

SEVENTY-THIRD DAY - MAY 2, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****SEVENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 2, 2007

PRAYER

The prayer was offered by Senator Nelson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Ashford, Dubas, Engel, Flood, Heidemann, Howard, Karpisek, Mines, Nantkes, Raikes, Synowiecki, and White who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 96. Introduced by Pirsch, 4.

WHEREAS, the Academic Decathlon competition is a strenuous mental competition that many teams enter but in which few prevail; and

WHEREAS, the Academic Decathlon is a ten-event scholastic competition for teams of high school students; and

WHEREAS, the Harry A. Burke High School team from Omaha, Nebraska, entered and won the Nebraska Academic Decathlon and qualified for the national tournament; and

WHEREAS, the Burke High School Academic Decathlon team traveled to Hawaii and placed sixth in the national tournament; and

WHEREAS, team members Nate Burkman, Jessica Chavez, Gabe Elliott, Alee Forsythe, Allison Gill, Josh Lee, Seth Prauner, Kyle Sloup, and their coach, Judy Kennedy, deserve special recognition for their teamwork and diverse knowledge which has contributed to the team's success; and

WHEREAS, the accomplishments of students should be recognized by the Nebraska Legislature.

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 members of the Burke High School Academic Decathlon team and their coach, Judy Kennedy.

2. That a copy of this resolution to sent to the Burke High School Academic Decathlon team and their coach, Judy Kennedy.

Laid over.

SELECT FILE

LEGISLATIVE BILL 368A. Senator Erdman renewed his amendment, AM1145, found on page 1345.

The Erdman amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 226. ER8080, found on page 1327, was adopted.

Senator Cornett offered the following amendment:

AM1173

(Amendments to Standing Committee amendments, AM244)

1 1. Insert the following new section:

2 Sec. 7. Since an emergency exists, this act takes effect

3 when passed and approved according to law.

4 2. On page 4, strike beginning with "Office" in line 13

5 through "Labor" in line 14, show the old matter as stricken, and

6 insert "commissioner".

7 3. On page 6, lines 22 and 26 and 27 strike "per

8 occurrence".

SENATOR ERDMAN PRESIDING

The Cornett amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 195. ER8079, found on page 1328, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 199. ER8089, found on page 1328, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 396. ER8082, found on page 1328, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 5. ER8081, found on page 1329, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 256. ER8088, found on page 1329, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 388. ER8083, found on page 1330, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 147. Advanced to E & R for engrossment.

LEGISLATIVE BILL 504. Advanced to E & R for engrossment.

LEGISLATIVE BILL 364. Advanced to E & R for engrossment.

LEGISLATIVE BILL 481. ER8086, found on page 1331, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 152. Advanced to E & R for engrossment.

LEGISLATIVE BILL 221. Advanced to E & R for engrossment.

LEGISLATIVE BILL 664. Advanced to E & R for engrossment.

LEGISLATIVE BILL 227. ER8084, found on page 1331, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 132. ER8085, found on page 1331, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 561. Advanced to E & R for engrossment.

LEGISLATIVE BILL 252. Advanced to E & R for engrossment.

LEGISLATIVE BILL 69. ER8087, found on page 1331, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 277. Senator Mines offered the following amendment:

FA93

On page 5, line 5, following section 39-2115 insert "to 39-2117" On page 6, line 8, strike "(b)" and insert "(d)". On page 6, line 12, strike "(h)" and insert "(j)".

The Mines amendment was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 445. ER8092, found on page 1331, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 233. Advanced to E & R for engrossment.

LEGISLATIVE BILL 449. Advanced to E & R for engrossment.

LEGISLATIVE BILL 214. Advanced to E & R for engrossment.

LEGISLATIVE BILL 424. Advanced to E & R for engrossment.

LEGISLATIVE BILL 580. ER8093, printed separately and referred to on page 1334, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 508. ER8091, found on page 1334, was adopted.

Senator Synowiecki renewed his amendment, AM1144, found on page 1352.

The Synowiecki 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 8. Advanced to E & R for engrossment.

LEGISLATIVE BILL 382. Considered.

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

Senator Langemeier moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Advanced to E & R for engrossment with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 564. ER8069, found on page 1123, was adopted.

Senator Chambers renewed his motion, found on page 1087, to indefinitely postpone.

SENATOR LANGEMEIER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Chambers motion to indefinitely postpone failed with 2 ayes, 41 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA94

Amend ER8069 P. 4, line 7 after "activity" add "if notice is posted that, in the event of injury of any type, no liability attaches to the political subdivision".

SENATOR SCHIMEK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Avery	Karpisek	Pahls	Rogert	Wallman
Chambers	Kopplin	Pedersen	Schimek	
Hansen	Kruse	Preister	Synowiecki	

Voting in the negative, 27:

Adams	Cornett	Friend	Lathrop	Nelson
Aguilar	Dubas	Fulton	Louden	Pirsch
Ashford	Engel	Gay	McDonald	Wightman
Burling	Erdman	Harms	McGill	
Carlson	Fischer	Heidemann	Mines	
Christensen	Flood	Hudkins	Nantkes	

Present and not voting, 8:

Dierks	Janssen	Langemeier	Raikes
Howard	Johnson	Pankonin	Stuthman

Excused and not voting, 1:

White

The Chambers amendment lost with 13 ayes, 27 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Bracket until May 15, 2007.

Pending.

COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 463. Placed on Select File - ER8042.

(Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Amanda McGill, Chairperson

AMENDMENT - Print in Journal

Senator Fulton filed the following amendment to LB 469:
AM1174

- 1 1. On page 2, line 12, before the first "or" insert
- 2 "school-based contraceptive services,".

VISITORS

Visitors to the Chamber were 32 fourth- and fifth-grade students and teachers from Ansley; 23 fourth-grade students and sponsors from Scribner-Snyder, Scribner; 10 fourth-grade students, teachers, and sponsors from St. Joan of Arc, Omaha; 40 fourth-grade students, teachers, and sponsor from Alcott Elementary, Hastings; and 38 fourth-grade students from Meadows Elementary, Ralston.

RECESS

At 11:57 a.m., on a motion by Senator Engel, 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 Pedersen who was excused; and Senators Dierks, Heidemann, Louden, and McDonald who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 564. Senator Chambers withdrew his motion, found in this day's Journal, to bracket until May 15, 2007.

Senator Lathrop offered the following amendment:
AM1190

(Amendments to E & R amendments, ER8069)

- 1 1. Insert the following sections:
 2 Sec. 2. A political subdivision shall post and maintain a
 3 sign at each skateboard park and bicycle motocross park sponsored
 4 by the political subdivision containing the following warning
 5 notice: Under Nebraska law, a political subdivision is not liable
 6 for an injury to or the death of a participant in recreational
 7 activities resulting from the inherent risks of the recreational
 8 activities pursuant to section 13-910. The absence of a sign
 9 shall not give rise to liability on the part of the political
 10 subdivision.
 11 Sec. 4. The state shall post and maintain a sign at each
 12 skateboard park and bicycle motocross park sponsored by the state
 13 containing the following warning notice: Under Nebraska law, the
 14 state is not liable for an injury to or the death of a participant
 15 in recreational activities resulting from the inherent risks of the
 16 recreational activities pursuant to section 81-8,219. The absence
 17 of a sign shall not give rise to liability on the part of the
 18 state.
 19 Sec. 6. The Revisor of Statutes shall assign section 2 of
 20 this act to the Political Subdivisions Tort Claims Act and section
 21 6 of this act to the State Tort Claims Act.

SENATOR ERDMAN PRESIDING

The Lathrop 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 367. ER8076, found on page 1242, was adopted.

Senator Janssen reoffered his amendment, AM921, found on page 1064 and considered on pages 1193 and 1194.

Senator Janssen asked unanimous consent to withdraw his amendment,

AM921, found on page 1064, and replace it with the Janssen et al. substitute amendment, AM1121, found on page 1284. No objections. So ordered.

Senator Janssen asked unanimous consent to withdraw the Janssen et al. amendment, AM1121, found on page 1284 and considered in this day's Journal, and replace it with the Langemeier substitute amendment, AM1187. No objections. So ordered.

AM1187

(Amendments to AM911)

1 1. Strike sections 6 and 23 and insert the following new
2 sections:

3 Sec. 6. Section 77-2101.01, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 77-2101.01 (1) In addition to the inheritance taxes
6 imposed by the laws of the State of Nebraska, there is levied and
7 imposed an estate or excise tax for all decedents dying before
8 January 1, 2007, upon the transfer of the estate of every resident
9 decedent and upon the value of any interest in Nebraska real
10 estate and tangible personal property situated in Nebraska of a
11 nonresident decedent.

12 (2) For decedents dying before January 1, 2003, the
13 amount of such tax shall be the maximum state tax credit allowance
14 upon the tax imposed by Chapter 11 of the Internal Revenue Code
15 reduced by the lesser of (a) the aggregate amount of all estate,
16 inheritance, legacy, or succession taxes paid to any state or
17 territory, the District of Columbia, or any possession of the
18 United States in respect of any property subject to such tax
19 or (b) the sum of (i) the amount determined by multiplying the
20 maximum state tax credit allowance with respect to the taxable
21 transfer by the percentage which the gross value of the transferred
22 property not situated in Nebraska bears to the gross value of the
1 transferred property and (ii) the amount of Nebraska inheritance
2 taxes paid.

3 (3) For all decedents dying on or after January 1, 2003,
4 and before January 1, 2007, (a) for the estate of every resident
5 decedent, the amount of such tax shall be the amount calculated
6 in section 77-2101.03 reduced by the percentage which the gross
7 value of the transferred property not situated in Nebraska bears
8 to the gross value of the transferred property minus the amount of
9 Nebraska inheritance taxes paid, and (b) for the estate of every
10 nonresident decedent, the amount of such tax shall be the amount
11 calculated in section 77-2101.03 multiplied by the percentage which
12 the gross value of the transferred property situated in Nebraska
13 bears to the gross value of the transferred property minus the
14 amount of Nebraska inheritance taxes paid.

15 Sec. 7. Section 77-2101.02, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 77-2101.02 ~~There~~ For all generation-skipping transfers

18 occurring before January 1, 2007, there is hereby imposed a
 19 generation-skipping transfer tax upon the generation-skipping
 20 transfer or distribution of property of every resident of this
 21 state and upon the generation-skipping transfer of Nebraska real
 22 estate and tangible personal property situated in Nebraska by a
 23 nonresident. The amount of the generation-skipping transfer tax
 24 shall be the amount calculated in section 77-2101.03 reduced by the
 25 lesser of (1) the aggregate amount of all transfer taxes paid to
 26 any state or territory, the District of Columbia, or any possession
 27 of the United States in respect of any property subject to the
 1 generation-skipping transfer tax or (2) the amount determined
 2 by multiplying the amount calculated in section 77-2101.03 with
 3 respect to the taxable transfer by the percentage which the gross
 4 value of the transferred property not situated in Nebraska bears to
 5 the gross value of the transferred property.

6 Sec. 8. Section 77-2101.03, Revised Statutes Cumulative
 7 Supplement, 2006, is amended to read:

8 77-2101.03 (1) For decedents dying on or after January
 9 1, 2003, and before July 1, 2003, the tax on the Nebraska taxable
 10 estate shall be the greater of the maximum state tax credit
 11 allowance upon the tax imposed under Chapter 11 of the Internal
 12 Revenue Code or the amount provided in the following table:
 13 Nebraska taxable estate

	At least	But less than	Tax =	+	%	Of Excess Over
14	\$0	\$40,000	\$0		0	\$0
15						
16	40,000	90,000	0		.8	40,000
17						
18	90,000	140,000	400		1.6	90,000
19						
20	140,000	240,000	1,200		2.4	140,000
21						
22	240,000	440,000	3,600		3.2	240,000
23						
24	440,000	640,000	10,000		4	440,000
25						
26	640,000	840,000	18,000		4.8	640,000
27						
1	840,000	1,040,000	27,600		5.6	840,000
2						
3	1,040,000	1,540,000	38,800		6.4	1,040,000
4						
5	1,540,000	2,040,000	70,800		7.2	1,540,000
6						
7	2,040,000	2,540,000	106,800		8	2,040,000
8						
9	2,540,000	3,040,000	146,800		8.8	2,540,000
10						
11	3,040,000	3,540,000	190,800		9.6	3,040,000
12						
13	3,540,000	4,040,000	238,800		10.4	3,540,000
14						
15	4,040,000	5,040,000	290,800		11.2	4,040,000
16						
17	5,040,000	6,040,000	402,800		12	5,040,000
18						
19	6,040,000	7,040,000	522,800		12.8	6,040,000
20						
21	7,040,000	8,040,000	650,800		13.6	7,040,000
22						
23	8,040,000	9,040,000	786,800		14.4	8,040,000
24						
25	9,040,000	10,040,000	930,800		15.2	9,040,000
26						
27	10,040,000		1,082,800		16	10,040,000

10 (2) For decedents dying on or after July 1, 2003, and
 11 before January 1, 2007, the tax on the Nebraska taxable estate
 12 shall be the greater of the maximum state tax credit allowance upon

13 the tax imposed under Chapter 11 of the Internal Revenue Code or
 14 the amount provided in the following table:
 15 Nebraska taxable estate

16	At least	But less	Tax =	+	%	Of Excess
17		than				Over
18	\$0	\$100,000	\$0		5.6	\$0
19	100,000	500,000	5,600		6.4	100,000
20	500,000	1,000,000	31,200		7.2	500,000
21	1,000,000	1,500,000	67,200		8	1,000,000
22	1,500,000	2,000,000	107,200		8.8	1,500,000
23	2,000,000	2,500,000	151,200		9.6	2,000,000
24	2,500,000	3,000,000	199,200		10.4	2,500,000
25	3,000,000	3,500,000	251,200		11.2	3,000,000
26	3,500,000	4,000,000	307,200		12	3,500,000
27	4,000,000	5,000,000	367,200		12.8	4,000,000
1	5,000,000	6,000,000	495,200		13.6	5,000,000
2	6,000,000	7,000,000	631,200		14.4	6,000,000
3	7,000,000	8,000,000	775,200		15.2	7,000,000
4	8,000,000	9,000,000	927,200		16	8,000,000
5	9,000,000		1,087,200		16.8	9,000,000

6 (3) Taxable generation-skipping transfers shall be taxed
 7 at a rate of sixteen percent of the Nebraska taxable transfer.

8 2. On page 1, line 15; and page 3, line 6, after

9 "hundred" insert "five".

10 3. On page 1, line 17; and page 3, line 7, strike "fifty
 11 million" and insert "one hundred fifteen million".

12 4. On page 5, line 20, strike "community-based wind
 13 energy project" and insert "C-BED project or community-based energy
 14 development project"; and strike lines 26 and 27 and insert the
 15 following new subdivisions:

16 "(1) C-BED project or community-based energy development
 17 project means a new wind energy project that:

18 (a) Has an ownership structure as follows:

19 (i) For a C-BED project that consists of more than two
 20 turbines, is owned by qualified owners with no single qualified
 21 owner owning more than fifteen percent of the project and with at
 22 least thirty-three percent of the power purchase agreement payments
 23 flowing to the qualified owner or owners or local community; or

24 (ii) For a C-BED project that consists of one or two
 25 turbines, is owned by one or more qualified owners with at least
 26 thirty-three percent of the power purchase agreement payments
 27 flowing to a qualified owner or local community; and

1 (b) Has a resolution of support adopted:

2 (i) By the county board of each county in which the C-BED
 3 project is to be located; or

4 (ii) By the tribal council for a C-BED project located
 5 within the boundaries of an Indian reservation;

6 (2) New wind energy project includes any materials used
 7 to manufacture, install, construct, repair, or replace a device,

- 8 such as a wind charger, wind mill, or wind turbine, that converts
 9 wind energy to a form of usable energy; and
 10 (3) Qualified owner means:
 11 (a) A Nebraska resident;
 12 (b) A limited liability company that is organized under
 13 the Limited Liability Company Act and that is entirely made up of
 14 members who are Nebraska residents;
 15 (c) A Nebraska nonprofit corporation organized under the
 16 Nebraska Nonprofit Corporation Act;
 17 (d) An electric supplier as defined in section
 18 70-1001.01, except that ownership in a single C-BED project is
 19 limited to no more than:
 20 (i) Fifteen percent by a single electric supplier; and
 21 (ii) A combined total of twenty-five percent ownership by
 22 multiple electric suppliers; or
 23 (e) A tribal council."
 24 5. On page 6, strike lines 1 through 27.
 25 6. On page 7, strike lines 1 through 5 and all amendments
 26 thereto.
 27 7. On page 43, line 26; and page 44, lines 3, 4, 6, and
 1 10, strike the new matter and reinstate the stricken matter.
 2 8. On page 46, line 23, strike "eight", show as stricken,
 3 and insert "ten".
 4 9. Correct the operative date section and repealer so
 5 that the sections added by this amendment become operative on their
 6 effective date.
 7 10. Renumber the remaining sections and correct internal
 8 references accordingly.

SENATOR FISCHER PRESIDING**SENATOR MCDONALD PRESIDING**

Pending.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 588. Placed on Select File - ER8094.
 (Amendment is printed separately and available in the Bill Room, Room
 1104.)

LEGISLATIVE BILL 610. Placed on Select File.

LEGISLATIVE BILL 324. Placed on Select File - ER8096.
 ER8096

- 1 1. In the Standing Committee amendment, AM653:
- 2 a. On page 6, line 4, before "account" insert "DROP"; and

- 3 in line 22 strike "investment"; and
 4 b. On page 8, line 10, strike the comma.
 5 2. On page 1, line 1, strike "section" and insert
 6 "sections 81-2014, 81-2014.01, and"; in line 2 after the semicolon
 7 insert "to define terms; to provide for deferred retirement option
 8 plans;" and in line 4 strike "section" and insert "sections".

LEGISLATIVE BILL 324A. Placed on Select File.

LEGISLATIVE BILL 247. Placed on Select File - ER8097.
 ER8097

- 1 1. In the Johnson amendment, AM1086, strike section 11.
 2 2. On page 1, strike beginning with "drugs" in line 1
 3 through line 8 and insert "public health and welfare; to amend
 4 sections 71-193.15, 71-193.16, 71-193.17, and 71-2421, Reissue
 5 Revised Statutes of Nebraska, and sections 28-401, 28-405, 28-412,
 6 71-1,147.35, 71-5403, and 71-7438, Revised Statutes Cumulative
 7 Supplement, 2006; to change provisions relating to controlled
 8 substances, treatment of narcotic-dependent persons, dental
 9 hygienists, drug utilization review, return of dispensed drugs and
 10 devices, drug product selection, and wholesale drug distributors;
 11 to define and redefine terms; to harmonize provisions; to repeal
 12 the original sections; and to declare an emergency."
 13 3. On page 42, line 10, strike "section" and insert
 14 "sections 71-193.15, 71-193.16, 71-193.17, and".

LEGISLATIVE BILL 435. Placed on Select File - ER8095.
 ER8095

- 1 1. In the Standing Committee amendments, AM854:
 2 a. On page 3, lines 11 and 21, strike "section" and
 3 insert "subsection"; and in line 11 after the semicolon insert
 4 "and";
 5 b. Renumber the repealer and emergency clause sections as
 6 sections 4 and 5, respectively.
 7 2. On page 1, strike lines 2 through 5 and insert
 8 "sections 2-108 and 2-111, Revised Statutes Cumulative Supplement,
 9 2006; to provide for a study relating to the Nebraska State
 10 Fair; to change provisions relating to use of funds; to provide a
 11 termination date; to repeal the original sections; and to declare
 12 an emergency.".

LEGISLATIVE BILL 629. Placed on Select File - ER8098.
 ER8098

- 1 1. On page 1, line 2, strike "and"; and in line 3 after
 2 "Act" insert "; and to declare an emergency".

(Signed) Amanda McGill, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 629A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 629, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

AMENDMENTS - Print in Journal

Senator Synowiecki filed the following amendment to LB 540:
AM1143

(Amendments to Standing Committee amendments, AM737)

- 1 1. On page 1, line 3, strike "6" and insert "5"; strike
- 2 beginning with "It" in line 5 through "undertake" in line 8 and
- 3 insert "The Legislature finds that"; and in line 10 strike "in
- 4 order" and insert "is needed".
- 5 2. On page 2, lines 15 and 16, strike "a" through
- 6 "study" and insert "the Legislature to commission a study of";
- 7 and in lines 19 and 20 strike "Probation" through "Commission" and
- 8 insert "Community Corrections Council shall contract with the Vera
- 9 Institute of Justice to conduct a study of Nebraska's probation and
- 10 parole service delivery system. The study".
- 11 3. On page 3, strike lines 10 through 27.
- 12 4. On page 4, strike lines 1 through 27.
- 13 5. On page 5, strike lines 1 through 7; in line 8 strike
- 14 "analyze" through the period and insert paragraphing and "(5)";
- 15 in line 9 strike "by the commission"; strike line 13 and insert
- 16 "The Community Corrections Council for purposes of"; and in line 14
- 17 strike "5" and insert "4".
- 18 5. Renumber the remaining sections accordingly.

Senator White filed the following amendment to LB 321:
AM1177

(Amendments to Standing Committee amendments, AM728)

- 1 1. On page 72, line 6, strike "\$370,000,000" and insert
- 2 "\$351,000,000".
- 3 2. On page 73, lines 26 and 27, strike "503,901,100" and
- 4 insert "484,901,100".

Senator Kruse filed the following amendment to LB 573:
AM1195

(Amendments to Standing Committee amendments, AM1088)

- 1 1. Insert the following new sections:
- 2 Sec. 10. Section 53-167.03, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-167.03 (1) Any person who unlawfully tampers with,

5 alters, or removes the keg identification number from a beer
 6 container or is in possession of a beer container described in
 7 section 53-167.02 with an altered or removed keg identification
 8 number after such container has been taken from the licensed
 9 premises pursuant to a retail sale and before its return to such
 10 licensed premises or other place where returned kegs are accepted
 11 shall be guilty of a Class III misdemeanor.

12 (2) A licensee may require a deposit of not more than the
 13 replacement cost of the container described in section 53-167.02
 14 from a person purchasing beer for consumption off the premises.
 15 Such deposit may be retained by the licensee, in the amount of
 16 actual damages, if upon return the container or any associated
 17 equipment is damaged or if the keg identification number has been
 18 unlawfully tampered with, altered, or removed and such tampering,
 19 alteration, or removal has been reported to a law enforcement
 20 officer.

21 Sec. 11. Section 53-180.02, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

1 53-180.02 Except as provided in section 53-168.06, no
 2 minor may sell, dispense, consume, or have in his or her possession
 3 or physical control any alcoholic liquor in any tavern or in any
 4 other place, including public streets, alleys, roads, or highways,
 5 upon property owned by the State of Nebraska or any subdivision
 6 thereof, or inside any vehicle while in or on any other place,
 7 including, but not limited to, the public streets, alleys, roads,
 8 or highways, or upon property owned by the State of Nebraska or any
 9 subdivision thereof, except that a minor may consume, possess, or
 10 have physical control of alcoholic liquor as a part of a bona fide
 11 religious rite, ritual, or ceremony. in his or her permanent place
 12 of residence or on the premises of a place of religious worship
 13 on which premises alcoholic liquor is consumed as a part of a
 14 religious rite, ritual, or ceremony.

15 The governing bodies of counties, cities, and villages
 16 shall have the power to, and may by applicable resolution or
 17 ordinance, regulate, suppress, and control the transportation,
 18 consumption, or knowing possession of or having under his or her
 19 control beer or other alcoholic liquor in or transported by any
 20 motor vehicle, by any person under twenty-one years of age, and may
 21 provide penalties for violations of such resolution or ordinance.

22 Sec. 13. Original sections 53-167.03 and 53-180.02,
 23 Reissue Revised Statutes of Nebraska, are repealed.

24 2. On page 4, line 9, strike "This" and insert "Sections
 25 1 to 9 of this" and after the last period insert "The other
 26 sections of this act become operative on their effective date."

27 3. Renumber the remaining section accordingly.

NOTICE OF COMMITTEE HEARING
Judiciary
Room 1113

Tuesday, May 15, 2007

1:00 p.m.

Lloyd Lee Kimzey Jr. - Community Corrections Council

(Signed) Brad Ashford, Chairperson

SELECT FILE

LEGISLATIVE BILL 367. The Langemeier amendment, AM1187, found in this day's Journal, was renewed.

SENATOR FRIEND PRESIDING

Senator Dubas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 5 nays, and 15 not voting.

The Langemeier amendment was adopted with 37 ayes, 7 nays, 4 present and not voting, and 1 excused and not voting.

Senator White asked unanimous consent to withdraw his amendment, FA82, found on page 1197, and replace it with his substitute amendment, AM1196. No objections. So ordered.

AM1196

- 1 1. Insert the following new section:
- 2 Sec. 8. Section 77-2701.02, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2701.02 Pursuant to section 77-2715.01:
- 5 (1) Until July 1, 1998, the rate of the sales tax levied
- 6 pursuant to section 77-2703 shall be five percent;
- 7 (2) Commencing July 1, 1998, and until July 1, 1999, the
- 8 rate of the sales tax levied pursuant to section 77-2703 shall be
- 9 four and one-half percent;
- 10 (3) Commencing July 1, 1999, and until the start of the
- 11 first calendar quarter after July 20, 2002, the rate of the sales
- 12 tax levied pursuant to section 77-2703 shall be five percent; ~~and~~
- 13 (4) Commencing on the start of the first calendar quarter
- 14 after July 20, 2002, and until October 1, 2007, the rate of the
- 15 sales tax levied pursuant to section 77-2703 shall be five and
- 16 one-half percent; ~~and -~~
- 17 (5) Commencing October 1, 2007, the rate of the sales tax
- 18 levied pursuant to section 77-2703 shall be five percent.
- 19 2. Renumber the remaining sections and correct the
- 20 operative date sections and repealer so the section added by
- 21 this amendment becomes operative on October 1, 2007.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 97. Introduced by Hudkins, 21.

PURPOSE: To direct the Judiciary Committee of the Legislature to review the North Carolina statewide guardian ad litem system. The committee should review the legislation enacting the North Carolina system, the costs associated with operating such a system, and interview judges, attorneys, administrators, and others who participate in the system to determine the positive and negative views of the system.

After collection of this information, the committee should review whether the implementation of such a guardian ad litem system in Nebraska would result in a better system in Nebraska, provide for greater accountability of the guardian ad litem, provide greater protection for children of abuse and neglect who are in the juvenile court system, and result in shorter out-of-home placements and shorter periods of time from removal to permanency.

Finally, the committee should review the costs of our current guardian ad litem system and provide the Legislature with a comparison of our current guardian ad litem system to a system comparable to the North Carolina guardian ad litem system.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer

Senator Lathrop asked unanimous consent to add his name as cointroducer to LB 629. No objections. So ordered.

VISITORS

Visitors to the Chamber were 48 middle school students and teachers from Arbor Park Middle School, Blair; 28 fourth-grade students, teachers, and sponsors from Lincoln Elementary, Norfolk; and 20 third- and fourth-grade students and teachers from Litchfield.

The Doctor of the Day was Dr. Pat Hotovy from York.

ADJOURNMENT

At 5:02 p.m., on a motion by Senator Preister, the Legislature adjourned until 9:00 a.m., Thursday, May 3, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

