

SIXTY-EIGHTH DAY - APRIL 23, 2007

LEGISLATIVE JOURNAL

**ONE HUNDREDTH LEGISLATURE
FIRST SESSION**

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 23, 2007

PRAYER

The prayer was offered by Senator Heidemann.

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 Senator Dierks who was excused; and Senators Engel, Flood, Pedersen, Preister, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-seventh day was approved.

SENATOR FRIEND PRESIDING

SELECT FILE

LEGISLATIVE RESOLUTION 6CA. ER8056, found on page 925, was adopted.

Senator Avery withdrew his amendments, AM835 and AM1078, found on pages 947 and 1233.

Senator Avery offered the following amendment:
AM1085

(Amendments to E & R amendments, ER8056)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. At a special election on May 13, 2008, the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article XI, section 1:

8 XI-1 No city, county, town, precinct, municipality, or
 9 other ~~sub-division~~ subdivision of the state; shall ever become
 10 a subscriber to the capital stock, or owner of such stock, or
 11 any portion or interest therein of any railroad, or private
 12 corporation, or association, except that, notwithstanding any other
 13 provision of this Constitution, the Legislature may authorize
 14 the investment of public endowment funds by any city which is
 15 authorized by this Constitution to establish a charter, in the
 16 manner required of a prudent investor who shall act with care,
 17 skill, and diligence under the prevailing circumstance and in
 18 such investments as the governing body of such city, acting in
 19 a fiduciary capacity for the exclusive purpose of protecting
 20 and benefiting such investment, may determine, subject to such
 21 limitations as the Legislature may by statute provide.

22 Sec. 2. The proposed amendment shall be submitted to the
 1 electors in the manner prescribed by the Constitution of Nebraska,
 2 Article XVI, section 1, with the following ballot language:

3 A constitutional amendment to allow the investment of
 4 public endowment funds by cities authorized by the Nebraska
 5 Constitution to establish a charter.

6 For

7 Against.

The Avery amendment was adopted with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

Senator Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 368A. Title read. Considered.

Advanced to E & R for review with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 343. ER8062, found on page 1029, was adopted.

Senator Langemeier withdrew his amendment, AM981, found on page 1158.

Senator Langemeier renewed his amendment, AM1002, found on page 1179.

The Langemeier amendment was adopted with 38 ayes, 0 nays, 10 present

and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 343A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 218. Advanced to E & R for engrossment.

LEGISLATIVE BILL 236. ER8067, found on page 1089, was adopted.

Senator Johnson offered the following amendment:

(Amendment, AM1092, is on file and available in the Clerk's Office, Room 2014.)

The Johnson amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 596. Senator Kopplin withdrew the Kopplin-Synowiecki amendment, AM1015, found on page 1228.

Senators Kopplin and Synowiecki offered the following amendment:
AM1093

- 1 1. Strike section 2 and insert the following new
- 2 sections:
- 3 Sec. 2. Section 79-958, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 79-958 (1) ~~Prior to September 1, 2005, and after August~~
- 6 ~~31, 2007, for the purpose of providing the funds to pay for formula~~
- 7 ~~annuities, every employee shall be required to deposit in the~~
- 8 ~~School Retirement Fund seven and twenty-five hundredths percent of~~
- 9 ~~compensation. Beginning on September 1, 2005, and ending August 31,~~
- 10 ~~2006, for the purpose of providing the funds to pay for formula~~
- 11 ~~annuities, every employee shall be required to deposit in the~~
- 12 ~~School Retirement Fund seven and ninety-eight hundredths percent of~~
- 13 ~~compensation. Beginning on September 1, 2006, and ending August 31,~~
- 14 ~~2007, for the purpose of providing the funds to pay for formula~~
- 15 ~~annuities, every employee shall be required to deposit in the~~
- 16 ~~School Retirement Fund seven and eighty-three hundredths percent of~~
- 17 ~~compensation. Beginning on September 1, 2007, for the purpose of~~
- 18 ~~providing the funds to pay for formula annuities, every employee~~
- 19 ~~shall be required to deposit in the School Retirement Fund seven~~
- 20 ~~and twenty-eight hundredths percent of compensation. Such deposits~~
- 21 ~~shall be transmitted at the same time and in the same manner as~~
- 22 ~~required employer contributions.~~
- 23 (2) For the purpose of providing the funds to pay for
- 1 formula annuities, every employer shall be required to deposit
- 2 in the School Retirement Fund one hundred one percent of the
- 3 required contributions of the school employees of each employer.

4 Such deposits shall be transmitted to the retirement board at
5 the same time and in the same manner as such required employee
6 contributions.

7 (3) The employer shall pick up the member contributions
8 required by this section for all compensation paid on or after
9 January 1, 1986, and the contributions so picked up shall
10 be treated as employer contributions in determining federal tax
11 treatment under the Internal Revenue Code as defined in section
12 49-801.01, except that the employer shall continue to withhold
13 federal income taxes based upon these contributions until the
14 Internal Revenue Service or the federal courts rule that, pursuant
15 to section 414(h) of the code, these contributions shall not be
16 included as gross income of the member until such time as they
17 are distributed or made available. The employer shall pay these
18 member contributions from the same source of funds which is used
19 in paying earnings to the member. The employer shall pick up these
20 contributions by a compensation deduction through a reduction in
21 the cash compensation of the member. Member contributions picked
22 up shall be treated for all purposes of the School Employees
23 Retirement Act in the same manner and to the same extent as member
24 contributions made prior to the date picked up.

25 (4) The employer shall pick up the member contributions
26 made through irrevocable payroll deduction authorizations pursuant
27 to sections 79-921, 79-933.03 to 79-933.06, and 79-933.08, and
1 the contributions so picked up shall be treated as employer
2 contributions in the same manner as contributions picked up under
3 subsection (3) of this section.

4 Sec. 3. Section 79-9,113, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 79-9,113 (1) If, at any future time, a majority of the
7 eligible members of the retirement system votes to be included
8 under an agreement providing old age and survivors insurance under
9 the Social Security Act of the United States, the contributions
10 to be made by the member and the school district for membership
11 service, from and after the effective date of the agreement with
12 respect to services performed subsequent to December 31, 1954,
13 shall each be reduced from five to three percent but not less than
14 three percent of the member's salary per annum, and the credits
15 for membership service under this system, as provided in section
16 79-999, shall thereafter be reduced from one and one-half percent
17 to nine-tenths of one percent and not less than nine-tenths of
18 one percent of salary or wage earned by the member during each
19 fiscal year, and from one and sixty-five hundredths percent to one
20 percent and not less than one percent of salary or wage earned
21 by the member during each fiscal year and from two percent to
22 one and two-tenths percent of salary or wage earned by the member
23 during each fiscal year, and from two and four-tenths percent to
24 one and forty-four hundredths percent of salary or wage earned by
25 the member during each fiscal year, except that after September

26 1, 1963, and prior to September 1, 1969, all employees of the
27 school district shall contribute an amount equal to the membership
1 contribution which shall be two and three-fourths percent of salary
2 covered by old age and survivors insurance, and five percent above
3 that amount. Commencing September 1, 1969, all employees of the
4 school district shall contribute an amount equal to the membership
5 contribution which shall be two and three-fourths percent of the
6 first seven thousand eight hundred dollars of salary or wages
7 earned each fiscal year and five percent of salary or wages earned
8 above that amount in the same fiscal year. Commencing September
9 1, 1976, all employees of the school district shall contribute
10 an amount equal to the membership contribution which shall be
11 two and nine-tenths percent of the first seven thousand eight
12 hundred dollars of salary or wages earned each fiscal year and
13 five and twenty-five hundredths percent of salary or wages earned
14 above that amount in the same fiscal year. Commencing on September
15 1, 1982, all employees of the school district shall contribute
16 an amount equal to the membership contribution which shall be
17 four and nine-tenths percent of the compensation earned in each
18 fiscal year. Commencing September 1, 1989, all employees of the
19 school district shall contribute an amount equal to the membership
20 contribution which shall be five and eight-tenths percent of the
21 compensation earned in each fiscal year. Commencing September
22 1, 1995, all employees of the school district shall contribute
23 an amount equal to the membership contribution which shall be
24 six and three-tenths percent of the compensation earned in each
25 fiscal year. Commencing September 1, 2007, all employees of the
26 school district shall contribute an amount equal to the membership
27 contribution which shall be seven and three-tenths percent of the
1 compensation paid in each fiscal year. The contributions by the
2 school district in any fiscal year beginning on or after September
3 1, 1999, shall be the greater of (a) one hundred percent of
4 the contributions by the employees for such fiscal year or (b)
5 such amount as may be necessary to maintain the solvency of the
6 system, as determined annually by the board upon recommendation
7 of the actuary and the trustees. The contributions by the school
8 district in any fiscal year beginning on or after September 1,
9 2007, shall be the greater of (i) one hundred and one percent of
10 the contributions by the employees for such fiscal year or (ii)
11 such amount as may be necessary to maintain the solvency of the
12 system, as determined annually by the board upon recommendation
13 of the actuary and the trustees. The employee's contribution shall
14 be made in the form of a monthly deduction from compensation as
15 provided in subsection (2) of this section. Every employee who
16 is a member of the system shall be deemed to consent and agree
17 to such deductions and shall receipt in full for compensation,
18 and payment to such employee of compensation less such deduction
19 shall constitute a full and complete discharge of all claims and
20 demands whatsoever for services rendered by such employee during

21 the period covered by such payment except as to benefits provided
22 under the Class V School Employees Retirement Act. After September
23 1, 1963, and prior to September 1, 1969, all employees shall
24 be credited with a membership service annuity which shall be
25 nine-tenths of one percent of salary or wage covered by old age
26 and survivors insurance and one and one-half percent of salary or
27 wages above that amount, except that those employees who retire
1 on or after August 31, 1969, shall be credited with a membership
2 service annuity which shall be one percent of salary or wages
3 covered by old age and survivors insurance and one and sixty-five
4 hundredths percent of salary or wages above that amount for service
5 performed after September 1, 1963, and prior to September 1, 1969.
6 Commencing September 1, 1969, all employees shall be credited
7 with a membership service annuity which shall be one percent
8 of the first seven thousand eight hundred dollars of salary or
9 wages earned by the employee during each fiscal year and one and
10 sixty-five hundredths percent of salary or wages earned above that
11 amount in the same fiscal year, except that all employees retiring
12 on or after August 31, 1976, shall be credited with a membership
13 service annuity which shall be one and forty-four hundredths
14 percent of the first seven thousand eight hundred dollars of salary
15 or wages earned by the employee during such fiscal year and two
16 and four-tenths percent of salary or wages earned above that amount
17 in the same fiscal year and the retirement annuities of employees
18 who have not retired prior to September 1, 1963, and who elected
19 under the provisions of section 79-988 as such section existed
20 immediately prior to February 20, 1982, not to become members
21 of the system shall not be less than they would have been had
22 they remained under any preexisting system to date of retirement.
23 Members of this system having the service qualifications of members
24 of the School Retirement System of the State of Nebraska, as
25 provided by section 79-926, shall receive the state service annuity
26 provided by sections 79-933 to 79-935 and 79-951.

27 (2) The school district shall pick up the employee
1 contributions required by this section for all compensation paid
2 on or after January 1, 1985, and the contributions so picked up
3 shall be treated as employer contributions in determining federal
4 tax treatment under the Internal Revenue Code, except that the
5 school district shall continue to withhold federal income taxes
6 based upon these contributions until the Internal Revenue Service
7 or the federal courts rule that, pursuant to section 414(h)
8 of the Internal Revenue Code, these contributions shall not be
9 included as gross income of the employee until such time as
10 they are distributed or made available. The school district shall
11 pay these employee contributions from the same source of funds
12 which is used in paying earnings to the employee. The school
13 district shall pick up these contributions by a salary deduction
14 either through a reduction in the cash salary of the employee
15 or a combination of a reduction in salary and offset against a

16 future salary increase. Beginning September 1, 1995, the school
17 district shall also pick up any contributions required by sections
18 79-990, 79-991, and 79-992 which are made under an irrevocable
19 payroll deduction authorization between the member and the school
20 district, and the contributions so picked up shall be treated as
21 employer contributions in determining federal tax treatment under
22 the Internal Revenue Code, except that the school district shall
23 continue to withhold federal and state income taxes based upon
24 these contributions until the Internal Revenue Service rules that,
25 pursuant to section 414(h) of the Internal Revenue Code, these
26 contributions shall not be included as gross income of the employee
27 until such time as they are distributed from the system. Employee
1 contributions picked up shall be treated for all purposes of the
2 Class V School Employees Retirement Act in the same manner and to
3 the extent as employee contributions made prior to the date picked
4 up.
5 2. On page 12, line 19, strike "79-9,103" and insert
6 "79-9,113"; and in line 20 strike "section" and insert "sections"
7 and before the second comma insert "and 79-958".
8 3. Renumber the remaining sections accordingly.

The Kopplin-Synowiecki amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 368. ER8071, found on page 1184, was adopted.

Senator Erdman offered the following amendment:

(Amendment, AM1065, is on file and available in the Clerk's Office, Room 2014.)

The Erdman amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 73. ER8072, found on page 1192, was adopted.

Senator Chambers offered the following amendment:

FA88

Amend ER8072 In line 13 beginning with "If" strike and show as stricken through the period in line 19.

The Chambers amendment was adopted with 32 ayes, 2 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 73A. ER8073, found on page 1193, was adopted.

Advanced to E & R for engrossment.

COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 609. Placed on General File.

(Signed) Abbie Cornett, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 367. Placed on Select File - ER8076.

ER8076

- 1 1. In the Standing Committee amendments, AM911:
- 2 a. On page 2, line 6, strike "homestead";
- 3 b. On page 4, line 26, strike the first "the";
- 4 c. On page 5, line 9, strike the second comma and show as
- 5 stricken;
- 6 d. On page 7, line 3, after "repair" insert an
- 7 underscored comma; and in line 4 after "mill" insert an underscored
- 8 comma;
- 9 e. On page 20, line 27; and page 21, line 13, strike the
- 10 comma, show as stricken, and insert an underscored semicolon;
- 11 f. On page 21, line 9, strike the underscored comma and
- 12 insert an underscored semicolon; and in line 11 strike the first
- 13 comma, show as stricken, and insert an underscored semicolon;
- 14 g. On page 49, line 26, strike "will" and insert "shall";
- 15 h. On page 49, line 27; and page 50, line 2, after
- 16 "single" insert "taxpayers";
- 17 i. On page 50, line 1, after "taxpayers" insert an
- 18 underscored comma;
- 19 j. On page 51, line 15; and page 52, line 9, strike the
- 20 comma and show as stricken;
- 21 k. On page 67, line 26, after the third comma insert
- 22 "77-2715.07,"; and
- 23 l. On page 68, line 10, strike "Revised Statutes
- 1 Cumulative Supplement, 2006" and insert "Reissue Revised Statutes
- 2 of Nebraska".
- 3 2. On page 1, strike beginning with "section" in line
- 4 1 through line 10 and insert "sections 77-2101 and 77-3806,
- 5 Reissue Revised Statutes of Nebraska, and sections 77-908,
- 6 77-2701, 77-2701.04, 77-2701.10, 77-2701.16, 77-2701.34, 77-2703,
- 7 77-2703.01, 77-2704.33, 77-2704.55, 77-2715.02, 77-2715.07,
- 8 77-2716.01, 77-2717, 77-2734.03, 77-27,235, and 77-3442, Revised
- 9 Statutes Cumulative Supplement, 2006; to adopt the Property Tax
- 10 Credit Act; to change and eliminate provisions relating to estate

11 taxes, property taxes, sales and use taxes, and income taxes;
 12 to harmonize provisions; to provide operative dates; to repeal
 13 the original sections; to outright repeal sections 77-2709.01
 14 and 77-27,222, Reissue Revised Statutes of Nebraska, and section
 15 77-2701.45, Revised Statutes Cumulative Supplement, 2006; and to
 16 declare an emergency."

LEGISLATIVE BILL 316. Placed on Select File - ER8075.
 ER8075

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. The Special Education Services Task Force is
 4 created. Members of the task force shall be appointed on or before
 5 July 1, 2007, and shall include:
 6 (1) The chairperson of the Education Committee of the
 7 Legislature and one other member of such committee;
 8 (2) One member of the Legislature who is not a member of
 9 the Education Committee;
 10 (3) One parent who has a child receiving special
 11 education services in a private setting;
 12 (4) Two parents who have children receiving special
 13 education services in a school district;
 14 (5) Two educational service unit special education
 15 teachers;
 16 (6) One public school special education teacher;
 17 (7) One public school special education director or
 18 educational service unit special education director;
 19 (8) One private school principal or director;
 20 (9) One school board member;
 21 (10) One representative of the State Department of
 22 Education who has expertise in special education;
 23 (11) One representative of the Department of Health and
 1 Human Services who has expertise in the placement of state wards;
 2 and
 3 (12) One representative of a private provider of special
 4 education services.
 5 The members listed in subdivisions (1) and (2) of
 6 this section shall be appointed by the Executive Board of the
 7 Legislative Council. The member listed in subdivision (10) of this
 8 section shall be appointed by the Commissioner of Education. All
 9 other members shall be appointed by the Governor.
 10 Sec. 2. The chairperson of the Education Committee of
 11 the Legislature shall be the chairperson of the Special Education
 12 Services Task Force and shall call the initial and subsequent
 13 meetings of the task force. Members of the task force shall
 14 be reimbursed for their actual and necessary expenses incurred
 15 in carrying out their duties as members of the task force as
 16 provided in sections 81-1174 to 81-1177. The Education Committee
 17 of the Legislature, the Legislative Fiscal Analyst, and the State

18 Department of Education shall provide research and administrative
 19 support for the task force. For budgetary purposes only, the task
 20 force shall be within the Legislative Council.

21 Sec. 3. The Special Education Services Task Force shall
 22 examine the provision of special education services in Nebraska.
 23 The task force shall make recommendations for policies and
 24 potential legislation to the Clerk of the Legislature and the
 25 Education Committee of the Legislature on or before December 31,
 26 2007. The examination of special education services shall include,
 27 but not be limited to:

1 (1) Applicable federal and state laws;
 2 (2) The provision of special education services in other
 3 states;

4 (3) Application of the least-restrictive-environment
 5 doctrine;

6 (4) The availability of special education services across
 7 the state;

8 (5) The use of private providers of special education
 9 services by public school districts;

10 (6) The use of private providers of special education
 11 services by private citizens; and

12 (7) The provision of special education services for wards
 13 of the state or wards of the court.

14 The task force may hold one or more public hearings to
 15 obtain input.

16 Sec. 4. The Special Education Services Task Force
 17 terminates on December 31, 2007.

18 Sec. 5. Since an emergency exists, this act takes effect
 19 when passed and approved according to law.

LEGISLATIVE BILL 316A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 367A. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 367, One Hundredth Legislature, First Session, 2007.

LEGISLATIVE BILL 280A. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 280, One Hundredth Legislature, First Session, 2007.

AMENDMENT - Print in Journal

Senator Stuthman filed the following amendment to LB 157:
AM844

(Amendments to Standing Committee amendments, AM250)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) If a mother seeking safe-haven care
- 4 voluntarily delivers a child seventy-two hours old or younger to
- 5 a hospital staff member who engages in the admission, care, or
- 6 treatment of patients, when such hospital staff member is at a
- 7 hospital, the hospital staff member shall, without a court order,
- 8 take temporary physical custody of the child.
- 9 (2) If a hospital staff member takes temporary physical
- 10 custody of a child pursuant to this section, the hospital staff
- 11 member shall:
- 12 (a) Perform any act necessary, in accordance with
- 13 generally accepted standards of professional practice, to protect,
- 14 preserve, or aid the physical health or safety of the child during
- 15 the temporary physical custody; and
- 16 (b) Notify the Department of Health and Human Services
- 17 within four hours.
- 18 (3) A hospital shall incur no civil or criminal liability
- 19 for any good faith acts or omissions performed by a hospital staff
- 20 member pursuant to this section.
- 21 (4) For purposes of this section, generally accepted
- 22 standards of professional practice means medical treatment or care
- 1 of the type, quality, and amount that a hospital staff person would
- 2 be expected to provide according to the professional standards of
- 3 care for hospital staff with regard to the medical treatment and
- 4 care of infants.
- 5 Sec. 2. Upon receipt of notice pursuant to section 1 of
- 6 this act, the Department of Health and Human Services shall take
- 7 the child into temporary custody, place such child in a licensed
- 8 foster family home as defined in section 71-1902 or with a licensed
- 9 child placement agency as defined in section 43-121, and take all
- 10 steps necessary to facilitate adoption of such child as soon as
- 11 possible after receiving such notice. The department shall make
- 12 reasonable efforts to notify the biological father as provided in
- 13 sections 43-104.12 to 43-104.14.
- 14 Sec. 3. (1) The Department of Health and Human Services
- 15 shall maintain and update on a monthly basis a report of the number
- 16 of children who have been left with safe-haven providers pursuant
- 17 to this section and the number of children abandoned by other
- 18 means.
- 19 (2) Beginning January 1, 2008, the department shall
- 20 submit an annual report to the Legislature that compiles the
- 21 monthly reports required pursuant to subsection (1) of this

22 section.

23 Sec. 4. Section 28-705, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 28-705 (1) Any person who abandons and neglects or
26 refuses to maintain or provide for his or her spouse or his or
27 her child or dependent stepchild, whether such child is born in or
1 out of wedlock, commits abandonment of spouse, child, or dependent
2 stepchild.

3 (2) It is not a violation of this section for a mother
4 to leave a child who is seventy-two hours old or younger with
5 a hospital staff member pursuant to section 1 of this act if
6 the mother provides the hospital staff member with proof of her
7 identity.

8 ~~(2)-(3)~~ For the purposes of this section, child shall
9 mean an individual under the age of sixteen years.

10 ~~(3)-(4)~~ When any person abandons and neglects to provide
11 for his or her spouse or his or her child or dependent stepchild
12 for three consecutive months or more, it shall be prima facie
13 evidence of intent to violate the provisions of subsection (1) of
14 this section.

15 ~~(4)-(5)~~ A designation of assets for or use of income by
16 an individual in accordance with section 68-922 shall be considered
17 just cause for failure to use such assets or income to provide
18 medical support of such individual's spouse.

19 ~~(5)-(6)~~ Abandonment of spouse, child, or dependent
20 stepchild is a Class I misdemeanor.

21 Sec. 5. Original section 28-705, Revised Statutes
22 Cumulative Supplement, 2006, is repealed.

RESOLUTIONS

LEGISLATIVE RESOLUTION 82. Introduced by Pirsch, 4.

WHEREAS, speeding in residential neighborhoods represents the single greatest complaint to police departments in the United States; and

WHEREAS, the death rate per million miles driven on residential streets is almost three times the death rate on other streets and highways; and

WHEREAS, motor vehicle crashes are the leading cause of death for children ages two through fourteen years.

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

1. That the Legislature recognizes the seriousness of speeding in residential neighborhoods with respect to causing injury and death to children.

2. That the Legislature declares May 1, 2007, as "Keep Kids Alive-Drive 25 Day".

Laid over.

LEGISLATIVE RESOLUTION 83. Introduced by White, 8.

WHEREAS, Tiger Tom Lynch began coaching CYO Softball fifty years ago; and

WHEREAS, Mr. Lynch has played on or coached approximately one hundred different softball teams and sponsored dozens of teams each season since 1967; and

WHEREAS, the teams Mr. Lynch has coached have won numerous city, state, regional, and national events; and

WHEREAS, Mr. Lynch has co-created many tournaments involving teams from across the nation to benefit the March of Dimes; and

WHEREAS, Tiger Tom Lynch was inducted into the Metro Omaha Softball Association Hall of Fame, thereby joining his father, Edward Lynch, as a member of the Hall of Fame, making the Lynchs the first father and son members.

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

1. That the Legislature congratulates Tiger Tom Lynch on his induction into the Metro Omaha Softball Association Hall of Fame.

2. That a copy of this resolution be sent to Tiger Tom Lynch.

Laid over.

LEGISLATIVE RESOLUTION 84. Introduced by Erdman, 47; Dubas, 34; Harms, 48; Karpisek, 32; Loudon, 49; McDonald, 41; Preister, 5; Wallman, 30.

WHEREAS, Nebraska bean growers plant approximately two hundred thousand acres of dry, edible beans annually, lead the nation in great northern bean production, are the nation's second leading producer of light red kidney beans, are the nation's third leading producer of pinto beans, and are prominent in the production of navy beans, black beans, and other varieties of beans; and

WHEREAS, dry edible beans are an important staple of local agricultural economies and the economic viability of dry bean production enables greater diversity in agricultural production in the state through crop rotation; and

WHEREAS, the Dry Bean Resources Act was signed into law on March 30, 1987, to provide a mechanism for dry bean growers and processors to collectively finance programs of research, consumer education, and market development; and

WHEREAS, the Dry Bean Commission, consisting of six grower and three processor representatives, is designated under the Dry Bean Resources Act to carry out the purposes of the act; and

WHEREAS, the Dry Bean Commission, through its own activities and through membership in the U.S. Dry Bean Council, has increased international promotion to maintain and build new markets for dry edible beans, and through a variety of activities, including hosting reverse trade teams to bring foreign buyers to Nebraska to observe Nebraska's dry bean

industry first hand, has assisted Nebraska's dry bean growers in earning a reputation as reliable, high quality suppliers of dry beans; and

WHEREAS, the Dry Bean Commission has, with respect to dry edible beans, funded research in developing varieties resistant to disease and drought, improved quality and utility, led research into new uses, and advanced the knowledge of production and pest management; and

WHEREAS, the Dry Bean Commission was instrumental in organizing the American Dry Bean Board in 1988, an organization of representatives of dry bean growing states, processors, and shippers which has worked to increase the American consumer's awareness of the nutritional benefits and consumer value of dry edible beans, including the inclusion of dry edible beans in recommended dietary guidelines such as the United States Department of Agriculture's MyPyramid campaign; and

WHEREAS, the work and accomplishments of the Dry Bean Commission contribute to the welfare and prosperity not only of the Nebraska dry bean industry but of the entire state and its citizens.

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

1. That the Legislature acknowledges and congratulates the Dry Bean Commission, its staff, and the growers and processors of dry beans in Nebraska for the twenty-year history of success and service in advancing the dry bean industry of the state.

2. That a copy of this resolution be delivered to the Dry Bean Commission.

Laid over.

VISITORS

Visitors to the Chamber were 42 fourth-grade students, teachers, and sponsors from Hawthorne Elementary, Hastings; 15 fourth-grade students and teacher from Lyons Decatur N. E. School, Lyons; and Corey Drzol from Omaha.

RECESS

At 12:08 p.m., on a motion by Senator Kruse, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senator Dierks who was excused; and Senators Ashford, Avery, Burling, Cornett, Dubas, Engel, Erdman, Flood, Janssen, Preister, Raikes, White, and Wightman who were excused until they arrive.

SENATOR FRIEND PRESIDING**SELECT FILE**

LEGISLATIVE BILL 674. ER8074, found on page 1199, was adopted.

Senator Mines offered the following amendment:

AM1045

(Amendments to Standing Committee amendments, AM805)

1 1. Strike section 2 and insert the following new

2 sections:

3 Section 1. Sections 1 to 15 of this act shall be known

4 and may be cited as the Credit Report Protection Act.

5 Sec. 2. For purposes of the Credit Report Protection Act:

6 (1) Consumer reporting agency means any person which,
7 for monetary fees, for dues, or on a cooperative nonprofit basis,
8 regularly engages in whole or in part in the practice of assembling
9 or evaluating consumer credit information or other information on
10 consumers for the purpose of furnishing consumer reports to third
11 parties and which uses any means or facility of interstate commerce
12 for the purpose of preparing or furnishing consumer reports;

13 (2) File, when used in connection with information on any
14 consumer, means all of the information on that consumer recorded
15 and retained by a consumer reporting agency regardless of how the
16 information is stored;

17 (3) Security freeze means a notice placed in a consumer's
18 file as provided in section 3 of this act that prohibits the
19 consumer reporting agency from releasing a credit report, or any
20 other information derived from the file, in connection with the
21 extension of credit or the opening of a new account, without the
22 express authorization of the consumer; and

1 (4) Victim of identity theft means a consumer who has a
2 copy of an official police report evidencing that the consumer has
3 alleged to be a victim of identity theft.

4 Sec. 3. A consumer, including a minor at the request of a
5 parent or custodial parent or guardian if appointed, may elect to
6 place a security freeze on his or her file by making a request by
7 certified mail to the consumer reporting agency.

8 Sec. 4. If a security freeze is in place with respect to
9 a consumer's file, the consumer reporting agency shall not release
10 a credit report or any other information derived from the file
11 to a third party without the prior express authorization of the
12 consumer. This section does not prevent a consumer reporting agency
13 from advising a third party that a security freeze is in effect
14 with respect to a consumer's file.

15 Sec. 5. (1) A consumer reporting agency shall place a
16 security freeze on a file no later than three business days after
17 receiving a request by certified mail.

18 (2) Until July 1, 2008, a consumer reporting agency
19 shall, within ten business days after receiving a request, send a
20 written confirmation of the security freeze to the consumer and
21 provide the consumer with a unique personal identification number
22 or password to be used by the consumer when providing authorization
23 for the release of a credit report or any other information derived
24 from his or her file for a specified period of time. Beginning July
25 1, 2008, a consumer reporting agency shall send such confirmation
26 and provide such identification number or password to the consumer
27 within five business days after receiving a request.

1 Sec. 6. (1) When a consumer requests a security freeze,
2 the consumer reporting agency shall disclose the process of placing
3 and temporarily lifting the security freeze, including the process
4 for allowing access to his or her credit report or any other
5 information derived from his or her file for a specified period of
6 time by temporarily lifting the security freeze.

7 (2) If a consumer wishes to allow his or her credit
8 report or any other information derived from his or her file to be
9 accessed for a specified period of time by temporarily lifting the
10 security freeze, the consumer shall contact the consumer reporting
11 agency, request that the freeze be temporarily lifted, and provide
12 the following:

13 (a) Proper identification, which means that information
14 generally deemed sufficient to identify a person. Only if the
15 consumer is unable to provide sufficiently self-identifying
16 information may a consumer reporting agency require additional
17 information concerning the consumer's employment and personal or
18 family history in order to verify the consumer's identity;

19 (b) The unique personal identification number or password
20 provided by the consumer reporting agency under section 5 of this
21 act; and

22 (c) The proper information regarding the specified time
23 period.

24 (3)(a) Until January 1, 2009, a consumer reporting agency
25 that receives a request from a consumer to temporarily lift a
26 security freeze on his or her file shall comply with the request no
27 later than three business days after receiving the request.

1 (b) A consumer reporting agency shall develop procedures
2 involving the use of a telephone, the Internet, or other electronic
3 media to receive and process a request from a consumer to
4 temporarily lift a security freeze on his or her file in an
5 expedited manner. By January 1, 2009, a consumer reporting agency
6 shall comply with a request to temporarily lift a security freeze
7 within fifteen minutes after receiving such request by telephone or
8 through a secure electronic method.

9 (4) A consumer reporting agency is not required to
10 temporarily lift a security freeze within the time provided in
11 subsection (3) of this section if:

12 (a) The consumer fails to meet the requirements of

13 subsection (2) of this section; or

14 (b) The consumer reporting agency's ability to
15 temporarily lift the security freeze within the time provided in
16 subsection (3) of this section is prevented by:

17 (i) An act of God, including fire, earthquake, hurricane,
18 storm, or similar natural disaster or phenomena;

19 (ii) An unauthorized or illegal act by a third party,
20 including terrorism, sabotage, riot, vandalism, labor strike or
21 dispute disrupting operations, or similar occurrence;

22 (iii) Operational interruption, including electrical
23 failure, unanticipated delay in equipment or replacement part
24 delivery, computer hardware or software failure inhibiting response
25 time, or similar disruption;

26 (iv) Governmental action, including an emergency order
27 or regulation, judicial or law enforcement action, or similar
1 directive;

2 (v) Regularly scheduled maintenance, during other than
3 normal business hours, of the consumer reporting agency's system or
4 updates to such system;

5 (vi) Commercially reasonable maintenance of, or repair
6 to, the consumer reporting agency's system that is unexpected or
7 unscheduled; or

8 (vii) Receipt of a removal request outside of normal
9 business hours.

10 For purposes of this subsection, normal business hours
11 means Sunday through Saturday, between the hours of 6:00 a.m. and
12 9:30 p.m., in the applicable time zone in this state.

13 Sec. 7. (1) A security freeze shall remain in place
14 until the consumer requests that the security freeze be removed
15 or temporarily lifted. A consumer reporting agency shall remove
16 or temporarily lift a security freeze only in the following
17 circumstances:

18 (a) Upon request by the consumer under section 6 or 8 of
19 this act; or

20 (b) When the file was placed on hold due to a material
21 misrepresentation of fact by the consumer.

22 (2) When a consumer reporting agency intends to release
23 a hold on a file under subdivision (1)(b) of this section, the
24 consumer reporting agency shall notify the consumer in writing
25 three business days prior to releasing the hold on the file.

26 Sec. 8. A consumer reporting agency shall remove a
27 security freeze within three business days after receiving a
1 request for removal from the consumer who provides both of the
2 following:

3 (1) Proper identification as specified in subdivision
4 (2)(a) of section 6 of this act; and

5 (2) The unique personal identification number or password
6 referred to in subdivision (2)(b) of section 6 of this act.

7 Sec. 9. (1) A consumer reporting agency may charge a fee

8 of five dollars for placing, temporarily lifting, or removing a
9 security freeze unless:

10 (a) The consumer is a minor; or

11 (b)(i) The consumer is a victim of identity theft; and

12 (ii) The consumer provides the consumer reporting agency
13 with a copy of an official police report documenting the identity
14 theft.

15 (2) A consumer reporting agency shall reissue the same
16 or a new personal identification number or password required under
17 section 5 of this act one time without charge and may charge a
18 fee of no more than five dollars for subsequent reissuance of the
19 personal identification number or password.

20 Sec. 10. If a security freeze is in place, a consumer
21 reporting agency may not change any of the following official
22 information in a file without sending a written confirmation
23 of the change to the consumer within thirty days after the
24 change is made: Name, date of birth, social security number, and
25 address. In the case of an address change, the written confirmation
26 shall be sent to both the new address and the former address.
27 Written confirmation is not required for technical modifications
1 of a consumer's official information, including name and street
2 abbreviations, complete spellings, or transposition of numbers or
3 letters.

4 Sec. 11. (1) A consumer reporting agency may not suggest
5 or otherwise state or imply to a third party that a security freeze
6 on a consumer's file reflects a negative credit score, history,
7 report, or rating.

8 (2) If a third party requests access to a credit report
9 or any other information derived from a file in connection with
10 an application for credit or the opening of an account and the
11 consumer has placed a security freeze on his or her file and does
12 not allow his or her file to be accessed during that specified
13 period of time, the third party may treat the application as
14 incomplete.

15 Sec. 12. The Credit Report Protection Act does not
16 prohibit a consumer reporting agency from furnishing to a
17 governmental agency a consumer's name, address, former address,
18 place of employment, or former place of employment.

19 Sec. 13. The Credit Report Protection Act does not apply
20 to the use of a credit report or any information derived from the
21 file by any of the following:

22 (1) A person or entity, a subsidiary, affiliate, or agent
23 of that person or entity, an assignee of a financial obligation
24 owing by the consumer to that person or entity, or a prospective
25 assignee of a financial obligation owing by the consumer to that
26 person or entity in conjunction with the proposed purchase of the
27 financial obligation, with which the consumer has or had prior
1 to assignment an account or contract, including a demand deposit
2 account, or to whom the consumer issued a negotiable instrument,

3 for the purposes of reviewing the account or collecting the
4 financial obligation owing for the account, contract, or negotiable
5 instrument. For purposes of this subdivision, reviewing the account
6 includes activities related to account maintenance, monitoring,
7 credit line increases, and account upgrades and enhancements;

8 (2) A subsidiary, affiliate, agent, assignee, or
9 prospective assignee of a person to whom access has been granted
10 under section 6 of this act for purposes of facilitating the
11 extension of credit or other permissible use;

12 (3) Any federal, state, or local governmental entity,
13 including, but not limited to, a law enforcement agency, a court,
14 or an agent or assign of a law enforcement agency or court;

15 (4) A private collection agency acting under a court
16 order, warrant, or subpoena;

17 (5) Any person or entity for the purposes of prescreening
18 as provided for by the federal Fair Credit Reporting Act, 15 U.S.C.
19 1681, as such act existed on the effective date of this act;

20 (6) Any person or entity administering a credit
21 file monitoring subscription service to which the consumer has
22 subscribed;

23 (7) Any person or entity for the purpose of providing
24 a consumer with a copy of the consumer's credit report or any
25 other information derived from his or her file upon the consumer's
26 request; and

27 (8) Any person or entity for use in setting or adjusting
1 a rate, adjusting a claim, or underwriting for insurance purposes.

2 Sec. 14. The following entities are not consumer
3 reporting agencies for purposes of the Credit Report Protection Act
4 and are not required to place a security freeze on a file under
5 section 3 of this act:

6 (1) A check services or fraud prevention services company
7 that issues reports on incidents of fraud or authorizations for
8 the purpose of approving or processing negotiable instruments,
9 electronic funds transfers, or similar methods of payment;

10 (2) A deposit account information service company that
11 issues reports regarding account closures due to fraud, substantial
12 overdrafts, automatic teller machine abuse, or similar negative
13 information regarding a consumer, to inquiring banks or other
14 financial institutions for use only in reviewing a consumer
15 request for a deposit account at the inquiring bank or financial
16 institution; and

17 (3) A consumer reporting agency that acts only as
18 a reseller of credit information by assembling and merging
19 information contained in the data base of another consumer
20 reporting agency, or multiple consumer reporting agencies, and
21 does not maintain a permanent data base of credit information
22 from which new credit reports are produced. A consumer reporting
23 agency shall honor any security freeze placed on a file by another
24 consumer reporting agency.

25 Sec. 15. The Attorney General shall enforce the Credit
 26 Report Protection Act. For purposes of the act, the Attorney
 27 General may issue subpoenas, adopt and promulgate rules and
 1 regulations, and seek injunctive relief and a monetary award
 2 for civil penalties, attorney's fees, and costs. Any person who
 3 violates the act shall be subject to a civil penalty of not more
 4 than two thousand dollars for each violation. The Attorney General
 5 may also seek and recover actual damages for each consumer injured
 6 by a violation of the act.

7 Sec. 17. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
 8 12, 13, 14, 15, and 17 of this act become operative on September
 9 1, 2007. Section 16 of this act becomes operative on September 1,
 10 2008.

11 2. Renumber the remaining section accordingly.

The Mines amendment was adopted with 29 ayes, 0 nays, 5 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 471. Title read. Considered.

Committee AM412, found on page 611, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

SENATOR SCHIMEK PRESIDING

Advanced to E & R for review with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 404. Title read. Considered.

Committee AM367, found on page 595, was considered.

Senator McDonald moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator McDonald requested a roll call vote on the committee amendment.

Voting in the affirmative, 33:

Adams	Friend	Johnson	McDonald	Rogert
Aguilar	Fulton	Karpisek	McGill	Schimek
Avery	Hansen	Kopplin	Mines	Synowiecki
Carlson	Harms	Kruse	Pahls	White
Cornett	Howard	Langemeier	Pedersen	Wightman
Dubas	Hudkins	Lathrop	Pirsch	
Flood	Janssen	Louden	Preister	

Voting in the negative, 10:

Ashford	Erdman	Nantkes	Pankonin	Stuthman
Chambers	Gay	Nelson	Raikes	Wallman

Present and not voting, 5:

Burling	Christensen	Engel	Fischer	Heidemann
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Excused and not voting, 1:

Dierks

The committee amendment was adopted with 33 ayes, 10 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Failed to advance to E & R for review with 13 ayes, 25 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 289. Title read. Considered.

Committee AM316, found on page 546, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 144. Title read. Considered.

Committee AM297, found on page 662, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 188. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 208. Title read. Considered.

Committee AM498, found on page 695, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 274. Title read. Considered.

Committee AM490, found on page 868, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 2CA. Read. Considered.

Committee AM371, found on page 601, was considered.

Pending.

SPEAKER FLOOD PRESIDING

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 75 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 75.

COMMITTEE REPORT

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Kenneth Bird - Nebraska Educational Telecommunications Commission
 Mandy Johnson - Nebraska Educational Telecommunications Commission
 Dennis Miller Jr. - Nebraska Educational Telecommunications Commission
 Robert Moline - Nebraska Educational Telecommunications Commission
 Clay Smith - Nebraska Educational Telecommunications Commission

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

(Signed) Ron Raikes, Chairperson

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 368A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORT
Education

LEGISLATIVE BILL 342. Placed on General File - Com AM1079.
(Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ron Raikes, Chairperson

AMENDMENT - Print in Journal

Senators Ashford, Lathrop, McDonald, McGill, and Schimek filed the following amendment to LB 377:
AM1099

- 1 1. Insert the following section:
- 2 Section 1. Section 24-201.01, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 24-201.01 ~~On July 1, 2002, the salary of the Chief~~
- 5 ~~Justice and judges of the Supreme Court shall be one hundred~~
- 6 ~~nineteen thousand two hundred seventy six dollars. On July 1, 2005,~~
- 7 ~~the salary of the Chief Justice and the judges of the Supreme Court~~
- 8 ~~shall be one hundred twenty two thousand eight hundred fifty four~~
- 9 ~~dollars. On July 1, 2006, the salary of the Chief Justice and~~
- 10 ~~the judges of the Supreme Court shall be one hundred twenty-six~~
- 11 ~~thousand eight hundred forty-six dollars. On July 1, 2007, the~~
- 12 ~~salary of the Chief Justice and the judges of the Supreme Court~~
- 13 ~~shall be one hundred thirty-three thousand five hundred five~~
- 14 ~~dollars and forty-one cents. On July 1, 2008, the salary of the~~
- 15 ~~Chief Justice and the judges of the Supreme Court shall be one~~
- 16 ~~hundred forty thousand five hundred fourteen dollars and one cent.~~
- 17 The Chief Justice and the judges of the Supreme Court
- 18 shall hold no other public office of profit or trust during their
- 19 terms of office nor accept any public appointment or employment
- 20 under the authority of the government of the United States for
- 21 which they receive compensation for their services. Such salaries
- 22 shall be payable in equal monthly installments.
- 23 Sec. 3. Section 24-503, Revised Statutes Cumulative
- 1 Supplement, 2006, is amended to read:
- 2 24-503 For the purpose of serving the county courts in

3 each county, twelve county judge districts are hereby created:

- 4 District No. 1 shall contain the counties of Saline,
 5 Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson;
 6 District No. 2 shall contain the counties of Sarpy, Cass,
 7 and Otoe;
 8 District No. 3 shall contain the county of Lancaster;
 9 District No. 4 shall contain the county of Douglas;
 10 District No. 5 shall contain the counties of Merrick,
 11 Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward,
 12 and Saunders;
 13 District No. 6 shall contain the counties of Dixon,
 14 Dakota, Cedar, Burt, Thurston, Dodge, and Washington;
 15 District No. 7 shall contain the counties of Knox,
 16 Cumming, Antelope, Pierce, Wayne, Madison, and Stanton;
 17 District No. 8 shall contain the counties of Cherry,
 18 Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield,
 19 Wheeler, Valley, Greeley, Sherman, and Howard;
 20 District No. 9 shall contain the counties of Buffalo and
 21 Hall;
 22 District No. 10 shall contain the counties of Fillmore,
 23 Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and
 24 Nuckolls;
 25 District No. 11 shall contain the counties of Hooker,
 26 Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson,
 27 Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and
 1 Furnas; and
 2 District No. 12 shall contain the counties of Sioux,
 3 Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner,
 4 Kimball, Cheyenne, Grant, and Deuel.
 5 District 4 shall have twelve county judges. Districts 3;
 6 ~~5, and 12~~ and 5 shall have six county judges. ~~District 11~~ Districts
 7 11 and 12 shall have five county judges. Districts 2, 6, and 9
 8 shall have four county judges. Districts 1, 7, 8, and 10 shall have
 9 three county judges.
 10 Judge of the county court shall include any person
 11 appointed to the office of county judge or municipal judge prior
 12 to July 1, 1985, pursuant to Article V, section 21, of the
 13 Constitution of Nebraska.
 14 Any person serving as a municipal judge in district 3 or
 15 4 immediately prior to July 1, 1985, shall be a judge of the county
 16 court and shall be empowered to hear only those cases as provided
 17 in section 24-517 which the presiding judge of the county court
 18 for such district, with the concurrence of the Supreme Court, shall
 19 direct.
 20 Sec. 4. Section 43-2,119, Reissue Revised Statutes of
 21 Nebraska, is amended to read:
 22 43-2,119 (1) The number of judges of the separate
 23 juvenile court in counties which have established a separate
 24 juvenile court shall be:

- 25 (a) Two judges in counties having seventy-five thousand
 26 inhabitants but less than two hundred thousand inhabitants;
 27 (b) ~~Three-Four~~ judges in counties having at least two
 1 hundred thousand inhabitants but less than four hundred thousand
 2 inhabitants; and
 3 (c) Five judges in counties having four hundred thousand
 4 inhabitants or more.
- 5 (2) The senior judge in point of service as a juvenile
 6 court judge shall be the presiding judge. The judges shall rotate
 7 the office of presiding judge every three years unless the judges
 8 agree to another system.
- 9 2. On page 3, strike beginning with "In" in line 10
 10 through the period in line 11 and show as stricken; in line 12
 11 strike "and eleventh", show as stricken, and insert "eleventh,
 12 and twelfth"; in line 18 strike "24-301.02" and insert "43-2,119,
 13 Reissue Revised Statutes of Nebraska, and sections 24-201.01,
 14 24-301.02, and 24-503"; and in line 19 strike "is" and insert
 15 "are".
- 16 3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LBs 304 and 674. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Langemeier withdrew his name as cointroducer to LB 701.

VISITORS

Visitors to the Chamber were 36 fifth- and sixth-grade students and teachers from Kenesaw; and members of Abate of Nebraska from across the state.

The Doctor of the Day was Dr. Abigail Ihrke from Omaha.

ADJOURNMENT

At 4:58 p.m., on a motion by Senator Schimek, the Legislature adjourned until 9:00 a.m., Tuesday, April 24, 2007.

Patrick J. O'Donnell
 Clerk of the Legislature

