 61.** Indefinitely postponed.

**LEGISLATIVE BILL 135.** Indefinitely postponed.

**LEGISLATIVE BILL 212.** Indefinitely postponed.

**LEGISLATIVE BILL 284.** Indefinitely postponed.

(Signed) Ray Aguilar, Chairperson

### AMENDMENTS - Print in Journal

Senator Fulton filed the following amendment to LB 12:

AM637

(Amendments to E & R amendments, ER8029)

- 1 1. On page 2, line 18, strike "two", show as stricken,
- 2 and insert "three".

Senator Fulton filed the following amendment to LB 12A:

AM652

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

- 3 Section 1. There is hereby appropriated (1) \$266,929  
 4 from the General Fund for FY2007-08 and (2) \$150,929 from the  
 5 General Fund and \$50,000 from the Commercial Dog and Cat Operator  
 6 Inspection Program Cash Fund for FY2008-09 to the Department of  
 7 Agriculture, for Program 63, to aid in carrying out the provisions  
 8 of Legislative Bill 12, One Hundredth Legislature, First Session,  
 9 2007.  
 10 Total expenditures for permanent and temporary salaries  
 11 and per diems from funds appropriated in this section shall not  
 12 exceed \$140,304 for FY2007-08 or \$140,304 for FY2008-09.

Senator Kruse filed the following amendment to LR 12CA:  
 AM659

- 1 1. On page 1, line 16, after the period insert "No  
 2 funds may be expended by the board unless appropriated by the  
 3 Legislature.".  
 4 2. On page 2, line 16, after "require" insert "an  
 5 appropriation for"; in line 17 after "Funds" insert "to expend  
 6 funds, to require the board"; and in line 23 after "officer" insert  
 7 a comma.

Senator Ashford filed the following amendment to LB 157:  
 AM674

(Amendments to Standing Committee amendments, AM250)

- 1 1. Insert the following new section:  
 2 Sec. 3. For purposes of section 1 of this act, generally  
 3 accepted standards of professional practice means medical treatment  
 4 or care of the type, quality, and amount that a firefighter or  
 5 hospital staff person would be expected to provide according to the  
 6 professional standards of care for firefighters or hospital staff  
 7 with regard to the medical treatment and care of infants.  
 8 2. Renumber the remaining section accordingly.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Howard asked unanimous consent to add her name as cointroducer to LB 405. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Winston Murray from Guyana; members of Delta Sigma Theta Sorority from Lincoln and Omaha; Ron and JoAnne Jonas from Lincoln and Janelle Jonas and Ryan Clark from Atlanta, Georgia; Dylan Hafer from Martell and Ruthellen Sittler from Lincoln; and 20 eighth-grade students and teachers from St. Mary's School, Lincoln.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Friend, the Legislature adjourned until 9:00 a.m., Tuesday, March 13, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature