

EIGHTIETH DAY - MAY 15, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****EIGHTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 15, 2007

PRAYER

The prayer was offered by Pastor Rick Snodgrass, Assembly of God Church, Wayne.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Ashford who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

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

The following bills were correctly reengrossed: LBs 12, 504, and 674.

LEGISLATIVE BILL 641. Placed on Select File - ER8111.
ER8111

- 1 1. In the Adams et al. amendment, AM1258:
- 2 a. On page 12, line 26; and page 73, line 3, strike the
- 3 comma;
- 4 b. On page 41, line 25, strike the new matter and
- 5 reinstate the stricken matter;
- 6 c. On page 45, line 4, reinstate the stricken matter; and
- 7 in line 27 strike "such" and insert "Such";
- 8 d. On page 46, lines 2 and 11, strike "proficient" and
- 9 insert "proficiency";
- 10 e. On page 55, line 19, strike the first "and";
- 11 f. On page 68, line 5, after the first "applicable"

12 insert an underscored comma;

13 g. On page 72, line 3; page 73, line 21; page 74, line
14 25; and page 75, line 16, after "encompassing" insert "the";

15 h. On page 73, line 4, after "school" insert "to"; and

16 i. On page 76, line 2, strike "election" and insert
17 "electoral".

18 2. On page 1, strike beginning with "32-545" in line 1
19 through line 8 and insert "79-1015.01 and 79-1023, Reissue Revised
20 Statutes of Nebraska, sections 77-3442, 79-233, 79-4,117, 79-4,118,
21 79-4,120, 79-4,125, 79-4,126, 79-549, 79-979, 79-980, 79-981,
22 79-983, 79-984, 79-985, 79-986, 79-9,107, 79-9,108, 79-9,109,
23 79-1007.07, 79-1007.09, 79-1008.01, 79-1008.02, 79-1024, 79-1033,
1 79-1084, 79-10,120, 79-10,126.01, 79-2102, 79-2103, 79-2104,
2 79-2105, and 79-2107, Revised Statutes Cumulative Supplement, 2006,
3 and sections 79-102, 79-611, 79-1003, and 79-1022, Revised Statutes
4 Cumulative Supplement, 2006, as affected by Referendum 2006, No.
5 422; to change and eliminate provisions relating to school funding,
6 transportation costs, learning communities, and learning community
7 coordinating councils; to provide powers and duties; to provide for
8 election of the councils; to provide for achievement subcouncils;
9 to harmonize provisions; to repeal the original sections; and to
10 outright repeal sections 79-4,129, 79-4,130, 79-1073, 79-1073.01,
11 79-2106, 79-2108, 79-2109, and 79-2110, Revised Statutes Cumulative
12 Supplement, 2006."

(Signed) Amanda McGill, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion 07011

DATE: May 10, 2007

SUBJECT: LB 198; Constitutionality Of Restrictions On
Dissemination Of Prerecorded Political Messages And
Political Messages Sent Using Automatic Dialing-
Announcing Devices.

REQUESTED BY: Senator John E. Nelson
Nebraska Legislature

WRITTEN BY: Jon Bruning, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested our opinion regarding the constitutionality of LB 198 following the adoption of AM 705. You have specifically asked about proposed limitations on the number of certain political messages which may be sent by prerecorded telephone call or with the use of automatic dialing-announcing devices. The proposed legislation would limit such messages to

two messages to a residential telephone line in a calendar day. You have asked whether such restrictions rise to the level of violating constitutional rights and it is our understanding your concern lies with the first amendment.

LB 198, with the amendments adopted to date, would amend Neb. Rev. Stat. § 49-1474.02 of the Nebraska Political Accountability and Disclosure Act and Neb. Rev. Stat. § 86-236 and the Automatic Dialing-Announcing Devices Act. Neb. Rev. Stat. § 49-1474.02(1) currently requires that a person who makes an expenditure reportable under the Nebraska Political Accountability and Disclosure Act to disseminate by telecommunication prerecorded messages relating to candidates or ballot questions shall include the name of the person making the expenditure. LB 198 would also require that such messages only be disseminated between the hours of 8:00 a.m. and 9:00 p.m. and that no more than two such messages be disseminated to any one household in a calendar day.

The Automatic Dialing-Announcing Devices Act currently restricts telephone solicitations made for commercial purposes using automatic dialing-announcing devices and limits such telephone solicitations to the hours of 8:00 a.m. to 9:00 p.m. LB 198 would add a new section to the Act to restrict persons using automatic dialing-announcing devices for messages of a political nature, would limit those political messages to the hours of 8:00 a.m. to 9:00 p.m. and would also require that no more than two such messages be transmitted to any one residential telephone line per calendar day.

LB 198 would affect political speech interests which are protected by the first amendment. "Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution. The First Amendment affords the broadest protection to such political expression. . . ." *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 346 (1995) (citation omitted). However, the prohibitions of the first amendment are not absolute. Even protected speech may be subject to time, place and manner restrictions if those restrictions are sufficiently justified and narrowly enough drawn. *Ward v. Rock Against Racism*, 491 U.S. 781 (1989).

While we are not aware of the exact governmental interests that led to LB 198, one justification that might be given for the proposed limitations is the protection of residential privacy. The state may wish to protect citizens from unwelcome speech that invades the privacy of their home. *Rowan v. United States Post Office Dept.*, 397 U.S. 728 (1970).

In reviewing restrictions on protected speech, a court would first determine whether the statute in question is content-neutral and regulates the protected speech without regard to content, or whether the statute in question is content-based in that it regulates the content of the protected speech. *Whitton v. City of Gladstone, Mo.*, 54 F.3d 1400 (8th Cir. 1995). If a court

finds that LB 198 constitutes content-neutral regulation of speech, the bill would be subjected to intermediate scrutiny and would be sustainable if the restrictions were found to serve substantial governmental interests and to be narrowly tailored. However, if a court determines that LB 198 constitutes content-based regulation of political speech, its restrictions would then be subjected to strict scrutiny and would be sustained only if the state's interests in enacting the bill were compelling and there was no less restrictive means available to achieve the state's interests. *McIntyre*, 514 U.S. at 347.

Courts of several jurisdictions have examined state statutes which regulate the use of telephone automatic dialing and announcing devices. The Eighth Circuit Court of Appeals considered a challenge to such statutes in *Van Bergen v. Minnesota*, 59 F.3d 1541 (8th Cir. 1995). The Minnesota statute concerning the use of automatic dialing-announcing devices (ADADs) was amended so as to apply to any call, regardless of its content. The Minnesota statute prohibited the use of ADADs unless the subscriber had consented to receive the message or the message was immediately preceded by a live operator who obtained the subscriber's consent. The ADADs could only be used between 9:00 a.m. and 9:00 p.m. The plaintiff, a candidate for governor who planned to use ADAD calls, claimed the statutes violated the freedom of speech provisions of the first amendment. The court of appeals first inquired whether the statute was content-neutral and found that it was because the statute applied to all callers and to all messages regardless of content. Three statutory exceptions were based on the caller's existing relationship with the subscriber (which implied the recipient's consent to the call) and not on the content of the call. The court then reviewed the Minnesota statute under an intermediate level of scrutiny. The court found a significant governmental interest in protecting residential privacy, that the statute was narrowly tailored to reach those interests as the prior consent and live operator options both allow the continued use of ADADs, and that there were other methods for the plaintiff to communicate such as live telephone calls, bulk mailings, posters, and signs. *Id.* at 1555. The court, therefore, held that the Minnesota statute was constitutional.

A similar analysis was employed by the Ninth Circuit Court of Appeals in *Bland v. Fessler*, 88 F. 3rd 729 (9th Cir. 1996). The Ninth Circuit Court of Appeals considered two California statutes which regulate ADADs in a challenge brought by an individual who used ADADs to advertise his carpet cleaning services. The California statutes were also found to be constitutional. In its decision, the court noted that the utility statute at issue applied to all ADAD users with exceptions only for parties with existing relationships and for certain emergency situations.

LB 198, however, may be more difficult to defend because, in contrast to the Minnesota and California statutes discussed above, LB 198 pertains only to political messages. Therefore, a court would be likely to find that the proposed Nebraska legislation is content-based and subject to a higher level of scrutiny. "[A] restriction solely for political speech is content-based." *Burson v. Freeman*, 504 U.S. 191 (1992).¹

Similarly, in ruling on a motion to dismiss, a federal court held that a Washington statute restricting the use of ADADs only with regard to commercial solicitation was content-based because it differentiated between commercial and non-commercial (charitable or political) calls. *Spafford v. Echostar Communications Corp.*, 448 F. Supp. 2d 1220 (W.D. Wash. 2006).²

Because LB 198 imposes restrictions only on political calls, it is likely to be considered content-based and would likely be subjected to a higher level of scrutiny. While several jurisdictions have held that residential privacy is a significant governmental interest, it is not clear whether it would be determined to be a compelling state interest or whether LB 198 would be found to be sufficiently narrowly drawn to achieve that end. Therefore, LB 198 could be found to violate the first amendment.

¹ In *Burson*, the Court held that a Tennessee statute restricting the solicitation of votes and the display of campaign materials near the entrance of a polling place was content-based legislation, but upheld the statute after finding there was a compelling state interest in preventing voter intimidation and voter fraud.

² The *Spafford* case is still pending. The court did find that the statutory restrictions on commercial speech, which is entitled to less protection than political speech, bore a reasonable relationship to the state's interest in protecting privacy.

Sincerely,
JON BRUNING
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc: Patrick O'Donnell
Clerk of the Legislature
09-47-21

SELECT FILE

LEGISLATIVE BILL 588A. Senator Cornett withdrew her amendment, AM1189, found on page 1473.

Advanced to E & R for engrossment.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 103 and 118 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 103 and 118.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 274.

A BILL FOR AN ACT relating to liquefied petroleum gas; to state intent; to require a warning label; to provide for a limitation on liability; and to provide an operative date.

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, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Aguilar	Kruse	Rogert
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Excused and not voting, 1:

Ashford

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

LEGISLATIVE BILL 373.

A BILL FOR AN ACT relating to public health and welfare; to provide for inadmissibility of apologies regarding medical care as evidence; and to define terms.

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

Voting in the negative, 2:

Chambers Lathrop

Present and not voting, 1:

Wallman

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

LEGISLATIVE BILL 629. With Emergency.

A BILL FOR AN ACT relating to rural economic development and energy; to adopt the Rural Community-Based Energy Development Act; to provide severability; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 629A. With Emergency.

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.

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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Louden

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 274, 373, 629, and 629A.

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 317 with 43 ayes, 0 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 317. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2005, LB 424, sections 35 and 36; Laws 2005, LB 425, sections 65, 83, 84, 89, 92, 145, 146, 161, 223, and 239; Laws 2006, LB 454A, section 1; Laws 2006, LB 605A, sections 1 and 2; Laws 2006, LB 1024A, section 2; and Laws 2006, LB 1060, sections 130, 186, 190, 192, 194, 197, 200, 202, 204, and 206; to define terms; to provide, change, and eliminate provisions relating to appropriations; to provide for transfers; to repeal the original sections; to outright repeal Laws 2005, LB 126A, section 1; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 318. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2007-08 and FY2008-09; to provide an operative date; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 319. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2007-08 and FY2008-09; to define terms; to provide an operative date; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 320 with 38 ayes, 2 nays, and 9 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 320. With Emergency.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 321 with 38 ayes, 2 nays, and 9 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 321. With Emergency.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2009; to transfer funds; to provide duties; to provide an operative date; 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, 37:

Adams	Dubas	Heidemann	McDonald	Schimek
Aguilar	Engel	Howard	Nantkes	Stuthman
Ashford	Fischer	Hudkins	Nelson	Synowiecki
Avery	Flood	Janssen	Pahls	Wallman
Burling	Fulton	Johnson	Pankonin	Wightman
Carlson	Gay	Kopplin	Pedersen	
Cornett	Hansen	Kruse	Preister	
Dierks	Harms	Louden	Raikes	

Voting in the negative, 12:

Chambers	Friend	Lathrop	Pirsch
Christensen	Karpisek	McGill	Rogert
Erdman	Langemeier	Mines	White

Not voting, 0.

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 322 with 41 ayes, 2 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 322. With Emergency.

A BILL FOR AN ACT relating to state government; to amend section 47-633, Reissue Revised Statutes of Nebraska, sections 47-632, 48-162.02, 55-131, 60-1303, 60-1513, 66-489, 66-1345.04, 69-2436, 71-3532, 71-7611, 77-2602, 81-188.02, 81-188.04, 81-188.06, 81-523, 81-5,153, 81-1108.22, and 81-1201.21, Revised Statutes Cumulative Supplement, 2006, section 66-1345.02, Reissue Revised Statutes of Nebraska, as amended by section 29, Legislative Bill 701, One Hundredth Legislature, First Session, 2007, and sections 66-1345 and 66-1345.01, Revised Statutes Cumulative Supplement, 2006, as amended by sections 27 and 28, respectively, Legislative Bill 701, One Hundredth Legislature, First Session, 2007; to create, rename, eliminate, and change use of certain funds; to transfer funds; to change provisions relating to an excise tax on corn and grain sorghum; to change distribution of cigarette tax revenue; to change computation of depreciation charges; to state intent relating to appropriations; to eliminate obsolete language; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 84-221, 86-417.01, and 86-417.02, 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, 44:

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

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Lathrop Pirsch Rogert 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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 317, 318, 319, 320, 321, and 322.

SENATOR LANGEMEIER PRESIDING

MOTION - Return LB 323 to Select File

Senator Pirsch moved to return LB 323 to Select File for the following specific amendment:

AM1328

(Amendments to Final Reading copy)

- 1 1. On page 7, after line 8 insert the following new
- 2 subsection:
- 3 "(23) The State Treasurer shall transfer nineteen million
- 4 dollars from the Cash Reserve Fund to the Highway Cash Fund in four
- 5 equal quarterly amounts on or before July 15, 2008, October 15,
- 6 2008, January 15, 2009, and April 15, 2009.".

Senator Pedersen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 5 nays, and 14 not voting.

Senator Pirsch withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 323. With Emergency.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 72-730, 81-179, 84-612, and 84-613, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the Cash Reserve Fund; to provide for and eliminate transfers of funds and interest as prescribed; to harmonize provisions; to provide operative dates; 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	Fischer	Hudkins	McGill	Rogert
Aguilar	Flood	Janssen	Nantkes	Schimek
Ashford	Friend	Johnson	Nelson	Stuthman
Burling	Fulton	Karpisek	Pahls	Synowiecki
Carlson	Gay	Kopplin	Pankonin	Wallman
Cornett	Hansen	Kruse	Pedersen	Wightman
Dierks	Harms	Lathrop	Pirsch	
Engel	Heidemann	Louden	Preister	
Erdman	Howard	McDonald	Raikes	

Voting in the negative, 2:

Christensen Langemeier

Present and not voting, 2:

Avery Mines

Excused and not voting, 3:

Chambers Dubas 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.

LEGISLATIVE BILL 88. With Emergency.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims; 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	Hudkins	McGill	Rogert
Aguilar	Erdman	Janssen	Mines	Schimek
Ashford	Fischer	Johnson	Nantkes	Stuthman
Avery	Flood	Karpisek	Nelson	Synowiecki
Burling	Friend	Kopplin	Pahls	Wallman
Carlson	Fulton	Kruse	Pankonin	Wightman
Chambers	Gay	Langemeier	Pedersen	
Christensen	Hansen	Lathrop	Pirsch	
Cornett	Harms	Louden	Preister	
Dierks	Heidemann	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 2:

Dubas 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.

MOTION - Return LB 334 to Select File

Senator Dierks moved to return LB 334 to Select File for his specific amendment, AM1297, found on page 1492.

The Dierks motion to return prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 334. The Dierks specific amendment, AM1297, found on page 1492, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

SPEAKER FLOOD PRESIDING

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 247:
AM1304

- 1 1. Insert the following new section:
- 2 Section 1. (1) Notwithstanding section 44-3,131, (a)
- 3 any individual or group sickness and accident insurance policy,

4 certificate, or subscriber contract delivered, issued for delivery,
 5 or renewed in this state and any hospital, medical, or surgical
 6 expense-incurred policy, except for policies that provide coverage
 7 for a specified disease or other limited-benefit coverage, and
 8 (b) any self-funded employee benefit plan to the extent not
 9 preempted by federal law shall include screening coverage for a
 10 colorectal cancer examination and laboratory tests for cancer for
 11 any nonsymptomatic person fifty years of age and older covered
 12 under such policy, certificate, contract, or plan. Such screening
 13 coverage shall include a maximum of one screening fecal occult
 14 blood test annually and a flexible sigmoidoscopy every five years,
 15 a colonoscopy every ten years, or a barium enema every five to
 16 ten years, or any combination, or the most reliable, medically
 17 recognized screening test available. The screenings selected shall
 18 be as deemed appropriate by a health care provider and the patient.
 19 (2) This section does not prevent application of
 20 deductible or copayment provisions contained in the policy,
 21 certificate, contract, or employee benefit plan or require that
 22 such coverage be extended to any other procedures.
 23 2. Renumber the remaining sections accordingly.

Senator Nantkes filed the following amendment to LB 247:
 AM1303

1 1. Insert the following new section:
 2 Sec. 8. Section 71-1913.01, Revised Statutes Cumulative
 3 Supplement, 2006, is amended to read:
 4 71-1913.01 (1) Each program shall require the parent
 5 or guardian of each child enrolled in such program to present
 6 within thirty days after enrollment and periodically thereafter (a)
 7 proof that the child is protected by age-appropriate immunization
 8 against measles, mumps, rubella, poliomyelitis, diphtheria,
 9 pertussis, tetanus, ~~and~~ haemophilus influenzae type B, and invasive
 10 pneumococcal disease and such other diseases as the Department
 11 of Health and Human Services Regulation and Licensure may from
 12 time to time specify based on then current medical and scientific
 13 knowledge, (b) certification by a physician, an advanced practice
 14 registered nurse practicing under and in accordance with his or
 15 her respective certification act, or a physician assistant that
 16 immunization is not appropriate for a stated medical reason, or
 17 (c) a written statement that the parent or guardian does not wish
 18 to have such child so immunized and the reasons therefor. The
 19 program shall exclude a child from attendance until such proof,
 20 certification, or written statement is provided. At the time the
 21 parent or guardian is notified that such information is required,
 22 he or she shall be notified in writing of his or her right to
 23 submit a certification or written statement pursuant to subdivision
 1 (b) or (c) of this subsection.
 2 (2) Each program shall keep the written record of
 3 immunization, the certification, or the written statement of the

4 parent or guardian. Such record, certification, or statement shall
5 be kept by the program as part of the child's file, shall be
6 available onsite to the Department of Health and Human Services
7 and the Department of Health and Human Services Regulation and
8 Licensure, and shall be filed with the Department of Health and
9 Human Services for review and inspection. Each program shall report
10 to the Department of Health and Human Services by November 1
11 of each year the status of immunization for children enrolled
12 as of September 30 of that year, and children who have reached
13 kindergarten age and who are enrolled in public or private school
14 need not be included in the report.

15 2. Renumber the remaining sections and correct the
16 repealer accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 159. Introduced by Erdman, 47.

PURPOSE: To examine the public policies under the Nebraska Workers' Compensation Act and to evaluate whether current requirements regarding covered employees result in any adverse effects or unintended consequences to employers, including, but not limited to:

(1) The requirement that employers continue to maintain a workers' compensation policy even though personnel changes would otherwise exempt them from the act; and

(2) The application of workers' compensation policies to agricultural operations in Nebraska as a result of the use of the term "full-time employees" in subdivision (2)(d) of section 48-106.

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

1. That the Business and Labor 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.

LEGISLATIVE RESOLUTION 160. Introduced by Erdman, 47.

PURPOSE: To examine the results of the law enforcement retirement survey conducted utilizing the data reported to the Nebraska Retirement Systems Committee of the Legislature pursuant to the Law Enforcement Officers Retirement Survey Act in LB 328, One Hundredth Legislature, First Session, 2007. The study shall include, but not be limited to, an evaluation of the reported survey data and any actuarial data reported and result in a recommendation to the Legislature on the development of a plan to address the lack of retirement plans for peace officers employed by cities

of the second class and villages. These plans could include, but not be limited to, the creation of a new defined benefit plan, the creation of a new cash balance plan, the creation of a new defined contribution plan, or the possible inclusion of peace officers employed by cities of the second class and villages in the County Employees Retirement Act currently administered by the state.

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

1. That the Nebraska Retirement Systems 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.

LEGISLATIVE RESOLUTION 161. Introduced by Erdman, 47.

PURPOSE: To examine the manner in which agencies of Nebraska state government are providing public notice of their intention to adopt, amend, or repeal a rule or regulation under the Administrative Procedure Act. The state has an obligation to formulate policy and conduct business at all times in an open and transparent manner that assures an informed public. Recently, state agencies have begun to take advantage of technology and electronic communications to augment or replace printed notices of proposed rule or regulation changes. Given the complexity of accessing electronic information, the Government, Military and Veterans Affairs Committee of the Legislature shall undertake an overall examination of the manner of notification to ensure adequate public access and public notice to interested parties.

This study shall include, but not be limited to, reviewing whether current methods of notice are adequate to reach, as far as practicable, all interested parties and whether the current electronic information formats are sufficiently user friendly to facilitate public access to both existing and proposed agency rules and regulations.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee request from the several agencies of state government information on the manner in which they are undertaking the public notice requirement under the Administrative Procedure Act.

3. 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.

LEGISLATIVE RESOLUTION 162. Introduced by Synowiecki, 7.

PURPOSE: To examine the overall impact of the area agency on aging programs on the health of the citizens of Nebraska. Nebraska has eight area agencies on aging across the state that are funded by the Legislature and funded by Title XX of the federal Social Security Act.

This study shall determine the importance of area agency on aging programs in maintaining easily accessible health services in both the rural and urban areas of Nebraska, the level of funding necessary to bring programs online or to continue current programs, and partnerships with other agencies.

In addition, the study should determine whether the funding provided by the Legislature, as well as federal funding, is adequate.

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

1. That the Appropriations 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.

LEGISLATIVE RESOLUTION 163. Introduced by McGill, 26.

PURPOSE: To examine ways to increase the pool of potential foster parents, particularly parents who have demonstrated their willingness and ability to foster children.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 164. Introduced by McGill, 26.

PURPOSE: To examine transitional benefits under Temporary Assistance for Needy Families (TANF) programs and their effectiveness in successfully moving families to permanent self-sufficiency.

This study shall include, but not be limited to, the examination of:

(1) Standards of eligibility for transitional benefits and their effectiveness in successfully transitioning families from TANF;

- (2) Consistencies or inconsistencies in rules, eligibility standards, and sliding fee scales among programs providing transitional benefits;
- (3) Rules, standards of eligibility, and sliding fee scales in other states;
- (4) State rules governing such benefits and the potential need to revise such rules within the power of the state;
- (5) Benefits intended to keep families from returning to or seeking public assistance;
- (6) Data gathered and available which reflects the effectiveness or ineffectiveness of benefits intended to successfully move families to permanent self-sufficiency; and
- (7) The cost-effectiveness of moving families to permanent self-sufficiency.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 165. Introduced by McGill, 26.

PURPOSE: To examine the service needs of victims of domestic violence, sexual assault, and stalking and identify cost-effective system enhancements for prevention and intervention. The study shall include, but not be limited to, examination of:

- (1) Underserved victim populations and unmet needs;
- (2) Opportunities for enhanced public and private partnerships;
- (3) Knowledge, attitudes, and beliefs that perpetuate or mitigate violence and oppression;
- (4) Trends and projections related to victim needs, services, and funding;
- (5) Cost-benefit analysis of various victim services;
- (6) Offender treatment;
- (7) Services for children who are victims or witnesses; and
- (8) Changing victim and program support needs including, but not limited to, training and technical support.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 166. Introduced by Schimek, 27.

PURPOSE: To study the need for increased and uniform insurance coverage for cochlear implant surgeries and auditory rehabilitation services. The study shall include, but not be limited to:

(1) An examination of insurance coverage available for cochlear implant surgeries and auditory rehabilitation services in Nebraska;

(2) An examination of the reported qualitative and quantitative benefits of cochlear implants;

(3) A comparison of other state and federal laws that require coverage for cochlear implant surgeries and auditory rehabilitation services;

(4) An examination of the fiscal impact of insurance coverage for cochlear implant surgeries on the insurance industry; and

(5) A review of the availability of cochlear implant surgeries and auditory rehabilitation services in Nebraska.

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

1. That the Banking, Commerce and Insurance 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.

LEGISLATIVE RESOLUTION 167. Introduced by Flood, 19.

PURPOSE: To evaluate the nature and scope of state resources that should be devoted to the University of Nebraska Medical Center College of Nursing, the state's only comprehensive PhD-granting institution for nurses, with primary emphasis placed on ensuring the long-term sustainability of a new Northern Nebraska Division of the University of Nebraska Medical Center College of Nursing.

Several recent studies have demonstrated an ongoing and critical shortage of Registered Nurses (RNs) since 1998 in the United States and particularly in rural states like Nebraska. Projections indicate that the national demand for RNs will exceed the available supply by twenty percent in 2020, and in many rural areas of Nebraska the projected demand will exceed the supply by twenty to thirty percent by 2020. In the last year, more than twenty states have developed significant policy and funding responses to address the critical and unique RN and faculty workforce needs of their respective states. The feasibility study conducted by the University of Nebraska Medical Center in 2006 illustrates that the shortage of RNs, especially those with baccalaureate and master's degrees, is particularly acute in the northeast region of the state.

This RN shortage endangers quality of care and places patients at increased risk for illness and death. In fact, studies indicate that many of the

improved patient outcomes are specifically correlated to baccalaureate-prepared RNs providing direct patient care. The need for these baccalaureate-prepared nurses will only increase in the future in order to meet the demands of patients and the increasingly complex health care system — a system requiring clinically relevant research that builds the science for nursing practice.

The ability to ensure adequate numbers of RNs with baccalaureate and master's degrees is dependent upon having adequate numbers of doctoral-prepared nursing faculty. At this time, however, the nation is experiencing the most serious shortage of doctoral-prepared nursing faculty ever, with a diminishing pipeline of doctoral enrollees and graduates. This is particularly true in rural states like Nebraska. Yet experience has demonstrated that the economic vitality of a community's hospital and health care resources is essential to the economic growth of a region, especially in those rural communities where each job in the health care sector has been shown to generate additional jobs and revenue in other sectors of the rural economy.

At this time, there are no public institutions in the northeast region of the State of Nebraska that produce baccalaureate and higher-degreed RNs.

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

1. That the Appropriations 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.

LEGISLATIVE RESOLUTION 168. Introduced by Flood, 19; Stuthman, 22.

PURPOSE: To study several issues relating to Nebraska's emergency protective custody (EPC) procedures.

Law enforcement across the state is expending considerable resources in connection with (1) securing placements for individuals who are detained pursuant to Nebraska's EPC procedures and (2) transporting such individuals to such placements. Deputies who would otherwise be patrolling their jurisdictions are frequently called upon to transport EPC individuals to facilities outside their jurisdictions. Oftentimes, these officers find themselves transporting the same individuals to facilities within their jurisdiction a short time later, when free beds in local facilities come open.

As Nebraska continues implementing its long-term plans for mental health reform, with a focus on increasing community-based services, law enforcement will continue to face these difficulties. In an effort to enhance public safety while maximizing tax dollars, this study will include, but not be limited to, an examination of the following:

(1) The availability of beds for individuals detained pursuant to the EPC statutes;

(2) The feasibility of a statewide, toll-free telephone hotline for law enforcement officers to use in order to locate facilities that are accepting individuals in EPC; and

(3) The feasibility of delaying the return of an EPC individual to the originating jurisdiction from an out-of-jurisdiction placement until the time necessary for the individual to consult with legal counsel and attend the mental health board hearing, unless otherwise practicable for law enforcement.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 169. Introduced by Kopplin, 3; Adams, 24; Dierks, 40; Hansen, 42; Harms, 48; Howard, 9; Nantkes, 46; Pahls, 31; Pedersen, 39; Schimek, 27; Stuthman, 22.

PURPOSE: To study public school funding in Nebraska to determine if there exists a need to either revise the current method of school financing or design and implement a new method of school financing.

Since the current method of public school financing, the Tax Equity and Educational Opportunities Support Act (TEEOSA), was passed by the Legislature in 1990, the act has undergone many changes and modifications. In addition, since TEEOSA was first implemented, the landscape of education in Nebraska has dramatically changed. The state has become increasingly diverse and a greater strain has been placed on the resources necessary to finance education. While the overall student population in the state has dropped by approximately 3,000 students, the number eligible for free or reduced price lunch has increased by over 90,000 students. On the national level, the emphasis in education has changed from providing universal access to universal achievement.

The issues to be addressed by this study shall include the following:

(1) What level of funding is sufficient to meet state accreditation standards and fund essential educational opportunities in each school district in the state;

(2) What are the appropriate mechanisms to address special needs, sparsity, poverty, and the growing immigrant population;

(3) The role of property tax in funding public school education;

(4) The use of incentives to employ more highly qualified teaching and instructional support staff, as measured by level of certification, postsecondary education, experience, and skill standards;

(5) What resources would be necessary to focus on increasing educational opportunity and universal achievement;

- (6) Funding stability;
- (7) School district accountability in the use of state funds for education;
- (8) The efficacy and cost of implementing increased student support mechanisms such as an extended school day and teaching time, tutoring support, or family support; and
- (9) Other issues as deemed pertinent by the committees.

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

1. That the Education Committee, the Revenue Committee, and the Appropriation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of this study make a report of the findings, together with any recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 170. Introduced by Nantkes, 46; McGill, 26.

PURPOSE: The purpose of this resolution is to study matters relating to the gardasil vaccine that is used to prevent certain deadly strains of human papillomavirus. The study shall include an examination of other states' activities relative to use of the vaccine, on what populations it is used, and how it is funded.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 171. Introduced by Nantkes, 46.

PURPOSE: The purpose of this resolution is to research funding alternatives for updating the student information systems at the University of Nebraska. Currently, the vendor that services and updates the student information system at the University of Nebraska will cease operations in 2011. Therefore, it is imperative that alternative methods and funding sources for such systems be explored before that time.

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

1. That the Appropriations 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.

LEGISLATIVE RESOLUTION 172. Introduced by Nantkes, 46.

PURPOSE: To examine the Nebraska state college system's existing student information system which was purchased and implemented in 1987 and is now dated and lacks the necessary functions to provide appropriate administrative support to students and faculty and for accountability reporting.

SunGard Higher Education, the company that serves the existing software system, has indicated that it will cease supporting the software system on December 31, 2011. This lack of critical support for the software system will seriously jeopardize ongoing student and financial operations for the state colleges.

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

1. That the Appropriations 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.

LEGISLATIVE RESOLUTION 173. Introduced by Heidemann, 1.

PURPOSE: The purpose of this study is to review the adequacy of funding for the Nebraska College of Technical Agriculture at Curtis (NCTA). NCTA has a statewide mission of instruction relating to food and agriculture at less than the baccalaureate degree, with concentration on the applied associate degree. By policy of the Board of Regents of the University of Nebraska and state law, NCTA exists as a distinct subprogram of the university and has a separate operating budget. By policy, the Board of Regents does not transfer funds from other university programs if the funds appropriated by the Legislature and generated by NCTA are inadequate to provide for the continued operation of NCTA.

The study shall include, but not be limited to:

- (1) The adequacy of funding for the operating budget of NCTA; and
- (2) The adequacy of funding for the facilities at NCTA.

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

1. That the Appropriations 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.

LEGISLATIVE RESOLUTION 174. Introduced by Christensen, 44; Loudon, 49.

PURPOSE: To examine coordination between natural resources districts and state agencies as well as coordination between the state and federal government with respect to surface water flows during times of great need or emergency in Nebraska in order to use our water resources prudently. This study shall include, but not be limited to, assessing the administrative, legal, and physical barriers to diverting water to avoid and minimize unnecessary damage caused by flooding, ice jams, and drought.

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

1. That the Natural Resources 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.

LEGISLATIVE RESOLUTION 175. Introduced by Christensen, 44; Loudon, 49.

PURPOSE: To examine every major river and stream in Nebraska with respect to stream flow. This study shall identify areas of surplus and shortages currently present in each of these major rivers and streams and compare their current stream flows to their historical stream flows. This study shall also include, but not be limited to, identifying municipal well fields near rivers and streams where shortages exist, to assess the feasibility of slowing the stream flow to help with recharge in shortage areas, and identifying possible techniques to accomplish greater recharge.

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

1. That the Natural Resources 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.

LEGISLATIVE RESOLUTION 176. Introduced by Christensen, 44; Louden, 49.

PURPOSE: To examine and identify areas of historical surplus of surface water in Nebraska and look at the potential development of additional water storage facilities for recreational use, hydroelectric power generation, and transfers for compliance with interstate compacts, agreements, or decrees.

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

1. That the Natural Resources 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.

LEGISLATIVE RESOLUTION 177. Introduced by Christensen, 44; Louden, 49.

PURPOSE: The purpose of this study is to examine the ground water model developed and set forth from the Final Settlement Stipulation of the Republican River Compact due to questions regarding inputs and accounting. This study shall look at the ground water modeling process as a whole and identify potential improvements to the overall fairness and accuracy of the model. This study shall include, but not be limited to, the examination of the inputs and accounting currently being used in the ground water model to assess whether such inputs and accounting accurately represent all the variables currently present in the Republican River Basin that have actual and real influence on the outcomes of the model and actual stream flows that may negatively affect Nebraska's compliance to the compact and stipulation. This study shall develop recommendations and present them in a report.

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

1. That the Natural Resources 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.

LEGISLATIVE RESOLUTION 178. Introduced by Christensen, 44; Ashford, 20.

PURPOSE: To examine the nature and consistency of local firearm regulation across the State of Nebraska. Presently, Nebraska has a patchwork of local ordinances regulating the possession, use, and transport of firearms and the carrying of concealed firearms. Many of these local enactments appear inconsistent with applicable state law, and there is disagreement with regard to those instances in which state statutes preempt local ordinances. Nebraskans have a right to expect a reasonable degree of consistency within the state's borders with respect to the regulation of firearms. Being subject to inconsistent and possibly conflicting firearm regulation from one jurisdiction to another places otherwise law-abiding citizens in danger of arrest for purely inadvertent and otherwise innocent actions.

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 hold two or more public hearings to receive testimony on the subject of this resolution for the purpose of giving citizens in all areas of Nebraska a chance to offer their views.
3. 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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 323 and 88.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 15, 2007, at 11:05 a.m. were the following: LBs 274, 373, 629e, 629Ae, 317e, 318e, 319e, 320e, 321e, and 322e.

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

VISITORS

Visitors to the Chamber were former Senator Jim Cudaback from Riverdale; Iwao Tomita from Tohmatsu, Japan; 32 fourth-grade students from Bryant Elementary, Kearney; Ryan McIntosh from Unadilla; Senator Langemeier's sister and nephew, Diane and Taylor Page; 42 fourth-grade students from Starr Elementary, Grand Island; and 42 fourth-grade students from Conestoga School, Omaha.

RECESS

At 11:58 a.m., on a motion by Senator Pedersen, 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 Senators Dierks, Friend, and Raikes who were excused until they arrive.

**COMMITTEE REPORT
Enrollment and Review****Correctly Engrossed**

The following bill was correctly engrossed: LB 588A.

(Signed) Amanda McGill, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 15, 2007, at 12:15 p.m. were the following: LBs 323e and 88e.

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

MOTION - Return LB 198 to Select File

Senator Erdman moved to return LB 198 to Select File for the following specific amendment:

FA107

Strike the enacting clause.

Senator Erdman withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 198.

A BILL FOR AN ACT relating to elections; to amend sections 49-1474.02 and 86-236, Revised Statutes Cumulative Supplement, 2006; to change requirements for campaign messages under the Nebraska Political

Accountability and Disclosure Act; to provide requirements for political messages disseminated under the Automatic Dialing-Announcing Devices Act; 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, 31:

Adams	Dierks	Howard	Pankonin	Synowiecki
Aguilar	Dubas	Janssen	Pedersen	Wallman
Ashford	Engel	Johnson	Pirsch	Wightman
Avery	Fischer	Karpisek	Preister	
Carlson	Gay	Kruse	Raikes	
Chambers	Hansen	McDonald	Rogert	
Cornett	Harms	Pahls	Schimek	

Voting in the negative, 7:

Christensen	Flood	Langemeier	Nelson
Erdman	Friend	Mines	

Present and not voting, 10:

Burling	Heidemann	Kopplin	Louden	Nantkes
Fulton	Hudkins	Lathrop	McGill	White

Excused and not voting, 1:

Stuthman

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 179. Introduced by Fischer, 43.

PURPOSE: The federal REAL ID Act of 2005 will be implemented on May 11, 2008. The act provides a detailed list of certain standards, procedures, and requirements for issuing state driver's licenses and identification cards if such documents are to be accepted as identity documents by the federal government. The United States Department of Homeland Security has recently issued its notice of proposed rulemaking regarding the act. The final rule adopted by the department is likely to have several changes made to required processes. Regardless, the act will have a profound impact on Nebraska's current driver's license and identification card issuing practices. Planning and investigation has already begun on how Nebraska driver's license and identification card holders will be affected.

The study shall consider the different alternatives available to the Department of Motor Vehicles in implementing the REAL ID Act of 2005, including central issuance and regional sites and the consequences of gravitating towards such a business model. In addition, the study will analyze the final rule adopted by the United States Department of Homeland Security, what it means to Nebraska's citizens, and what the Department of Motor Vehicles has done in investigating possible alternatives if Nebraska were to begin implementing the act.

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

1. That the Transportation and Telecommunications 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.

LEGISLATIVE RESOLUTION 180. Introduced by Fischer, 43.

PURPOSE: Off-road vehicles are becoming increasingly prevalent in our society. These vehicles include, but are not limited to, all-terrain vehicles, minibikes, minitrucks, neighborhood electric vehicles, golf carts, and motorized scooters. Many of these vehicles have been introduced to the highways in recent years and are not considered in the Nebraska motor vehicle titling and registration statutes or the Nebraska Rules of the Road.

The committee shall conduct a review to determine whether Nebraska's laws are sufficient and clear as to the titling, registration, and operation of these vehicles on the highways and the implications of allowing these vehicles on state and local highways.

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

1. That the Transportation and Telecommunications 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.

LEGISLATIVE RESOLUTION 181. Introduced by Fischer, 43.

PURPOSE: Broadband Internet service has been widely held to be crucial to a community and its residents. Broadband networks can increase productivity and drive economic growth, improve education, and allow consumers to make more informed purchasing decisions. The Federal Communications Commission has stated that it believes wireless broadband,

as well as other alternative broadband platforms, such as satellite and broadband over power lines, can create a competitive broadband marketplace and bring the benefits of lower prices, better quality, and greater innovation to consumers. Municipal-provided wireless Internet has become an avenue being explored in communities across the nation, including several who have such a service up and running.

The committee will examine the current municipal-provided wireless Internet services and their overall success, as well as the advantages and disadvantages of providing such a system. The study will also consider the implications of Laws 2005, LB 645, and what restrictions current law places on municipal-provided wireless Internet service.

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

1. That the Transportation and Telecommunications 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.

LEGISLATIVE RESOLUTION 182. Introduced by Kruse, 13.

PURPOSE: To study retirement benefits provided to public employees in Nebraska. The study shall include a comparison of the benefits provided and cost of defined benefit and defined contribution plans and retirement ages.

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

1. That the Nebraska Retirement Systems 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.

LEGISLATIVE RESOLUTION 183. Introduced by Nantkes, 46; Hansen, 42; Karpisek, 32; McGill, 26; Rogert, 16.

PURPOSE: The purpose of this resolution is to study security matters at the Nebraska State Capitol. The study shall include, in addition to legislative staff and state senators, the participation of representatives from the Nebraska Office of Homeland Security, the Nebraska State Patrol, the Nebraska Supreme Court, and the offices of the Governor, Attorney General, State Auditor, Secretary of State, and other entities housed within the Nebraska State Capitol.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 184. Introduced by Nantkes, 46; Engel, 17; Fulton, 29; Harms, 48; Kruse, 13; Nelson, 6; Synowiecki, 7; Wightman, 36.

PURPOSE: The purpose of this resolution is to study the legislative appropriations process, to examine alternative methods of creating state budgets, including different methods of processing state agency funding requests, and the viability of zero-based budgeting.

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

1. That the Appropriations 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.

LEGISLATIVE RESOLUTION 185. Introduced by Nantkes, 46; Cornett, 45; Gay, 14; Karpisek, 32; Nelson, 6; Rogert, 16; Wallman, 30.

PURPOSE: The purpose of this resolution is to direct the Business and Labor Committee of the Legislature to study the film industry in Nebraska as it relates to economic development and employment of our citizens. The study shall include, but not be limited to, evaluation of the types and numbers of jobs in Nebraska created by the film industry, the occurrence of these opportunities, the revenue generated in Nebraska by the film industry, and what can be done to encourage further job growth in this area.

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

1. That the Business and Labor 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.

LEGISLATIVE RESOLUTION 186. Introduced by Pedersen, 39.

PURPOSE: The purpose of this study is to examine section 14-109 of the Revised Statutes of Nebraska, regarding the authority for metropolitan class cities to collect occupation taxes, specifically wheel taxes, and the effect of expanding the collection of these taxes to persons who live beyond the city limits and zoning jurisdiction of the city.

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

1. That the Urban Affairs 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.

LEGISLATIVE RESOLUTION 187. Introduced by Dierks, 40.

PURPOSE: To examine ways to maximize rural economic development benefits of agricultural land and commodities. In particular, the study shall examine ways to keep markets accessible to local farmers and business persons and keep the benefits of ownership with local residents and communities.

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

1. That the Agriculture 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.

LEGISLATIVE RESOLUTION 188. Introduced by Dierks, 40.

PURPOSE: To study the duties of Nebraska's Carbon Sequestration Advisory Committee. This committee was established in 2000 with the passage of LB 957. The study would reexamine the mission of the Carbon Sequestration Advisory Committee due to the completion of its initial responsibilities. A future role for this committee must be considered in light of a viable national carbon market.

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

1. That the Agriculture 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.

LEGISLATIVE RESOLUTION 189. Introduced by Janssen, 15.

PURPOSE: To examine the possibility of exempting car washes from the sales tax.

This study shall examine:

- (1) Similar tax policies of states surrounding Nebraska;
- (2) The current level of tax remitted by car washes by both local and state government; and
- (3) A methodology for replacing revenue lost by both the state and local political subdivisions as a result of a car wash sales tax exemption.

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

1. That the Revenue 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.

LEGISLATIVE RESOLUTION 190. Introduced by Janssen, 15.

PURPOSE: To examine issues relating to legalizing the sale of all liquor on Sundays. Currently, Nebraska law prohibits the sale of alcohol, except beer and wine, between the hours of 6 a.m. and 12:00 p.m. on Sundays. This study would examine the potential of allowing, by ordinance of a local governing body, that liquor be sold as well during hours of operation on Sundays.

This study shall address the following issues:

- (1) The option for enabling city governments to allow liquor to be sold from 6 a.m. to 1 a.m. on Sundays; and
- (2) The history of the current liquor law.

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

1. That the General Affairs 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.

LEGISLATIVE RESOLUTION 191. Introduced by Flood, 19.

PURPOSE: The goal of this interim study is to examine how LB 1114 (1996) and LB 904 (2006) have affected second class cities and villages.

In 1996, the Legislature passed LB 1114, which lowered the property tax lid for second class cities and villages from one dollar and five cents to forty-five cents per one hundred dollars of taxable valuation. Floor discussions on LB 1114 recognized that such action could prove to be devastating for smaller communities that could not make up the lost revenue through the local option municipal sales tax and/or consolidation of services. There was some indication that state aid may be one mechanism for alleviating this burden.

In 2006, the Legislature passed LB 904, which, among other things, required cities and counties to spend any local sales tax collected from sales of motor vehicles for street and road purposes, except instances where existing sales tax revenue was pledged for bonds issued for other purposes or other revenue sources were pledged for bonds issued for street and road purposes.

It is the intent of this interim study to analyze the effect that these municipal spending restrictions have had on cities of the second class and villages.

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

1. That the Revenue 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.

SENATOR ERDMAN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 551. Senator Chambers withdrew his amendment FA74, found on page 1187.

Senator Chambers renewed his amendment, FA75, found on page 1188.

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

Senator Chambers withdrew his amendment, FA76, found on page 1188.

Senator Chambers renewed his amendment, FA77, found on page 1188.

SENATOR FRIEND PRESIDING

The Chambers amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 192. Introduced by Pankonin, 2.

PURPOSE: To study the practice of mail solicitations by issuers of bank credit cards and consider whether legislation regarding this practice would be appropriate.

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

1. That the Banking, Commerce and Insurance 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.

LEGISLATIVE RESOLUTION 193. Introduced by Raikes, 25.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

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

1. That the Education 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.

LEGISLATIVE RESOLUTION 194. Introduced by Raikes, 25.

PURPOSE: To examine policy changes that should be pursued that would encourage more Nebraskans to avail themselves of opportunities for higher education in the state. The Education Committee of the Legislature shall conduct a study of the following:

- (1) A determination of the current college attendance rate in Nebraska;
- (2) An identification of Nebraska policies that create possible impediments for Nebraskans who want to pursue higher education in the state;
- (3) An examination of how the availability of need-based aid affects decisions about pursuing higher education; and

(4) An exploration of additional policies that could be initiated to increase the college attendance rate in Nebraska.

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

1. That the Education 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.

LEGISLATIVE RESOLUTION 195. Introduced by Schimek, 27.

PURPOSE: (1) Recent federal investigations into the state's veterans homes and the Beatrice State Developmental Center have identified systematic problems of staffing, oversight, and patient care.

(2) The state's regional centers have been realigned to provide an array of services to sexual offenders, children, and adults with severe behavioral health problems. The regional centers have been the subject of litigation regarding patient care and employee injuries, which have risen sharply since the realignment.

(3) Nebraska's correctional facilities have exceeded their capacity and the corresponding staffing, inmate care, and oversight issues are growing.

(4) This study shall examine and provide recommendations relating to the state's operation of facilities that provide twenty-four-hour care to the citizens of Nebraska.

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

1. That the Health and Human Services 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.

GENERAL FILE

LEGISLATIVE BILL 551. Senator Chambers renewed his amendment, FA78, found on page 1188.

The Chambers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Chambers renewed his amendment, FA79, found on page 1188.

The Chambers amendment was adopted with 28 ayes, 0 nays, 18 present and

not voting, and 3 excused and not voting.

Senator Chambers renewed his amendment, FA80, found on page 1188.

The Chambers amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senator Chambers renewed his amendment, FA81, found on page 1188.

The Chambers amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Avery asked unanimous consent to withdraw his amendment, AM1009, found on page 1232, and replace it with his substitute amendment, AM1336. No objections. So ordered.

AM1336

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

3 Sec. 7. Section 13-2612, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 13-2612 The board shall not accept applications
6 for assistance under the Convention Center Facility Financing
7 Assistance Act shall terminate on after June 1, 2010. 2002, if no
8 applications for assistance have been approved prior to such date.

9 Sec. 8. Section 13-2706, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 13-2706 Any municipality, except a city ~~of the~~
12 ~~metropolitan class, that has received funding under the Convention~~
13 Center Facility Financing Assistance Act, may apply for a grant
14 of assistance from the fund. Application shall be made on forms
15 developed by the department.

16 2. On page 4, line 11, strike "publicly owned" and show
17 as stricken; and strike beginning with "located" in line 20 through
18 line 23 and insert "in which the public may, for a consideration,
19 obtain sleeping accommodations and which is located within two
20 hundred yards of a convention and meeting center facility or a
21 sports arena facility;".

22 3. On page 5, line 20, strike "stadiums,"; and in line 22
23 after "and" insert "onsite".

1 4. On page 7, after line 5 insert the following new
2 subsection:

3 "(4) Any state assistance received pursuant to the act
4 shall not be used for any private purpose.".

5 5. On page 9, strike line 22, show as stricken, and
6 insert "(4) The"; and in line 24 before "be" insert "shall".

7 6. On page 10, after line 1 insert the following new
8 subsection:

9 "(5) Any municipality that has applied for and received a
10 grant of assistance under the Local Civic, Cultural, and Convention

11 Center Financing Act may not receive state assistance under the
 12 Convention Center Facility Financing Assistance Act."; in line 3
 13 strike "and" and before "Revised" insert "13-2612, and 13-2706,";
 14 in line 5 strike "sections are" and insert "section is"; and in
 15 line 6 strike "Sections" and insert "Section" and strike "and
 16 13-2612".
 17 7. Renumber the remaining sections accordingly.

Pending.

SPEAKER FLOOD PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 198.

GENERAL FILE

LEGISLATIVE BILL 551. The Avery amendment, AM1336, found in this day's Journal, was renewed.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 4 nays, and 16 not voting.

The Avery amendment was adopted with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

Senators Ashford, Chambers, Flood, Howard, Kruse, Lathrop, Preister, and Synowiecki offered the following amendment:
 AM1332

1 1. On page 9, line 5, strike "(2)", show as stricken,
 2 and insert "(2)(a)"; and in line 14 after the period insert the
 3 following new subdivisions:
 4 "(b) Ten percent of such funds appropriated to a city of
 5 the metropolitan class under this subsection shall be utilized for
 6 projects in areas with a high concentration of poverty to promote
 7 athletics and tourism.
 8 (c) For purposes of this subsection, an area with a high
 9 concentration of poverty means an area in which the average poverty
 10 rate exceeds twenty percent for the total federal census tract or
 11 tracts or federal census block group or block groups in the area or
 12 within a reasonable proximity to the area when the area is located
 13 within the legal boundaries of a city of the metropolitan class".

Senator Ashford moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Ashford et al. amendment was adopted with 28 ayes, 2 nays, 13 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 28 ayes, 7 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 551A. Title read. Considered.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 15, 2007, at 4:37 p.m. was the following:
LB 198.

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

COMMITTEE REPORTS **Enrollment and Review**

Correctly Engrossed

The following bill was correctly engrossed: LB 334.

ST9041

Enrollment and Review Change to LB 334

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

1. In the E & R amendments, ER8068, on page 2, line 3, "77-5014," has been struck; in line 15 "to rename a fund;" has been inserted after the semicolon; and in line 18 "77-708, and 81-109" has been struck and "and 77-708" inserted.

(Signed) Amanda McGill, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 641A. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 641, One Hundredth Legislature, First Session, 2007.

AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB 342:
AM1320

(Amendments to E & R amendments, ER8110)

- 1 1. Strike sections 44, 45, and 46 and insert the
- 2 following new sections:
- 3 Sec. 44. This act becomes operative on July 1, 2007.
- 4 Sec. 45. Original sections 85-1418, 85-1511, 85-1536,
- 5 and 85-1538, Reissue Revised Statutes of Nebraska, and sections
- 6 13-518, 77-3442, 85-9,177, 85-9,178, 85-9,179, 85-9,180, 85-9,181,
- 7 85-9,182, 85-1416, 85-1503, 85-1517, and 85-1903, Revised Statutes
- 8 Cumulative Supplement, 2006, are repealed.
- 9 2. On page 2, line 13, after "of" insert "general fund".
- 10 3. On page 6, line 27, after "area" insert "up to
- 11 the number of full-time equivalent students attributable to the
- 12 community college area with the fewest number of full-time
- 13 equivalent students".
- 14 4. On page 7, line 11, strike "each area" and insert "all
- 15 areas".
- 16 5. On page 8, lines 12 and 13, strike "the product of";
- 17 in line 15 strike "total"; in line 23 strike "valuation" and insert
- 18 "property valuation attributable to each community college area";
- 19 and strike beginning with "the" in line 25 through line 27 and
- 20 insert "tuition and fees attributable to each community college
- 21 area that were collected in the fiscal year prior to the fiscal
- 22 year for which aid is to be calculated";.
- 1 6. On page 9, strike line 1; in line 10 strike beginning
- 2 the comma through "zero"; in line 13 before "foundation" insert
- 3 "system" and after the last "aid" insert ", except that total aid
- 4 shall not be less than zero"; and in line 21 strike "eighty-five"
- 5 and insert "eighty".
- 6 7. Renumber the remaining sections accordingly.

Senator Synowiecki filed the following amendment to LB 542:
AM1295

(Amendments to AM1202)

- 1 1. On page 2, line 21, after the period insert "The scope
- 2 of the plan shall include juveniles accessing public behavioral
- 3 health resources".
- 4 2. On page 2, lines 24 and 27; page 3, line 7; and page
- 5 4, line 20, strike "mental" and insert "behavioral".
- 6 3. On page 3, lines 3, 11, 15, 19, and 24 strike "mental
- 7 health"; in lines 3 and 19 strike "care" and insert "services";
- 8 and in line 27 strike "division" and insert "Division of Behavioral
- 9 Health of the Department of Health and Human Services".
- 10 4. On page 4, line 3, strike ", the task force,";
- 11 in line 12 reinstate the stricken "though the"; in line 13
- 12 strike "for juvenile offenders", show as stricken, and insert

- 13 "Youth Rehabilitation and Treatment Center - Kearney and Youth
 14 Rehabilitation and Treatment Center - Geneva"; in line 20 strike
 15 "shall" and insert "may"; and strike beginning with "where" in
 16 line 21 through "may" in line 22 and insert "if the treatment and
 17 security needs of the juvenile can".
 18 5. On page 5, line 4, strike "paroled or".

Senator Flood filed the following amendment to LB 551:
 FA108

On page 9, line 13 insert "Seventy five million dollars for any one approved project, or the cost of acquiring, constructing, improving, or equipping the existing facilities". On page 9, lines 18-21 reinstate the stricken language.

Senator Raikes filed the following amendment to LB 456:
 AM1312

(Amendments to E & R amendments, ER8105)

- 1 1. On page 3, line 21; and page 4, line 4, strike "2008"
- 2 and insert "2009".

RESOLUTIONS

LEGISLATIVE RESOLUTION 196. Introduced by Janssen, 15.

PURPOSE: To review the findings of the Nebraska Juvenile Correctional Facilities Master Plan Update.

This study shall include, but not be limited to:

- (1) A review of the original Nebraska Juvenile Correctional Facilities Master Plan from 1999, including an update on the status of the recommendations found in the Master Plan; and
- (2) A review of the Nebraska Juvenile Correctional Facilities Master Plan Update and the recommendations and findings contained in the update.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 197. Introduced by Cornett, 45.

PURPOSE: To study the workers' compensation program in order to evaluate the use, cost-effectiveness, and benefit of the current vocational rehabilitation program and to determine whether it is meeting the Legislature's goals.

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

1. That the Business and Labor 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.

LEGISLATIVE RESOLUTION 198. Introduced by Louden, 49.

PURPOSE: To examine the benefits, costs, and data collection from flow meters installed to measure ground water use and surface water use, and to determine whether use of flow meters should be mandated in all river basins.

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

1. That the Natural Resources 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.

LEGISLATIVE RESOLUTION 199. Introduced by Ashford, 20.

PURPOSE: To examine the existing first degree sexual assault and statutory rape statute, Neb. Rev. Stat. section 28-319, and research similar laws in other jurisdictions to determine:

(1) If the existing minimum penalties for first offense first degree sexual assault are adequate to protect victims, provide a deterrent, and punish offenders; and

(2) If the current statutory structure for the crime of statutory rape in Nebraska is adequate and whether approaches in other jurisdictions, including those which provide graduated penalties based upon the ages of the parties, which allow for a defense for misrepresentation of fact or for consideration of mitigating circumstances at sentencing would better serve the interests of the state and the victims of this crime.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH 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.

LEGISLATIVE RESOLUTION 200. Introduced by Ashford, 20.

PURPOSE: To examine the guardian ad litem statutes and several proposals for reform of the juvenile legal services system. Specifically, the study shall examine how guardians ad litem should be appointed, how they should be managed, whether there should be guidelines and standards regulating the guardian ad litem practice across the state, and whether a centralized office should be created to oversee such guidelines and standards. The study shall also identify ways to improve legal representation in juvenile court cases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH 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.

LEGISLATIVE RESOLUTION 201. Introduced by Johnson, 37.

PURPOSE: To examine existing policies and practices with regard to non-English speaking families in the Nebraska child welfare system. The committee shall examine the current availability and utilization of translation and interpreter services, at what points in a child abuse or neglect case translation and interpreter services are or are not provided, and to what extent the rights of non-English speaking families across the state are being adequately protected in the process.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 202. Introduced by Johnson, 37.

PURPOSE: The Legislature finds that:

- (1) The health of our children is of paramount importance to families in our state.
- (2) Poor child health is a threat to the educational achievement, social, and psychological well-being of the children of our state.

(3) Nebraska has more parents in the workforce than most states and more jobs that are part-time, seasonal, or without full benefit packages.

(4) Many other factors have caused health care premiums to increase dramatically for the last several years, making it difficult for employers and low to middle income families to maintain coverage.

(5) The state children's health insurance program (SCHIP) of this state, which enrolled 44,981 uninsured children in federal fiscal 2006, is an integral part of the arrangement for health benefits for the children of the State of Nebraska.

(6) The average monthly cost for SCHIP per child, including state and federal funds, was \$152.00 in Fiscal Year 2006.

(7) The federal State Children's Health Insurance Program covered 24,226 children as of March 2007, and the state depends on the federal government's enhanced match rate payment of 71% of the cost of this program.

(8) A small reduction in the enhanced match rate could result in either a large increase in state expenditures to provide coverage for eligible children or in the loss of insurance coverage for poor children.

(9) The federal State Children's Health Insurance Program should be reauthorized and funded by Congress by December 31, 2007, to provide stable funding, to cover existing covered children, to cover children eligible but not enrolled, to provide flexibility, and to be affordable; and

(10) There is a need to review the availability of insurance and types of coverage provided, particularly for jobs with wages that bring families to an income level of at least 200% to 400% of the poverty level. This review will include the number of employers offering coverage, the types of coverage offered, the cost to employees, the number of Nebraskans not employed by employers offering affordable coverage, and the number of those households that have children.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to determine what actions might be taken to harmonize Nebraska's state children's health insurance program to changes allowed by the federal State Children's Health Insurance Program as reauthorized and funded by Congress and the availability of other types of insurance to meet the needs of lower-income Nebraskans and their children.

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.

LEGISLATIVE RESOLUTION 203. Introduced by Johnson, 37.

PURPOSE: In 2004, the State of Nebraska passed LB 1083 to reform behavioral health services, moving services from state regional centers to community-based sites and increasing the focus on recovery, thereby

requiring providers of behavioral health services to have new competencies. LB 1083 requires the state to "promote activities in research and education to improve the quality of behavioral health services, the recruitment and retention of behavioral health professionals, and the availability of behavioral health services".

The United States Department of Health and Human Services currently designates over ninety-five percent of Nebraska's counties as Mental Health Professional Shortage Areas. Further, ninety of ninety-three counties are designated as Psychiatric Shortage Areas. These shortages have led to well-documented problems such as hospital and emergency rooms and jails and prisons bearing the brunt of the responsibility of care for patients needing more specialized and appropriate treatment. As the state works toward moving services from institutional to community-based care, there is a recognition that many of the professionals necessary to provide these services are difficult to hire due to this shortage.

In 2003, Senator Jim Jensen and Governor Mike Johanns requested a study of behavioral health service, education, and research issues from the academic medical centers in the state which generated "The Nebraska Academic Health Centers Plan for Excellence in Behavioral Health" which outlined numerous behavioral health issues and recommendations.

In 2004, the Nebraska Health and Human Services System established the Academic Support Workgroup in order to outline a plan to address the shortage and competency issues. The workgroup brought together many stakeholders involved in behavioral health care, including clinicians, educators, researchers, advocates, consumers, and system administrators with a wide range of educational backgrounds and institutional and academic affiliations. In 2005, the Academic Support Workgroup outlined a comprehensive plan to improve the behavioral health workforce in "A Behavioral Health Education and Research System for Nebraska." This plan includes recruitment of talented students into the field, improved undergraduate and graduate training in behavioral health, enhanced training opportunities in rural areas and increased use of telehealth technology, increased focus on recovery competencies, enhanced training in behavioral health for primary care providers, and improved continuing education in behavioral health, especially for providers in rural areas.

The purpose of this study is to examine the need for a statewide behavioral health workforce development plan and adequate funding to implement the plan.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct a study concerning statewide behavioral health education to address workforce shortage and delineate a range of proposals to "promote activities in research and education to improve the quality of behavioral health services, the recruitment and retention of behavioral health professionals, and the availability of behavioral health services."

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.

LEGISLATIVE RESOLUTION 204. Introduced by Johnson, 37.

PURPOSE: To conduct a thorough review of LB 463, One Hundredth Legislature, First Session, 2007, and provide for the preparation of additional draft legislation relating to the Uniform Credentialing Act, which has an operative date of December 1, 2008. The committee shall also conduct an extensive review of existing disciplinary policies and procedures under the Uniform Licensing Law and propose necessary and appropriate changes to such policies and procedures and prepare draft legislation for introduction in the 2008 legislative session.

The study shall be conducted in consultation with the Governor, the chief medical officer, and the Department of Health and Human Services.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 205. Introduced by Johnson, 37.

PURPOSE: To conduct additional research and provide for the development of additional recommendations and the possible introduction of appropriate legislation in the 2008 legislative session relating to the implementation of Laws 2004, LB 1083, and the Nebraska Behavioral Health Services Act.

The study shall be conducted in consultation with the Department of Health and Human Services and the Division of Behavioral Health Services.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 206. Introduced by Johnson, 37.

PURPOSE: To conduct additional research and provide for the development of additional recommendations and the possible introduction of appropriate

legislation in the 2008 legislative session relating to the Welfare Reform Act and Nebraska public assistance programs administered by the Department of Health and Human Services.

The study shall be conducted in consultation with the Governor and the Department of Health and Human Services.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 207. Introduced by Johnson, 37.

PURPOSE: To conduct additional research and provide for the development of additional recommendations and the possible introduction of appropriate legislation in the 2008 legislative session relating to the implementation of the Medicaid Reform Plan submitted pursuant to Laws 2005, LB 709, and the Medical Assistance Act, sections 68-901 to 68-949, pursuant to Laws 2006, LB 1248.

The study shall be conducted in consultation with the Governor and the Department of Health and Human Services.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 208. Introduced by Johnson, 37.

PURPOSE: To conduct additional research and provide for the development of additional recommendations and the possible introduction of appropriate legislation in the 2008 legislative session relating to the reorganization of the Nebraska Health and Human Services System pursuant to Laws 2007, LB 296.

The study shall be conducted in consultation with the Governor and the Department of Health and Human Services.

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

1. That the Health and Human Services 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 Cointroducers

Senator Flood asked unanimous consent to add his name as cointroducer to LR 144. No objections. So ordered.

Senator Preister asked unanimous consent to add his name as cointroducer to LB 343. No objections. So ordered.

VISITORS

Visitors to the Chamber were 17 first- and second-grade students, teacher, and sponsors from St. Paul Lutheran, Utica; 31 fifth-grade students and teachers from St. Thomas More School, Omaha; 16 kindergarten through eighth-grade students from Immanuel Lutheran School, Polk; Chuck and Barb Armstrong from Flint, Texas, Louise Ferebee from Lincoln and Senator Engel's wife, Dee; 50 fourth-grade students and teachers from North American Martyrs Catholic School, Lincoln; and 26 seventh- and eighth-grade students from Trinity Lutheran School, Fremont.

The Doctor of the Day was Dr. Derrick Anderson from Lincoln.

ADJOURNMENT

At 5:35 p.m., on a motion by Senator Adams, the Legislature adjourned until 9:00 a.m., Wednesday, May 16, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

