

FORTY-FIFTH DAY - MARCH 13, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 13, 2007

PRAYER

The prayer was offered by Pastor Tony Dawson, Christ United Methodist Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

**COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 638. Placed on Select File - ER8045.
ER8045

- 1 1. On page 1, line 1, strike "charitable gaming" and
- 2 insert "gambling"; in line 2 strike "and 9-424" and insert "9-424,
- 3 9-833, and 9-835"; in line 4 after the last comma insert "9-803,
- 4 9-812,"; and in line 7 strike "and raffles" and insert "raffles,
- 5 and the State Lottery Act".

LEGISLATIVE BILL 425. Placed on Select File - ER8046.
ER8046

- 1 1. On page 1, line 4, strike "to providing funding;".

LEGISLATIVE BILL 425A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 85. Indefinitely postponed.

LEGISLATIVE BILL 350. Indefinitely postponed.

(Signed) Rich Pahls, Chairperson

MESSAGES FROM THE GOVERNOR

March 6, 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 a member of the Tax Equalization and Review Commission:

Ruth Sorensen, 2500 Devoe Drive, Lincoln NE 68506

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

March 8, 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 a member of the Coordinating Commission for Postsecondary Education:

Ronald D. Hunter, 4293 470th Lane, Hays Springs NE 69347

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

NOTICE OF COMMITTEE HEARING
Judiciary
 Room 1113

LB 696	Tuesday, March 20, 2007 (reschedule)	1:30 p.m.
LB 164	Tuesday, March 20, 2007 (reschedule)	1:30 p.m.
LB 104	Tuesday, March 20, 2007 (reschedule)	1:30 p.m.
LB 112	Tuesday, March 20, 2007 (reschedule)	1:30 p.m.
LB 478	Tuesday, March 20, 2007 (reschedule)	1:30 p.m.
LB 571	Tuesday, March 20, 2007 (reschedule)	1:30 p.m.
LB 151	Tuesday, March 20, 2007 (reschedule)	1:30 p.m.

(Signed) Brad Ashford, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 52. Introduced by Christensen, 44.

WHEREAS, the Wauneta-Palisade Broncos are the 2007 Class D-1 boys basketball champions; and

WHEREAS, the Wauneta-Palisade Broncos defeated the Leigh Panthers by a score of 71-60 in the Class D-1 finals on Saturday, March 10, 2007; and

WHEREAS, the Wauneta-Palisade Broncos finished the 2007 basketball season undefeated, with a 25-0 record; and

WHEREAS, this is Wauneta-Palisade's first-ever Class D-1 boys' state basketball championship; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the team members and managers of the 2007 Wauneta-Palisade High School Broncos boys' basketball team and Coach Dave Kuhlen on their undefeated season and 2007 Class D-1 state championship.

2. That a copy of this resolution be provided to the 2007 Wauneta-Palisade High School Broncos boys' basketball team members and managers and Coach Kuhlen.

Laid over.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 83. With Emergency.

A BILL FOR AN ACT relating to incarceration work camps; to amend sections 83-4,144 and 83-4,145, Reissue Revised Statutes of Nebraska, and sections 83-4,142, 83-4,143, and 83-4,146, Revised Statutes Cumulative Supplement, 2006; to provide for recommendations for placement of felony offenders at an incarceration work camp by the Board of Parole; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 2:

Carlson Schimek

Excused and not voting, 5:

Dierks Dubas Pedersen Raikes White

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 124 with 37 ayes, 3 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 124. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-108, 8-149, 8-915, 8-2107, 21-17,112, 45-191.01, 45-191.04, 45-334, 45-340, 45-344, 45-347, 45-351, 45-352, 45-353, 45-708, 45-710, 45-715, 45-716, 45-920, 45-927, 45-1014, 45-1017, 52-1301, 52-1302, 52-1307, 52-1308, 52-1313, 52-1314, 52-1315, 52-1317, 52-1318, and 52-1602, Reissue Revised Statutes of Nebraska, sections 8-113, 8-124, 8-148.04, 8-1,140, 8-355, 8-601, 8-602, 8-1901, 8-2312, 8-2504, 21-17,115, 30-3805, 30-3846, 30-3848, 30-3849, 30-3851, 30-3867, 30-38,110, 45-346, 45-701, 45-702, 45-705, 45-706, 45-711, 45-714, 45-1013, 45-1033, and 52-1312, Revised Statutes Cumulative Supplement, 2006, and sections 9-315, 9-320, 9-529, and 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the unauthorized use of the word bank, bank boards of directors, bank investments in bank premises, premiums on demand deposits, community development investments, financial institution assessments, the Nebraska Installment Sales Act, the Mortgage Bankers Registration and Licensing Act, the Delayed Deposit Services Licensing Act, and the Nebraska Installment Loan Act; to revise powers of state-chartered banks, building and loan associations, and credit unions; to regulate trust company names; to change provisions relating to the Nebraska Uniform Trust Code, loan brokerage agreements, and farm product security interests; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 8-1,123 and 21-1739, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Dubas

Excused and not voting, 2:

Pedersen Raikes

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 145.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3510, Reissue Revised Statutes of Nebraska, and sections 77-3513 and 77-3514, Revised Statutes Cumulative Supplement, 2006; to provide a duty for the Tax Commissioner; to require notices to claimants as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 2:

Pedersen Raikes

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

LEGISLATIVE BILL 231.

A BILL FOR AN ACT relating to education; to amend section 79-1102, Reissue Revised Statutes of Nebraska; to change provisions relating to the Early Childhood Training Center; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Erdman

Excused and not voting, 2:

Pedersen Raikes

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

LEGISLATIVE BILL 237.

A BILL FOR AN ACT relating to homesteads; to amend section 40-101, Reissue Revised Statutes of Nebraska; to change the homestead exemption amount relating to judgment liens and executions as prescribed; and to repeal the original section.

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

Voting in the affirmative, 38:

Adams	Dierks	Hudkins	McDonald	Rogert
Aguilar	Dubas	Janssen	McGill	Schimek
Ashford	Engel	Johnson	Mines	Stuthman
Avery	Fischer	Karpisek	Nantkes	Synowiecki
Carlson	Hansen	Kopplin	Nelson	Wallman
Chambers	Harms	Kruse	Pahls	White
Christensen	Heidemann	Lathrop	Pankonin	
Cornett	Howard	Louden	Preister	

Voting in the negative, 5:

Erdman	Flood	Fulton	Langemeier	Wightman
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Present and not voting, 4:

Burling	Friend	Gay	Pirsch
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Excused and not voting, 2:

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 239 with 39 ayes, 5 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 239.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311, 60-342, 60-3,196, 60-462.01, 60-4,147.02, 60-6,265, 60-6,267, 75-363, and 75-364, Revised Statutes Cumulative Supplement, 2006; to update references to federal law; to delete obsolete language; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen Raikes

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 248.

A BILL FOR AN ACT relating to road improvement districts; to amend sections 39-1601, 39-1605, 39-1606, and 39-1607, Reissue Revised Statutes of Nebraska; to change and eliminate provisions for election of the board of trustees; to provide for elections to be held by mail; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 32-551, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Pahls

Excused and not voting, 2:

Pedersen Raikes

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

MOTION - Return LB 296 to Select File

Senator Schimek moved to return LB 296 to Select File for the following specific amendment:

FA39

Strike the enacting clause.

SENATOR LANGEMEIER PRESIDING

SPEAKER FLOOD PRESIDING

Senator Schimek withdrew her motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 296 with 40 ayes, 4 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 296. With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend sections 2-3925, 2-3932, 13-1207, 23-3595, 31-740, 32-327, 37-1254.05, 37-1254.06, 42-106, 42-358.01, 42-705, 42-917, 43-102, 43-104.01, 43-104.02, 43-104.03, 43-104.04, 43-107, 43-118, 43-119, 43-123.01, 43-124, 43-125, 43-126, 43-127, 43-130, 43-131, 43-132, 43-133, 43-134, 43-135, 43-137, 43-138, 43-139, 43-140, 43-141, 43-142, 43-143, 43-144, 43-145, 43-146, 43-146.02, 43-146.04, 43-146.05, 43-146.06, 43-146.07, 43-146.08, 43-146.09, 43-146.10, 43-146.11, 43-146.12, 43-146.13, 43-146.14, 43-146.15, 43-146.16, 43-161, 43-284.02, 43-404, 43-411, 43-504.01, 43-507, 43-508, 43-511, 43-512, 43-512.11, 43-515, 43-523, 43-525, 43-529, 43-536, 43-905, 43-907, 43-908, 43-1320, 43-1408.01, 43-1414, 43-1718.02, 43-1720, 43-1902, 43-1903, 43-1904, 43-1905, 43-2002, 43-2003, 43-2411, 43-2503, 43-2511, 43-2515, 43-2605, 43-2616,

43-2617, 43-2620, 43-3305.01, 43-3314, 43-3317, 43-3318, 43-3319, 43-3320, 43-3323, 43-3325, 43-3326, 43-3327, 43-3329, 43-3333, 43-3334, 43-3335, 43-3336, 43-3338, 43-3342.04, 44-771, 44-772, 44-773, 44-774, 44-782, 44-793, 44-1102, 44-2835, 44-2847, 44-2901, 44-2904, 44-32,119, 44-32,120, 44-32,127, 44-32,128, 44-32,134, 44-32,136, 44-32,152, 44-32,153, 44-32,156, 44-32,157, 44-32,163, 44-32,165, 44-32,176, 44-4109.01, 44-7006, 44-7107, 44-7206, 44-7306, 46-705, 46-724, 46-1011, 46-1018, 46-1204.01, 46-1207, 46-1235, 46-1235.01, 46-1237.01, 46-1237.02, 46-1240.05, 48-647, 48-1902, 48-2305, 48-2306, 48-2307, 49-506, 49-617, 54-744.01, 54-747, 60-480.01, 60-493, 60-4,118.02, 60-4,164.01, 60-6,104, 60-6,107, 60-6,201, 60-6,202, 68-126, 68-130, 68-309, 68-312, 68-313, 68-703.01, 68-717, 68-718, 68-1001.01, 68-1002, 68-1007, 68-1008, 68-1014, 68-1015, 68-1016, 68-1017, 68-1101, 68-1103, 68-1104, 68-1105, 68-1210, 68-1732, 69-302, 69-305, 71-104, 71-105, 71-139, 71-141, 71-142, 71-150, 71-151, 71-153, 71-155, 71-155.01, 71-156, 71-161.02, 71-161.03, 71-161.06, 71-161.07, 71-161.12, 71-161.13, 71-161.14, 71-161.16, 71-161.17, 71-161.20, 71-165, 71-169, 71-172.01, 71-172.02, 71-181, 71-188, 71-193.13, 71-193.15, 71-193.18, 71-193.19, 71-193.22, 71-1,104, 71-1,107, 71-1,107.06, 71-1,107.07, 71-1,107.08, 71-1,107.16, 71-1,132.53, 71-1,135.02, 71-1,136, 71-1,141, 71-1,147.26, 71-1,147.28, 71-1,147.31, 71-1,147.44, 71-1,147.45, 71-1,147.48, 71-1,147.53, 71-1,147.59, 71-1,154, 71-1,190.01, 71-1,206.05, 71-1,238, 71-1,290, 71-1,341, 71-354, 71-390, 71-3,173, 71-410, 71-411, 71-445, 71-502, 71-502.01, 71-502.02, 71-502.03, 71-502.04, 71-503, 71-504, 71-514.02, 71-516.02, 71-516.03, 71-516.04, 71-524, 71-532, 71-543, 71-602, 71-602.01, 71-604, 71-604.01, 71-605.01, 71-605.02, 71-606, 71-608.01, 71-609, 71-610, 71-611, 71-614, 71-615, 71-616, 71-616.03, 71-616.04, 71-617.02, 71-617.06, 71-617.07, 71-617.08, 71-617.09, 71-617.10, 71-617.11, 71-617.12, 71-617.13, 71-626, 71-626.01, 71-627.01, 71-627.02, 71-629, 71-630, 71-636, 71-639, 71-640.02, 71-640.03, 71-641, 71-644, 71-645, 71-646, 71-647, 71-648, 71-1001, 71-1301, 71-1333.01, 71-1340, 71-1341, 71-1356, 71-1363, 71-1367, 71-1368, 71-1617, 71-1628, 71-1630, 71-1635, 71-1637, 71-1710, 71-1745, 71-1774, 71-1799, 71-17,102, 71-1802, 71-1803, 71-1804, 71-2002, 71-2003, 71-2004, 71-2006, 71-2007, 71-2009, 71-2010, 71-2011, 71-2013, 71-2014, 71-2015, 71-2082, 71-2084, 71-2086, 71-2096, 71-2097, 71-2098, 71-2099, 71-20,100, 71-20,101, 71-20,103, 71-20,113, 71-2201, 71-2202, 71-2203, 71-2207, 71-2208, 71-2407, 71-2408, 71-2409, 71-2411, 71-2503, 71-2506, 71-2509, 71-2511, 71-2610, 71-2617, 71-2619, 71-2620, 71-2621, 71-2622, 71-3101, 71-3102, 71-3104, 71-3305, 71-3306, 71-3401, 71-3402, 71-3410, 71-3502.01, 71-3504, 71-3505, 71-3508.03, 71-3508.04, 71-3513, 71-3517, 71-3526, 71-3702, 71-3706, 71-4302, 71-4303, 71-4304, 71-4305, 71-4306, 71-4401, 71-4621, 71-4624, 71-4635, 71-4701, 71-4813, 71-4816, 71-4819, 71-5175, 71-5192, 71-5197, 71-51,103, 71-5205, 71-5302, 71-5303, 71-5304.01, 71-5304.02, 71-5305.01, 71-5305.02, 71-5306, 71-5310, 71-5310.01, 71-5311, 71-5311.02, 71-5318, 71-5322, 71-5710, 71-5711, 71-5713, 71-5803.04, 71-5829.05, 71-5859, 71-6010, 71-6018.01, 71-6019, 71-6021, 71-6043, 71-6045, 71-6048, 71-6053, 71-6059, 71-6065, 71-6068, 71-6208, 71-6221, 71-6301, 71-6303, 71-6309, 71-6319.15, 71-6319.28,

71-6319.30, 71-6319.31, 71-6321, 71-6602, 71-6724, 71-6725, 71-6732, 71-6743, 71-7012, 71-7105, 71-7107, 71-7110, 71-7603, 71-7606, 71-7614, 71-7702, 71-8008, 71-8211, 71-8228, 71-8231, 71-8236, 71-8239, 71-8312, 71-8313, 71-8503, 72-249, 75-303.01, 75-303.02, 76-1304, 76-14,102, 77-2704.21, 77-27,162, 77-27,222, 79-248, 79-249, 79-843, 79-1903, 79-1904, 79-1905, 80-314, 80-317, 80-319, 80-320, 80-321, 80-322, 81-101, 81-102, 81-502, 81-502.01, 81-601, 81-602, 81-604.01, 81-604.02, 81-604.03, 81-637, 81-638, 81-639, 81-640, 81-642, 81-652, 81-654, 81-661, 81-663, 81-664, 81-676, 81-677, 81-678, 81-679, 81-680, 81-699, 81-6,110, 81-1021, 81-1139.01, 81-1281, 81-15,103, 81-15,189, 81-15,210, 81-2205, 81-2206, 81-2226, 81-2229, 81-2248, 81-2249, 81-2250, 81-2251, 81-2252, 81-2255, 81-2260, 81-2265, 81-2267, 81-2268, 83-101.08, 83-113, 83-114, 83-115, 83-121, 83-130, 83-305.03, 83-348, 83-363, 83-365, 83-366, 83-373, 83-374, 83-379, 83-380, 83-381, 83-382, 83-383, 83-384, 83-385, 83-386, 83-387, 83-390, 83-802, 83-1204, and 83-1206, Reissue Revised Statutes of Nebraska, and sections 2-15,100, 2-2626, 2-3254, 2-3928, 2-4901, 23-1204.06, 28-322.04, 28-326, 28-328, 28-343, 28-345, 28-356, 28-372, 28-377, 28-380, 28-401, 28-456, 28-713, 28-721, 28-726, 28-728, 28-734, 28-735, 28-736, 28-737, 28-738, 29-2928, 29-2929, 29-4125, 30-2487, 32-310, 42-358, 42-358.02, 42-364.13, 43-146.17, 43-522, 43-524, 43-2505, 43-2507, 43-2508, 43-2509, 43-2510, 43-2512, 43-2606, 43-3401, 43-3402, 43-3810, 46-602, 46-1217, 47-623, 48-602, 54-703, 60-3,135, 68-129, 68-716, 68-907, 68-908, 68-913, 68-915, 68-921, 68-922, 68-923, 68-924, 68-925, 68-926, 68-927, 68-928, 68-930, 68-931, 68-932, 68-940, 68-948, 68-949, 68-1095.01, 68-1204, 68-1205, 68-1206, 68-1207, 68-1207.01, 68-1402, 68-1403, 68-1405, 68-1503, 68-1514, 68-1521, 68-1522, 68-1523, 68-1802, 68-1807, 71-101, 71-102, 71-121.01, 71-193.01, 71-1,104.01, 71-1,132.05, 71-1,142, 71-1,143.01, 71-1,147.33, 71-1,206.18, 71-1,312, 71-1,339, 71-1,367, 71-3,174, 71-434, 71-448, 71-501, 71-501.02, 71-503.01, 71-505, 71-507, 71-519, 71-520, 71-521, 71-522, 71-523, 71-529, 71-541, 71-601.01, 71-604.05, 71-612, 71-617.15, 71-627, 71-628, 71-634, 71-701, 71-702, 71-703, 71-705, 71-706, 71-707, 71-804, 71-805, 71-806, 71-809, 71-811, 71-812, 71-814, 71-916, 71-919, 71-961, 71-1405, 71-1626, 71-1628.05, 71-1628.06, 71-1628.07, 71-1631, 71-1729, 71-1798.01, 71-17,109, 71-17,113, 71-17,118, 71-1903, 71-1909, 71-1910, 71-1913.01, 71-1913.02, 71-1913.03, 71-1914, 71-1915, 71-1919, 71-1922, 71-2081, 71-2304, 71-2305, 71-2423, 71-2431, 71-2432, 71-2437, 71-2610.01, 71-3406, 71-3503, 71-3516.01, 71-3524, 71-3601, 71-3610, 71-4728.05, 71-4737, 71-4738, 71-4739, 71-4740, 71-4741, 71-4742, 71-4743, 71-4744, 71-51,102, 71-5301, 71-5402, 71-5647, 71-5649, 71-5653, 71-5654, 71-5655, 71-5681, 71-5707, 71-5714, 71-5903, 71-6038, 71-6042, 71-6103, 71-6721, 71-7434, 71-7450, 71-7457, 71-7607, 71-7608, 71-7617, 71-7618, 71-7619, 71-7620, 71-7621, 71-7622, 75-303.03, 77-912, 77-2602, 79-217, 79-218, 79-219, 79-1104.04, 79-1902, 80-316, 80-318, 81-6,113, 81-1316, 81-15,170, 81-15,245, 81-2213, 81-3602, 83-107.01, 83-126, 83-324, 83-336, 83-376, 83-1216, 84-1409, 85-134, and 86-570, Revised Statutes Cumulative Supplement, 2006; to adopt the Health and Human Services Act; to state intent; to create the Department of Health and Human Services; to change and eliminate certain agencies and

administrative positions; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 68-1729, 68-1730, 71-355, 71-6011, 71-6319.17, 81-2207, 81-2241, 81-3103, 81-3108, 81-3203, 81-3303, and 83-125, Reissue Revised Statutes of Nebraska, and sections 43-2414, 81-3001, 81-3001.01, 81-3004, 81-3006, 81-3007.01, 81-3008, 81-3009, 81-3101, 81-3102, 81-3106, 81-3107, 81-3109, 81-3201, 81-3202, 81-3206, 81-3207, 81-3208, 81-3209, 81-3210, 81-3211, 81-3301, 81-3302, 81-3306, 81-3307, 81-3308, 81-3309, 81-3310, and 81-3311, Revised Statutes Cumulative Supplement, 2006; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

Dubas

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 347.

A BILL FOR AN ACT relating to bonds; to amend sections 11-104, 14-208, 15-251, 15-307, 15-308, 15-317, 16-219, 16-304, and 17-604, Reissue Revised Statutes of Nebraska, sections 16-318 and 17-541, Revised Statutes Cumulative Supplement, 2006, and section 14-553, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 206, One Hundredth Legislature, First Session, 2007; to change provisions relating to

the giving of bonds by officials as prescribed; to provide for the acceptance of evidence of equivalent insurance; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Dubas

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

LEGISLATIVE BILL 390.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-15,123, Reissue Revised Statutes of Nebraska; to authorize the adoption and promulgation of additional rules and regulations regarding underground storage tanks; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Dubas

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 83, 124, 145, 231, 237, 239, 248, 296, 347, and 390.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 42, 43, 44, and 45 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 42, 43, 44, and 45.

SELECT FILE

LEGISLATIVE BILL 464. ER8030, found on page 702, was adopted.

SENATOR LANGEMEIER PRESIDING

Advanced to E & R for engrossment.

LEGISLATIVE BILL 661. ER8044, found on page 787, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 497. ER8040, found on page 753, was adopted.

Senator White renewed his amendment, AM646, found on page 804.

The White amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 255. Senators Rogert and Mines withdrew their amendments, AM613 and AM640, found on pages 779 and 801.

Senators Rogert and Mines offered the following amendment:
AM679

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 48-1228, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 48-1228 Sections 48-1228 to 48-1232 and section 4 of this
- 6 act shall be known and may be cited as the Nebraska Wage Payment
- 7 and Collection Act.
- 8 Sec. 2. Section 48-1229, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 48-1229 For purposes of the Nebraska Wage Payment and
- 11 Collection Act, unless the context otherwise requires:
- 12 (1) Employer means the state or any individual,
- 13 partnership, limited liability company, association, joint-stock
- 14 company, trust, corporation, political subdivision, or personal
- 15 representative of the estate of a deceased individual, or the
- 16 receiver, trustee, or successor thereof, within or without the
- 17 state, employing any person within the state as an employee;
- 18 (2) Employee means any individual permitted to work by
- 19 an employer pursuant to an employment relationship or who has
- 20 contracted to sell the goods or services of an employer and to be
- 21 compensated by commission. Services performed by an individual for
- 22 an employer shall be deemed to be employment, unless it is shown
- 23 that (a) such individual has been and will continue to be free
- 1 from control or direction over the performance of such services,
- 2 both under his or her contract of service and in fact, (b) such
- 3 service is either outside the usual course of business for which
- 4 such service is performed or such service is performed outside of
- 5 all the places of business of the enterprise for which such service
- 6 is performed, and (c) such individual is customarily engaged in
- 7 an independently established trade, occupation, profession, or
- 8 business. This subdivision is not intended to be a codification of
- 9 the common law and shall be considered complete as written;
- 10 (3) Fringe benefits includes sick and vacation leave
- 11 plans, disability income protection plans, retirement, pension, or
- 12 profit-sharing plans, health and accident benefit plans, and any
- 13 other employee benefit plans or benefit programs regardless of

14 whether the employee participates in such plans or programs. Paid
 15 leave, other than earned but unused vacation leave, provided as a
 16 fringe benefit by the employer shall not be included in the wages
 17 due and payable at the time of separation, unless the employer
 18 and the employee or the employer and the collective bargaining
 19 representative have specifically agreed otherwise; and

20 (4) Wages means compensation for labor or services
 21 rendered by an employee, including fringe benefits, when previously
 22 agreed to and conditions stipulated have been met by the employee,
 23 whether the amount is determined on a time, task, fee, commission,
 24 or other basis. ~~Wages includes commissions on all orders delivered~~
 25 ~~and all orders on file with the employer at the time of termination~~
 26 Unless the employer and employee have specifically agreed otherwise
 27 through a contract effective at the commencement of employment or
 1 at least ninety days prior to separation, whichever is later, wages
 2 includes commissions on all orders delivered and all orders on file
 3 with the employer at the time of separation of employment less any
 4 orders returned or canceled at the time suit is filed.

5 Sec. 3. Section 48-1230, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 48-1230 (1) Except as otherwise provided in this section,
 8 each employer shall pay all wages due its employees on regular
 9 days designated by the employer or agreed upon by the employer and
 10 employee. Thirty days' written notice shall be given to an employee
 11 before regular paydays are altered by an employer. An employer
 12 may deduct, withhold, or divert a portion of an employee's wages
 13 only when the employer is required to or may do so by state or
 14 federal law or by order of a court of competent jurisdiction or
 15 the employer has written agreement with the employee to deduct,
 16 withhold, or divert.

17 (2) Except as otherwise provided in section 4 of this
 18 act:

19 (a) Whenever an employer, other than a political
 20 subdivision, separates an employee from the payroll, the unpaid
 21 wages shall become due on the next regular payday or within two
 22 weeks of the date of termination, whichever is sooner; and -

23 (b) Whenever a political subdivision separates an
 24 employee from the payroll, the unpaid wages shall become due within
 25 two weeks of the next regularly scheduled meeting of the governing
 26 body of the political subdivision if such employee is separated
 27 from the payroll at least one week prior to such meeting, or if -
 1 ~~When~~ an employee of a political subdivision is separated from the
 2 payroll less than one week prior to the next regularly scheduled
 3 meeting of the governing body of the political subdivision, the
 4 unpaid wages shall be due within two weeks of the following
 5 regularly scheduled meeting of the governing body of the political
 6 subdivision.

7 Sec. 4. Whenever an employer separates an employee from
 8 the payroll, the unpaid wages constituting commissions shall become

9 due on the next regular payday following the employer's receipt of
 10 payment for the goods or services from the customer from which the
 11 commission was generated. The employer shall provide an employee
 12 with a periodic accounting of outstanding commissions, until all
 13 commissions have been paid or the orders have been returned or
 14 canceled by the customer.

15 Sec. 5. Section 48-1232, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 48-1232 If an employee establishes a claim and secures
 18 judgment on such claim under section 48-1231: (1) An amount equal
 19 to the judgment may be recovered from the employer; or (2) if the
 20 nonpayment of wages is found to be willful, an amount equal to
 21 two times the amount of unpaid wages shall be recovered from the
 22 employer. Any amount recovered pursuant to subdivision (1) or (2)
 23 of this section shall be ~~placed in a fund to be distributed to~~
 24 ~~the common schools of this state.~~ remitted to the State Treasurer
 25 for distribution in accordance with Article VII, section 5, of the
 26 Constitution of Nebraska.

27 Sec. 6. Original sections 48-1228, 48-1229, 48-1230, and
 1 48-1232, Reissue Revised Statutes of Nebraska, are repealed.

2 Sec. 7. Since an emergency exists, this act takes effect
 3 when passed and approved according to law.

The Rogert-Mines amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 143. ER8043, found on page 787, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 223. ER8028, found on page 661, was adopted.

Senator Raikes renewed his amendment, AM649, found on page 805.

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

Advanced to E & R for engrossment.

LEGISLATIVE BILL 441. Senator Hudkins offered the following amendment:

AM691

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

3 Sec. 2. For purposes of sections 2 to 5 of this act:

4 (1) Commercial channels means the sale or delivery of

5 grapes for any use except grapes intended for ultimate consumption
6 as table grapes, to any commercial buyer, dealer, processor, or
7 cooperative or to any person, public or private, who resells any
8 grapes or product produced from grapes;

9 (2) Delivered or delivery means receiving grapes for
10 utilization or as a result of sale in the State of Nebraska but
11 excludes receiving grapes for storage;

12 (3) First purchaser means any person, public or private
13 corporation, association, partnership, or limited liability company
14 buying, accepting for shipment, or otherwise acquiring the property
15 in or to grapes from a grower;

16 (4) Grower means any landowner personally engaged in
17 growing grapes, a tenant of the landowner personally engaged
18 in growing grapes, and both the owner and tenant jointly and
19 includes a person, a partnership, a limited liability company, an
20 association, a corporation, a cooperative, a trust, or any other
21 business unit, device, or arrangement; and

22 (5) Table grapes means grapes intended for ultimate
23 consumption as produce in fresh, unprocessed form and not intended
1 for wine production, juice production, or drying.

2 Sec. 3. (1) Except as provided in subsection (2) of this
3 section, an excise tax of one cent per pound is levied upon all
4 grapes sold through commercial channels in Nebraska or delivered in
5 Nebraska. The excise tax shall be paid by the grower at the time
6 of sale or delivery and shall be collected by the first purchaser.
7 Grapes shall not be subject to the excise tax imposed by this
8 section more than once.

9 (2) The excise tax imposed by this section shall not
10 apply to the sale of grapes to the federal government for the
11 ultimate use or consumption by the people of the United States when
12 the State of Nebraska is prohibited from imposing such excise tax
13 by the United States Constitution and the laws enacted pursuant
14 thereto.

15 Sec. 4. (1) The first purchaser, at the time of
16 settlement, shall deduct the excise tax imposed by section 3
17 of this act. The excise tax shall be deducted whether the grapes
18 are stored in this state or any other state. The first purchaser
19 shall maintain the necessary records of the excise tax for each
20 purchase or delivery of grapes on the settlement form or check
21 stub showing payment to the grower for each purchase or delivery.
22 Such records maintained by the first purchaser shall provide the
23 following information:

24 (a) The name and address of the grower and seller;
25 (b) The date of the purchase or delivery;
26 (c) The number of pounds of grapes purchased; and
27 (d) The amount of excise taxes collected on each purchase
1 or delivery.

2 Such records shall be open for inspection during normal
3 business hours observed by the first purchaser.

4 (2) The first purchaser shall render and have on file
5 with the Department of Agriculture by the last day of January
6 and July of each year, on forms prescribed by the department, a
7 statement of the number of pounds of grapes purchased in Nebraska.
8 At the time the statement is filed, such first purchaser shall pay
9 and remit to the department the excise tax imposed by section 3 of
10 this act.

11 (3) All excise taxes collected by the department pursuant
12 to this section shall be remitted to the State Treasurer for credit
13 to the Winery and Grape Producers Promotional Fund. The department
14 shall remit the excise tax collected to the State Treasurer within
15 ten days after receipt.

16 Sec. 5. For each fiscal year beginning with FY2007-08,
17 the Department of Agriculture shall calculate its costs in
18 collecting and enforcing the excise tax imposed by section 3
19 of this act and shall report such costs to the Department of
20 Administrative Services within thirty days after the end of the
21 calendar quarter. Sufficient funds to cover such costs shall be
22 transferred from the Winery and Grape Producers Promotional Fund
23 to the Management Services Expense Revolving Fund at the end of
24 each calendar quarter. Funds shall be transferred upon the receipt
25 by the Department of Administrative Services of a report of costs
26 incurred by the Department of Agriculture for the previous calendar
27 quarter.

1 Sec. 6. Any person violating sections 2 to 4 of this act
2 shall be guilty of a Class III misdemeanor.

3 Sec. 7. Section 53-304, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 53-304 Each Nebraska winery shall pay to the Nebraska
6 Liquor Control Commission twenty dollars for every one hundred
7 sixty gallons of juice produced or received by its facility.
8 Gifts, grants, or bequests may be received for the support of
9 the Nebraska Grape and Winery Board. Funds paid pursuant to the
10 charge imposed by this section and funds received pursuant to
11 subsection (4) of section 53-123.15 and from gifts, grants, or
12 bequests shall be remitted to the State Treasurer for credit to
13 the Winery and Grape Producers Promotional Fund which is hereby
14 created. For administrative purposes, the fund shall be located in
15 the Department of Agriculture. All revenue credited to the fund
16 pursuant to the charge imposed by this section and excise taxes
17 collected pursuant to section 4 of this act and any funds received
18 as gifts, grants, or bequests and credited to the fund shall be
19 used by the department, at the direction of and in cooperation with
20 the board, to develop and maintain programs for the research and
21 advancement of the growing, selling, marketing, and promotion of
22 grapes, fruits, berries, honey, and other agricultural products and
23 their byproducts grown and produced in Nebraska for use in the wine
24 industry. Such expenditures may include, but are not limited to,
25 all necessary funding for the employment of experts in the fields

26 of viticulture and enology, as deemed necessary by the board,
 27 and programs aimed at improving the promotion of all varieties
 1 of wines, grapes, fruits, berries, honey, and other agricultural
 2 products and their byproducts grown and produced in Nebraska for
 3 use in the wine industry.
 4 Funds credited to the fund shall be used for no other
 5 purposes than those stated in this section and any transfers
 6 authorized pursuant to section 5 of this act. Any funds not
 7 expended during a fiscal year may be maintained in the fund for
 8 distribution or expenditure during subsequent fiscal years. Any
 9 money in the fund available for investment shall be invested by the
 10 state investment officer pursuant to the Nebraska Capital Expansion
 11 Act and the Nebraska State Funds Investment Act.
 12 2. Renumber the remaining sections accordingly.

The Hudkins amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 441A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 470. Advanced to E & R for engrossment.

LEGISLATIVE BILL 470A. Senator Chambers renewed the Heidemann amendment, AM487, found on page 699.

The Heidemann amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Hunter, Ronald D. - Coordinating Commission for Postsecondary Education - Education

Sorensen, Ruth - Tax Equalization and Review Commission - Revenue

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

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 39:
 AM681

(Amendments to Standing Committee amendments, AM116)

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

3 Section 1. Section 32-629, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-629 (1) Except as otherwise provided in section
6 32-1404 for initiative and referendum petitions, only a registered
7 voter of the State of Nebraska shall qualify as a valid signer of a
8 petition and may sign petitions under the Election Act.

9 (2) Only an elector of the State of Nebraska shall
10 qualify as a valid circulator of a petition and may circulate
11 petitions under the Election Act.

12 Sec. 3. Section 32-1303, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 32-1303 (1) A petition demanding that the question of
15 removing an elected official or member of a governing body listed
16 in section 32-1302 be submitted to the registered voters shall be
17 signed by registered voters equal in number to at least thirty-five
18 percent of the total vote cast for that office in the last general
19 election, except that (a) for an office for which more than one
20 candidate is chosen, the petition shall be signed by registered
21 voters equal in number to at least thirty-five percent of the
22 number of votes cast for the person receiving the most votes for
1 such office in the last general election, (b) for a member of a
2 board of a Class I school district, the petition shall be signed
3 by registered voters of the school district equal in number to at
4 least twenty-five percent of the total number of registered voters
5 residing in the district on the date that the recall petitions
6 are first checked out from the filing clerk by the principal
7 circulator, and (c) for a member of a governing body of a village,
8 the petition shall be signed by registered voters equal in number
9 to at least forty-five percent of the total vote cast for the
10 person receiving the most votes for that office in the last general
11 election. The signatures shall be affixed to petition papers and
12 shall be considered part of the petition.

13 (2) Petition circulators shall conform to the
14 requirements of ~~section sections~~ 32-629 and 32-630.

15 (3) The petition papers shall be procured from the
16 filing clerk. Prior to the issuance of such petition papers, an
17 affidavit shall be signed and filed with the filing clerk by
18 at least one registered voter. Such voter or voters shall be
19 deemed to be the principal circulator or circulators of the recall
20 petition. The affidavit shall state the name and office of the
21 official sought to be removed, shall include in typewritten form
22 in concise language of sixty words or less the reason or reasons
23 for which recall is sought, and shall request that the filing
24 clerk issue initial petition papers to the principal circulator
25 for circulation. The filing clerk shall notify the official sought
26 to be removed by any method specified in section 25-505.01 or,
27 if notification cannot be made with reasonable diligence by any

1 of the methods specified in section 25-505.01, by leaving a copy
 2 of the affidavit at the official's usual place of residence and
 3 mailing a copy by first-class mail to the official's last-known
 4 address. If the official chooses, he or she may submit a defense
 5 statement in typewritten form in concise language of sixty words
 6 or less for inclusion on the petition. Any such defense statement
 7 shall be submitted to the filing clerk within twenty days after the
 8 official receives the copy of the affidavit. The filing clerk shall
 9 notify the principal circulator or circulators that the necessary
 10 signatures must be gathered within thirty days from the date of
 11 issuing the petitions.

12 (4) The filing clerk, upon issuing the initial petition
 13 papers or any subsequent petition papers, shall enter in a record,
 14 to be kept in his or her office, the name of the principal
 15 circulator or circulators to whom the papers were issued, the date
 16 of issuance, and the number of papers issued. The filing clerk
 17 shall certify on the papers the name of the principal circulator
 18 or circulators to whom the papers were issued and the date they
 19 were issued. No petition paper shall be accepted as part of the
 20 petition unless it bears such certificate. The principal circulator
 21 or circulators who check out petitions from the filing clerk may
 22 distribute such petitions to persons who may act as circulators of
 23 such petitions.

24 (5) Petition signers shall conform to the requirements
 25 of sections 32-629 and 32-630. Each signer of a recall petition
 26 shall be a registered voter and qualified by his or her place of
 27 residence to vote for the office in question.

1 Sec. 4. Section 32-1404, Reissue Revised Statutes of
 2 Nebraska, is amended to read:

3 32-1404 A signer of an initiative and referendum petition
 4 shall be a registered voter of the State of Nebraska on or
 5 before the date on which the petition is required to be filed
 6 with the Secretary of State and shall meet the requirements of
 7 section 32-630. A person who circulates initiative and referendum
 8 petitions ~~need not be a registered voter but~~ shall comply with the
 9 requirements of section 32-629 and subsection (2) of section 32-630
 10 and with the prohibitions contained in subdivisions (3)(a), (d),
 11 ~~and (f), and (g)~~ of section 32-630.

12 2. On page 7, line 26, strike "32-630" and insert
 13 "32-629, 32-630, 32-1303".

14 3. Renumber the remaining sections accordingly.

Senator Schimek filed the following amendment to LB 39:
 AM680

(Amendments to Standing Committee amendments, AM116)

1 1. Strike sections 2 and 5 and insert the following new
 2 sections:

3 Sec. 2. Section 32-1404, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 32-1404 (1) A signer of an initiative and referendum
 6 petition shall be a registered voter of the State of Nebraska on or
 7 before the date on which the petition is required to be filed with
 8 the Secretary of State and shall meet the requirements of section
 9 32-630.

10 (2) A person who circulates initiative and referendum
 11 petitions need not be a registered voter but shall comply with
 12 the requirements of subsection (2) of section 32-630 and with the
 13 prohibitions contained in subdivisions (3)(a), (d), ~~and (f), and~~
 14 (g) of section 32-630. A person circulating such petitions shall
 15 wear an identification badge as provided in section 32-1406 so that
 16 the identification number is visible to petition signers.

17 Sec. 3. Section 32-1406, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 32-1406 (1) The election commissioner or county clerk
 20 shall provide the name and address of the principal circulator of
 21 an initiative or referendum petition upon request. The principal
 22 circulator shall inform the election commissioner or county clerk
 1 of the name and address to be provided.

2 (2) The principal circulator shall provide an
 3 identification badge to each person who circulates his or her
 4 petition. The principal circulator shall keep a record of the
 5 identification badges being used and the name and address of
 6 each person to whom he or she gives an identification badge.
 7 The principal circulator shall make the records available, upon
 8 request, to the Secretary of State, the Nebraska Accountability
 9 and Disclosure Commission, and law enforcement personnel. The
 10 identification badges shall each have a unique number and a brief
 11 description of the subject matter of the petition in a print size
 12 and style easily read by a petition signer. A person wearing an
 13 identification badge shall make sure it is visible by and legible
 14 to petition signers.

15 Sec. 4. Section 32-1546, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 32-1546 (1) Any person who is not, at the time of signing
 18 a petition, a registered voter and qualified to sign the petition
 19 except as provided for initiative and referendum petitions in
 20 section 32-1404, ~~or~~ who signs any name other than his or her own
 21 to any petition, or who fails to wear an identification badge
 22 as required by section 32-1404 shall be guilty of a Class I
 23 misdemeanor.

24 (2) Any person who falsely swears to a circulator's
 25 affidavit on a petition, who accepts money or other things of value
 26 for signing a petition, or who offers money or other things of
 27 value in exchange for a signature upon any petition shall be guilty
 1 of a Class IV felony.

2 Sec. 7. Original sections 32-630, 32-1404, 32-1406,
 3 32-1546, 49-1455, and 49-1478, Reissue Revised Statutes of

4 Nebraska, are repealed.

5 2. Renumber the remaining sections accordingly.

Senator Hudkins filed the following amendment to LB 232:
AM692

1 1. Strike original section 3 and insert the following new
2 sections:

3 Section 1. Section 2-5415, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 2-5415 For purposes of the Agricultural Opportunities and
6 Value-Added Partnerships Act:

7 (1) Farming or ranching operation means the active use,
8 management, and operation of real and personal property for the
9 production of crops or raising of livestock;

10 (2) Project means any agricultural or value-added
11 agricultural product activity in the areas specified in section
12 2-5419 designed to promote the purposes specified in section
13 2-5416. Project does not mean, and grant funds shall not be used
14 for, any activity primarily designed to contribute to a single
15 business, enterprise, or individual or designed to subsidize an
16 existing farming or ranching operation; ~~and~~

17 (3) Specialty crop means fruits, vegetables, tree nuts,
18 dried fruits, and nursery crops, including floriculture; and

19 ~~(3)-(4)~~ Value-added means increasing the net worth of
20 food or nonfood agricultural products by processing, alternative
21 production and handling methods, collective marketing, or other
22 innovative practices.

23 Sec. 2. Section 2-5416, Revised Statutes Cumulative
1 Supplement, 2006, is amended to read:

2 2-5416 The purposes of the Agricultural Opportunities and
3 Value-Added Partnerships Act are to:

4 (1) Support small enterprise formation in the
5 agricultural sector of Nebraska's rural economy, including
6 innovative cooperative efforts for value-added enterprises;

7 (2) Support the development of agricultural communities
8 and economic opportunity through innovative partnerships among
9 farming and ranching operations, rural communities, and businesses
10 for the development of value-added agricultural products;

11 (3) Encourage collaboration between farming and ranching
12 operations and between farming and ranching operations and
13 communities, government, and businesses as well as between
14 communities and regions;

15 (4) Strengthen the value-added production industry by
16 promoting strategic partnerships and networks through multigroup
17 cooperation for the creation of employment opportunities in the
18 value-added agriculture industry;

19 (5) Enhance the income and opportunity for farming and
20 ranching operations in Nebraska in order to stem the decline in
21 their numbers;

22 (6) Increase the farming and ranching operations' share
 23 of the food-system profit; ~~and~~

24 (7) Enhance opportunities for farming and ranching
 25 operations to participate in electronic commerce and new and
 26 emerging markets that strengthen rural economic opportunities; and
 27 -

1 (8) Encourage the production and marketing of specialty
 2 crops in Nebraska and to support the creation and development of
 3 agricultural enterprises and businesses that produce and market
 4 specialty crops in Nebraska.

5 Sec. 3. Section 2-5417, Revised Statutes Cumulative
 6 Supplement, 2006, is amended to read:

7 2-5417 (1) The Department of Agriculture and the
 8 Department of Economic Development shall establish a competitive
 9 grant process to provide grants for projects under the Agricultural
 10 Opportunities and Value-Added Partnerships Act to eligible
 11 entities. The Department of Economic Development shall administer
 12 the act. Grants may be made for up to seventy-five thousand
 13 dollars annually to eligible entities under section 2-5418 that
 14 directly address one or more of the purposes specified in section
 15 2-5416 in the areas specified in section 2-5419 and which meet
 16 the requirements of this section and section 2-5420. At least
 17 twenty-five percent of grant dollars awarded in a year shall be
 18 used for funding grants for specialty crops.

19 (2) Priority for the awarding of grants within the
 20 parameters of this section shall be given to projects that make
 21 the greatest contribution in increasing the number and quality of
 22 self-employment opportunities for farming or ranching operations.
 23 Grants shall also be awarded to pilot cooperative efforts for the
 24 promotion of value-added products. Projects may be recommended for
 25 recognition by the Governor.

26 (3) A recipient of a grant shall not receive more than
 27 one grant in any one calendar year for the same project.

1 (4) Grants shall be awarded on a one-year basis but
 2 may be renewed on an annual basis for no more than three years.
 3 The Department of Agriculture and the Department of Economic
 4 Development shall develop an annual performance review process and
 5 a program for grant renewal of approved projects determined to have
 6 continued necessary statewide application and success.

7 (5) Grant funds shall not be used to replace other
 8 funding for the administrative support of the recipient or the
 9 administrative support of the project or for administrative costs
 10 relating to the planning of the project or for any activity
 11 primarily designed to contribute to a single business, enterprise,
 12 or individual.

13 Sec. 4. Section 2-5418, Revised Statutes Cumulative
 14 Supplement, 2006, is amended to read:

15 2-5418 Eligible entities for grants under the
 16 Agricultural Opportunities and Value-Added Partnerships Act include

17 communities, counties, agencies, educational institutions, economic
 18 development providers, nonprofit corporations, agricultural
 19 cooperatives, agricultural associations, agricultural marketing
 20 associations or entities, resource conservation organizations,
 21 development districts, and farming or ranching operations ~~in~~
 22 ~~collaborative arrangements with other operations, entities, or~~
 23 ~~organizations~~ that meet the purposes specified in section 2-5416.

24 Sec. 7. Original sections 2-5415, 2-5416, 2-5417, 2-5418,
 25 81-12,126, and 81-12,127, Revised Statutes Cumulative Supplement,
 26 2006, are repealed.

27 2. Renumber the remaining sections accordingly.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 232. Placed on General File - Com AM677.
 AM677

1 1. On page 3, lines 2, 7, and 23, before "units" insert
 2 "local"; in lines 9, 10, 11, and 13 reinstate the stricken matter
 3 and strike the new matter; in line 17 before "unit" insert "local";
 4 strike beginning with "a" in line 19 through the first "cash" in
 5 line 21, show the old matter as stricken, and insert "fifty cents
 6 of matching funds in cash for each dollar of grant funds"; and in
 7 line 22 after "percent" insert "of grant funds".

8 2. On page 4, strike beginning with "Limited" in line 2
 9 through the period in line 3; and in line 3 strike "cash".

LEGISLATIVE BILL 352. Placed on General File - Com AM665.
 AM665

1 1. Strike original section 4 and insert the following new
 2 section:

3 Sec. 4. (1) A shooting range that operates in compliance
 4 with the shooting range performance standards is permitted to do
 5 all of the following within its geographic boundaries, under the
 6 same or different ownership or occupancy, if done in accordance
 7 with the shooting range performance standards:

8 (a) Operate the range and conduct activities involving
 9 the discharge of firearms;

10 (b) Expand its membership or opportunities for public
 11 participation related to the primary activity as a shooting range;

12 (c) Make those repairs or improvements desirable to meet
 13 or exceed requirements of shooting range performance standards;

14 (d) Expand events and activities related to the primary
 15 activity as a shooting range; and

16 (e) Acquire additional lands to be used for buffer
 17 zones or noise mitigation efforts or to otherwise comply with the
 18 Nebraska Shooting Range Protection Act.

19 (2) A shooting range that is a nonconforming use shall
 20 be allowed to conduct shooting activities within the range's lawful

21 property boundaries as of the date the range became a nonconforming
 22 use, if the shooting range remains in compliance with noise and
 23 shooting range performance standards under the act.

1 (3) Nothing in this section exempts any newly constructed
 2 or remodeled building on a shooting range from compliance with
 3 fire safety, handicapped accessibility, elevator safety, bleacher
 4 safety, or other provisions of the State Building Code that have
 5 mandatory statewide application.

6 2. On page 2, strike lines 5 through 7; in line 8 strike
 7 "(2)" and insert "(1)"; in line 11 strike "(3)" and insert "(2)";
 8 and in line 15 strike "(4)" and insert "(3)".

9 3. On page 6, after line 16, insert the following new
 10 subdivision:

11 "(b) To the extent consistent with the act, a local
 12 unit of government with zoning authority over a shooting range
 13 may enforce its applicable ordinances and permits, including
 14 determining the hours of operation."; in line 17 strike "(b)"
 15 and insert "(c)"; and in line 18 after "shows" insert "by".

LEGISLATIVE BILL 391. Placed on General File - Com AM678.
 AM678

1 1. Strike the original sections and all amendments
 2 thereto and insert the following sections:

3 Section 1. Section 84-712, Revised Statutes Cumulative
 4 Supplement, 2006, is amended to read:

5 84-712 (1) Except as otherwise expressly provided by
 6 statute, all citizens of this state, and all other persons
 7 interested in the examination of the public records, as defined
 8 in section 84-712.01, are hereby fully empowered and authorized
 9 to (a) examine the same, and make memoranda, copies using their
 10 own copying or photocopying equipment in accordance with subsection
 11 (2) of this section, and abstracts therefrom, all free of charge,
 12 during the hours the respective offices may be kept open for
 13 the ordinary transaction of business and (b) except if federal
 14 copyright law otherwise provides, obtain copies of public records
 15 in accordance with subsection (3) of this section during the
 16 hours the respective offices may be kept open for the ordinary
 17 transaction of business.

18 (2) Copies made by citizens or other persons using their
 19 own copying or photocopying equipment pursuant to subdivision
 20 (1)(a) of this section shall be made on the premises of the
 21 custodian of the public record or at a location mutually agreed to
 22 by the requester and the custodian.

23 (3)(a) Copies may be obtained pursuant to subdivision
 1 (1)(b) of this section only if the custodian has copying equipment
 2 reasonably available. Such copies may be obtained in any form
 3 designated by the requester in which the public record is
 4 maintained or produced, including, but not limited to, printouts,
 5 electronic data, discs, tapes, and photocopies.

6 (b) Except as otherwise provided by statute, the
7 custodian of a public record may charge a fee for providing copies
8 of such public record pursuant to subdivision (1)(b) of this
9 section, which fee shall not exceed the actual cost of making
10 the copies available. For purposes of this subdivision, (i) for
11 photocopies, the actual cost of making the copies available shall
12 not exceed the amount of the reasonably calculated actual cost of
13 the photocopies, (ii) for printouts of computerized data on paper,
14 the actual cost of making the copies available shall include the
15 reasonably calculated actual cost of computer run time and the
16 cost of materials for making the copy, and (iii) for electronic
17 data, the actual cost of making the copies available shall include
18 the reasonably calculated actual cost of the computer run time,
19 any necessary analysis and programming, and the production of the
20 report in the form furnished to the requester. State agencies
21 which provide electronic access to public records through a gateway
22 service shall obtain approval of their proposed reasonable fees for
23 such records pursuant to sections 84-1205.02 and 84-1205.03, if
24 applicable, and the actual cost of making the copies available may
25 include the approved fee for the gateway service.

26 (c) This section shall not be construed to require a
27 public body or custodian of a public record to copy, produce,
1 or generate (i) any public record in a new or different form or
2 format modified from that of the original public record or (ii)
3 all public records created within a certain time frame, unless a
4 general subject matter request is provided to the public body or
5 custodian by the person requesting the public records.

6 (d) If copies requested in accordance with subdivision
7 (1)(b) of this section are estimated by the custodian of such
8 public records to cost more than fifty dollars, the custodian may
9 require the requester to furnish a deposit prior to fulfilling such
10 request.

11 (4) Upon receipt of a written request for access to or
12 copies of a public record or both access and copies, the custodian
13 of such record shall provide to the requester as soon as is
14 practicable and without delay, but not more than four business
15 days after actual receipt of the request, ~~either~~-(a) access to
16 such public record if requested and or, ~~if copying equipment is~~
17 ~~reasonably available,~~ copies of the public record, if requested
18 and copying equipment is reasonably available, (b) if there is
19 a legal basis for denial of access or copies, a written denial
20 of the request together with the information specified in section
21 84-712.04, or (c) if the entire request cannot with reasonable good
22 faith efforts be fulfilled within four business days after actual
23 receipt of the request due to the significant difficulty or the
24 extensiveness of the request, a written explanation, including the
25 earliest practicable date for fulfilling the request, an estimate
26 of the expected cost of any copies, and an opportunity for the
27 requester to modify or prioritize the items within the request.

1 Sec. 2. Section 84-1412, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:
3 84-1412 (1) Subject to the Open Meetings Act, the public
4 has the right to attend and the right to speak at meetings of
5 public bodies, and all or any part of a meeting of a public body,
6 except for closed sessions called pursuant to section 84-1410, may
7 be videotaped, televised, photographed, broadcast, or recorded by
8 any person in attendance by means of a tape recorder, camera, video
9 equipment, or any other means of pictorial or sonic reproduction or
10 in writing.

11 (2) It shall not be a violation of subsection (1) of
12 this section for any public body to make and enforce reasonable
13 rules and regulations regarding the conduct of persons attending,
14 speaking at, videotaping, televising, photographing, broadcasting,
15 or recording its meetings. Each public body shall have a form
16 on which citizens may request subjects for discussion as possible
17 agenda items at a future meeting. Copies of such form shall be
18 made available at every meeting and at the principal office of
19 the public body during normal business hours. Within ten business
20 days after receiving such form, the secretary or other designee
21 of the public body shall, by first class mail, send the citizen
22 a written statement regarding the status of the request. If such
23 written statement denies the citizen's request to place the item
24 on the agenda, the citizen may send a second written request that
25 the subject be an agenda item at a future meeting to the secretary
26 or designee of the public body. Within five business days after
27 receiving the second request, the secretary or other designee of
1 the public body shall, by first class mail, send the citizen notice
2 of the time, place, and date of the meeting which shall include the
3 agenda item as requested. Nothing in this subsection shall prohibit
4 a citizen from requesting that a member of the public body place an
5 item on the agenda. A body may not be required to allow citizens to
6 speak at each meeting, but it may not forbid public participation
7 at all meetings.

8 (3) No public body shall require members of the public
9 to identify themselves as a condition for admission to the meeting
10 nor shall such body require that members of the public be placed
11 on the agenda prior to such meeting in order to speak to the body
12 regarding items on the agenda. The body may require any member
13 of the public desiring to address the body to identify himself or
14 herself.

15 (4) No public body shall, for the purpose of
16 circumventing the Open Meetings Act, hold a meeting in a place
17 known by the body to be too small to accommodate the anticipated
18 audience.

19 (5) No public body shall be deemed in violation of this
20 section if it holds its meeting in its traditional meeting place
21 which is located in this state.

22 (6) No public body shall be deemed in violation of this

23 section if it holds a meeting outside of this state if, but only
24 if:

25 (a) A member entity of the public body is located outside
26 of this state and the meeting is in that member's jurisdiction;

27 (b) All out-of-state locations identified in the notice
1 are located within public buildings used by members of the entity
2 or at a place which will accommodate the anticipated audience;

3 (c) Reasonable arrangements are made to accommodate the
4 public's right to attend, hear, and speak at the meeting, including
5 making a telephone conference call available at an instate location
6 to members, the public, or the press, if requested twenty-four
7 hours in advance;

8 (d) No more than twenty-five percent of the public body's
9 meetings in a calendar year are held out-of-state;

10 (e) Out-of-state meetings are not used to circumvent any
11 of the public government purposes established in the Open Meetings
12 Act;

13 (f) Reasonable arrangements are made to provide viewing
14 at other instate locations for a videoconference meeting if
15 requested fourteen days in advance and if economically and
16 reasonably available in the area; and

17 (g) The public body publishes notice of the out-of-state
18 meeting at least twenty-one days before the date of the meeting in
19 a legal newspaper of statewide circulation.

20 (7) The public body shall, upon request, make a
21 reasonable effort to accommodate the public's right to hear the
22 discussion and testimony presented at the meeting.

23 (8) Public bodies shall make available at the meeting
24 or the instate location for a telephone conference call or
25 videoconference, for examination and copying by members of the
26 public, at least one copy of all reproducible written material to
27 be discussed at an open meeting. Public bodies shall make available
1 at least one current copy of the Open Meetings Act posted in the
2 meeting room at a location accessible to members of the public. At
3 the beginning of the meeting, the public shall be informed about
4 the location of the posted information.

5 Sec. 4. Original sections 84-712 and 84-1412, Revised
6 Statutes Cumulative Supplement, 2006, are repealed.

(Signed) Ray Aguilar, Chairperson

Judiciary

LEGISLATIVE BILL 474. Placed on General File - Com AM641.
AM641

1 1. Insert the following new section:

2 Sec. 24. Section 84-712.05, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 84-712.05 The following records, unless considered a

- 5 public record under section 1, 12, or 23 of this act or
6 unless publicly disclosed in an open court, open administrative
7 proceeding, or open meeting or disclosed by a public entity
8 pursuant to its duties, may be withheld from the public by the
9 lawful custodian of the records:
- 10 (1) Personal information in records regarding a student,
11 prospective student, or former student of any educational
12 institution or exempt school that has effectuated an election
13 not to meet state approval or accreditation requirements pursuant
14 to section 79-1601 when such records are maintained by and in
15 the possession of a public entity, other than routine directory
16 information specified and made public consistent with 20 U.S.C.
17 1232g, as such section existed on January 1, 2003;
- 18 (2) Medical records, other than records of births and
19 deaths and except as provided in subdivision (5) of this section,
20 in any form concerning any person; records of elections filed under
21 section 44-2821; and patient safety work product under the Patient
22 Safety Improvement Act;
- 23 (3) Trade secrets, academic and scientific research work
1 which is in progress and unpublished, and other proprietary or
2 commercial information which if released would give advantage to
3 business competitors and serve no public purpose;
- 4 (4) Records which represent the work product of an
5 attorney and the public body involved which are related to
6 preparation for litigation, labor negotiations, or claims made by
7 or against the public body or which are confidential communications
8 as defined in section 27-503;
- 9 (5) Records developed or received by law enforcement
10 agencies and other public bodies charged with duties of
11 investigation or examination of persons, institutions, or
12 businesses, when the records constitute a part of the examination,
13 investigation, intelligence information, citizen complaints or
14 inquiries, informant identification, or strategic or tactical
15 information used in law enforcement training, except that this
16 subdivision shall not apply to records so developed or received
17 relating to the presence of and amount or concentration of alcohol
18 or drugs in any body fluid of any person;
- 19 (6) Appraisals or appraisal information and negotiation
20 records concerning the purchase or sale, by a public body, of any
21 interest in real or personal property, prior to completion of the
22 purchase or sale;
- 23 (7) Personal information in records regarding personnel
24 of public bodies other than salaries and routine directory
25 information;
- 26 (8) Information solely pertaining to protection of the
27 security of public property and persons on or within public
1 property, such as specific, unique vulnerability assessments or
2 specific, unique response plans, either of which is intended
3 to prevent or mitigate criminal acts the public disclosure of

4 which would create a substantial likelihood of endangering public
5 safety or property; computer or communications network schema,
6 passwords, and user identification names; guard schedules; or lock
7 combinations;

8 (9) The security standards, procedures, policies, plans,
9 specifications, diagrams, access lists, and other security-related
10 records of the Lottery Division of the Department of Revenue and
11 those persons or entities with which the division has entered into
12 contractual relationships. Nothing in this subdivision shall allow
13 the division to withhold from the public any information relating
14 to amounts paid persons or entities with which the division has
15 entered into contractual relationships, amounts of prizes paid, the
16 name of the prize winner, and the city, village, or county where
17 the prize winner resides;

18 (10) With respect to public utilities and except as
19 provided in sections 43-512.06 and 70-101, personally identified
20 private citizen account payment information, credit information on
21 others supplied in confidence, and customer lists;

22 (11) Records or portions of records kept by a publicly
23 funded library which, when examined with or without other records,
24 reveal the identity of any library patron using the library's
25 materials or services;

26 (12) Correspondence, memoranda, and records of telephone
27 calls related to the performance of duties by a member of
1 the Legislature in whatever form. The lawful custodian of the
2 correspondence, memoranda, and records of telephone calls, upon
3 approval of the Executive Board of the Legislative Council, shall
4 release the correspondence, memoranda, and records of telephone
5 calls which are not designated as sensitive or confidential in
6 nature to any person performing an audit of the Legislature. A
7 member's correspondence, memoranda, and records of confidential
8 telephone calls related to the performance of his or her
9 legislative duties shall only be released to any other person with
10 the explicit approval of the member;

11 (13) Records or portions of records kept by public
12 bodies which would reveal the location, character, or ownership
13 of any known archaeological, historical, or paleontological site
14 in Nebraska when necessary to protect the site from a reasonably
15 held fear of theft, vandalism, or trespass. This section shall not
16 apply to the release of information for the purpose of scholarly
17 research, examination by other public bodies for the protection of
18 the resource or by recognized tribes, the Unmarked Human Burial
19 Sites and Skeletal Remains Protection Act, or the federal Native
20 American Graves Protection and Repatriation Act;

21 (14) Records or portions of records kept by public
22 bodies which maintain collections of archaeological, historical, or
23 paleontological significance which reveal the names and addresses
24 of donors of such articles of archaeological, historical, or
25 paleontological significance unless the donor approves disclosure,

26 except as the records or portions thereof may be needed to carry
 27 out the purposes of the Unmarked Human Burial Sites and Skeletal
 1 Remains Protection Act or the federal Native American Graves
 2 Protection and Repatriation Act;

3 (15) Job application materials submitted by applicants,
 4 other than finalists, who have applied for employment by any
 5 public body as defined in section 84-1409. For purposes of
 6 this subdivision, job application materials means employment
 7 applications, resumes, reference letters, and school transcripts,
 8 and finalist means any applicant who is offered and who accepts
 9 an interview by a public body or its agents, representatives, or
 10 consultants for any public employment position; and

11 (16) Social security numbers; credit card, charge card,
 12 or debit card numbers and expiration dates; and financial account
 13 numbers supplied to state and local governments by citizens.

14 2. On page 12, line 7, after "involving" insert "an
 15 employee of a public school who is"; and in line 9 strike "school
 16 nurse, or other person" and insert "or other public employee".

17 3. On page 21, line 22, after "employee" insert ", except
 18 a school nurse,".

19 4. On page 22, line 2, after the third comma insert "and
 20 section 84-712.05, Revised Statutes Cumulative Supplement, 2006,".

21 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 672. Placed on General File - Com AM451.
 AM451

1 1. Strike original section 1.

2 2. Renumber the remaining sections and amend the repealer
 3 accordingly.

LEGISLATIVE BILL 695. Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 13, 2007, at 11:35 a.m. were the
 following: LBs 83e, 124e, 145, 231, 237, 239, 248, 296e, 347, and 390.

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

NOTICE OF COMMITTEE HEARING

Revenue
 Room 1524

Wednesday, March 21, 2007

Ruth Sorensen - Tax Equalization and Review Commission

1:30 p.m.

(Signed) Ray Janssen, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 53. Introduced by Engel, 17.

WHEREAS, the Ponca Indians boys' basketball team is the champion of the 2007 Class C-2 State Basketball Tournament; and

WHEREAS, the victory over the Oakland-Craig Knights earned the Indians their first Class C-2 championship; and

WHEREAS, the championship game finished off an impressive 26-1 season for the Indians, having experienced their only loss to a Class B team; and

WHEREAS, throughout the year the Ponca Indians boys' basketball team has demonstrated that hard work, dedication, and discipline produce results; and

WHEREAS, such a team achievement is made possible not only by the players' performance and the coaches' guidance, but also through the support of parents, teachers, administrators, and the community.

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

1. That the Legislature recognizes and congratulates the Ponca Indians boys' basketball team and its coaches.

2. That a copy of this resolution be sent to the Ponca Indians boys' basketball team head coach Bob Hayes.

Laid over.

LEGISLATIVE RESOLUTION 54. Introduced by Avery, 28.

WHEREAS, graduate and professional students have distinguished themselves in their chosen fields; and

WHEREAS, the economy of the State of Nebraska is strengthened by the research and development efforts of graduate and professional students; and

WHEREAS, there are over 10,000 graduate and professional students enrolled in Nebraska's universities; and

WHEREAS, graduate and professional students are the future doctors, teachers, lawyers, business executives, scientists, artists, and leaders of our state.

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

1. That the Legislature proclaims April 2-6, 2007, to be Graduate and Professional Student Appreciation Week.

Laid over.

LEGISLATIVE RESOLUTION 55. Introduced by McDonald, 41.

WHEREAS, the St. Edward Beavers won the 2007 Class D-2 Boys' State Basketball Championship; and

WHEREAS, first-year coach Aaron Martin and the St. Edward Beavers won the first state title in school history; and

WHEREAS, Evan Carlstrom, Jeremy Cruise, and Shavontae Samuels were named to the 2007 Class D-2 All-Tournament Team; and

WHEREAS, Jeremy Cruise scored 50 points in three games, Shavontae Samuels scored 46 points in three games, and Evan Carlstrom scored 39 points in three games, giving St. Edward the top three scoring leaders in Class D-2; and

WHEREAS, the entire St. Edward team, coaching staff, and student managers should be recognized for their excellent teamwork in achieving a 24-2 record in 2007; and

WHEREAS, the family members, friends, and fans have supported the St. Edward Beavers with dedication and devotion throughout the school year.

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

1. That the Legislature congratulates the team members, managers, and coaches of the St. Edward Beavers for their achievement in winning the 2007 Class D-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to Coach Martin and his team.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Mines asked unanimous consent to add his name as cointroducer to LB 304. No objections. So ordered.

VISITORS

Visitors to the Chamber were Angela Williams from Kearney and Susan Ferris from Lincoln; members of the Guyanese Parliamentary Delegation from Guyana; members of Women Involved in Farm Economics from across the state; members of the Bellevue Chamber of Commerce and Windstream Leadership Class from Bellevue; Julie Urosevich and Alex Schiefelbein from McKinney, Texas; and 40 fourth-grade students and teachers from Faith Lutheran School, Lincoln.

The Doctor of the Day was Dr. Julie Waddell from Lincoln.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, March 14, 2007.

Patrick J. O'Donnell
Clerk of the Legislature