

EIGHTY-NINTH DAY - MAY 30, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****EIGHTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 30, 2007

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Mines who was excused; and Senators Karpisek and White who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-eighth day was approved.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 97.

A BILL FOR AN ACT relating to handguns; to amend sections 69-2441 and 69-2443, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to carrying concealed handguns and revocation of permits for certain violations; 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, 42:

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

Voting in the negative, 1:

Dierks

Present and not voting, 3:

Burling Christensen Synowiecki

Excused and not voting, 3:

Karpisek Mines White

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

LEGISLATIVE BILL 142.

A BILL FOR AN ACT relating to communications; to amend section 28-101, Revised Statutes Cumulative Supplement, 2006; to create the offense of enticement by electronic communication device; to provide a penalty; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

McGill Synowiecki

Excused and not voting, 2:

Mines White

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 247 with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 247. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 43-102, 43-104, 43-104.01, 43-104.02, 43-104.03, 43-104.04, 43-104.05, 43-104.08, 43-104.09, 43-104.12, 43-104.13, 43-104.14, 43-104.17, 43-104.22, 43-105, 43-106, 43-906, 43-1411, 71-193.15, 71-193.17, 71-1,186, 71-1,187, 71-1,195.01, 71-1,195.02, 71-1,195.03, 71-1,195.04, 71-1,195.05, 71-1,195.06, 71-1,195.07, 71-1,195.08, 71-1,195.09, 71-1,296, 71-1,307, 71-1,308, 71-1,315, 71-1,316, 71-1,333, 71-1,335, 71-1,336, 71-1,337, 71-1,338, 71-2421, 71-4702, 71-4707, 71-8402, and 81-651, Reissue Revised Statutes of Nebraska, sections 28-401, 28-405, 28-412, 71-101, 71-1,147.35, 71-1913.01, 71-5403, and 71-7438, Revised Statutes Cumulative Supplement, 2006, section 71-1,135.02, Reissue Revised Statutes of Nebraska, as amended by section 23, Legislative Bill 236, One Hundredth Legislature, First Session, 2007, section 341, Legislative Bill 296, One Hundredth Legislature, First Session, 2007, and section 885, Legislative Bill 463, One Hundredth Legislature, First Session, 2007; section 71-1,147, Reissue Revised Statutes of Nebraska, as amended by section 30, Legislative Bill 236, One Hundredth Legislature, First Session, 2007, and section 963, Legislative Bill 463, One Hundredth Legislature, First Session, 2007; section 71-1,186, Reissue Revised Statutes of Nebraska, as amended by section 27, Legislative Bill 247, One Hundredth Legislature, First Session, 2007, and section 188, Legislative Bill 463, One Hundredth Legislature, First Session, 2007; section 71-1,195.09, Reissue Revised Statutes of Nebraska, as amended by section 37, Legislative Bill 247, One Hundredth Legislature, First Session, 2007, and section 211, Legislative Bill 463, One Hundredth Legislature, First Session, 2007; section 71-1,200, Reissue Revised Statutes of Nebraska, as amended by section 130, Legislative Bill 463, One Hundredth Legislature, First Session, 2007, and section 1, Legislative Bill 152, One Hundredth

Legislature, First Session, 2007; section 71-4702, Reissue Revised Statutes of Nebraska, as amended by section 52, Legislative Bill 247, One Hundredth Legislature, First Session, 2007, and section 573, Legislative Bill 463, One Hundredth Legislature, First Session, 2007; section 71-4707, Reissue Revised Statutes of Nebraska, as amended by section 576, Legislative Bill 463, One Hundredth Legislature, First Session, 2007; section 71-101, Revised Statutes Cumulative Supplement, 2006, as amended by section 296, Legislative Bill 296, One Hundredth Legislature, First Session, 2007, section 1, Legislative Bill 463, One Hundredth Legislature, First Session, 2007, section 1, Legislative Bill 236, One Hundredth Legislature, First Session, 2007, section 1, Legislative Bill 481, One Hundredth Legislature, First Session, 2007, and section 23, Legislative Bill 247, One Hundredth Legislature, First Session, 2007; section 71-102, Revised Statutes Cumulative Supplement, 2006, as amended by section 297, Legislative Bill 296, One Hundredth Legislature, First Session, 2007, section 21, Legislative Bill 463, One Hundredth Legislature, First Session, 2007, and section 2, Legislative Bill 236, One Hundredth Legislature, First Session, 2007; section 71-104.01, Revised Statutes Cumulative Supplement, 2006, as amended by section 31, Legislative Bill 463, One Hundredth Legislature, First Session, 2007, and section 2, Legislative Bill 481, One Hundredth Legislature, First Session, 2007; sections 125, 187, 191, 192, 193, 720, 886, 887, 897, and 932, Legislative Bill 463, One Hundredth Legislature, First Session, 2007; and sections 8, 12, 32, 35, 36, and 42, Legislative Bill 236, One Hundredth Legislature, First Session, 2007; to change and eliminate provisions relating to controlled substances, treatment of narcotic-dependent persons, adoption procedures, consent for adoption, the biological father registry, claims for paternity, petitions for custody, children born out of wedlock, notice and hearing, relinquishment of parental rights, dental hygienists, drug utilization review, audiology, speech-language pathology, mental health practice, immunization requirements for child care programs, return of dispensed drugs and devices, hearing aid instrument dispensers and fitters, drug product selection, wholesale drug distributors, credentialing of health care professionals, optometry, perfusion, pharmacy technicians, and in-home personal services; to define and redefine terms; to require insurance coverage of colorectal cancer screenings; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1,186.01 and 71-1,192, Reissue Revised Statutes of Nebraska; section 71-1,190.01, Reissue Revised Statutes of Nebraska, as amended by section 356, Legislative Bill 296, One Hundredth Legislature, First Session, 2007; sections 71-1,135.03, 71-1,135.05, and 71-1,147.34, Reissue Revised Statutes of Nebraska, as amended by sections 888, 873, and 987, respectively, Legislative Bill 463, One Hundredth Legislature, First Session, 2007; sections 71-1,195.03, 71-1,315, 71-1,316, 71-1,333, and 71-1,338, Reissue Revised Statutes of Nebraska, as amended by sections 31, 43, 44, 45, and 49, respectively, Legislative Bill 247, One Hundredth Legislature, First Session, 2007; section 71-1,147.33, Revised Statutes Cumulative Supplement, 2006, as amended by section 349, Legislative Bill 296, One Hundredth Legislature,

First Session, 2007, and section 986, Legislative Bill 463, One Hundredth Legislature, First Session, 2007; and section 15, Legislative Bill 236, 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Mines

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 bill was read and put upon final passage:

LEGISLATIVE BILL 247A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 247, One Hundredth Legislature, First Session, 2007.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Mines

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 358 with 42 ayes, 4 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 358.

A BILL FOR AN ACT relating to motor carriers; to amend section 75-307, Reissue Revised Statutes of Nebraska, and sections 60-3,137, 60-3,205, 66-1406.02, 75-302, 75-369.03, 75-370, 75-371, and 75-386, Revised Statutes Cumulative Supplement, 2006; to authorize registration under the unified carrier registration plan and agreement; to provide powers and duties for the Director of Motor Vehicles and the Division of Motor Carrier Services; to provide a penalty; to change and eliminate certain motor carrier provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 75-307.01, 75-307.02, 75-307.03, and 75-352, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 1:

Mines

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 456.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3807, Reissue Revised Statutes of Nebraska, and sections 77-2715.07 and 77-2716, Revised Statutes Cumulative Supplement, 2006; to provide an income tax credit for franchise taxes paid by certain financial institutions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Harms Pankonin

Excused and not voting, 1:

Mines

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

LEGISLATIVE BILL 551. With Emergency.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend sections 13-2602, 13-2603, 13-2605, 13-2607, 13-2609, 13-2610, 13-2612, and 13-2706, Revised Statutes Cumulative Supplement, 2006; to provide for state sales tax revenue appropriations to the Convention Center Support Fund and the Local Civic, Cultural, and Convention Center Financing Fund; to change and eliminate provisions relating to attributable revenue, eligible facilities, and receipt of funding; to define and redefine terms; to eliminate a termination date; to harmonize provisions; to repeal the original sections; to outright repeal section 13-2608, 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, 38:

Adams	Erdman	Johnson	Nantkes	Rogert
Aguilar	Fischer	Karpisek	Nelson	Schimek
Ashford	Flood	Kopplin	Pahls	Synowiecki
Avery	Friend	Kruse	Pankonin	Wallman
Carlson	Fulton	Langemeier	Pedersen	White
Cornett	Gay	Lathrop	Pirsch	Wightman
Dierks	Howard	McDonald	Preister	
Dubas	Janssen	McGill	Raikes	

Voting in the negative, 9:

Burling	Christensen	Hansen	Hudkins	Stuthman
Chambers	Engel	Heidemann	Louden	

Present and not voting, 1:

Harms

Excused and not voting, 1:

Mines

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 551A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 551, One Hundredth Legislature, First Session, 2007.

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, 41:

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

Voting in the negative, 2:

Engel	Stuthman
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Present and not voting, 5:

Burling Hansen Hudkins Janssen Louden

Excused and not voting, 1:

Mines

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 554 with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 554.

A BILL FOR AN ACT relating to domestic relations matters; to amend sections 25-2911, 33-106.03, 33-107.02, 42-347, 42-351, 42-353, 42-359, 42-364.14, 42-364.15, 42-369, 42-934, 43-104.13, 43-158, 43-2,113, 43-512.08, 43-512.15, 43-1407, and 43-3342.01, Reissue Revised Statutes of Nebraska, and sections 42-364, 42-371, and 84-205, Revised Statutes Cumulative Supplement, 2006; to repeal the Parenting Act; to adopt the Parenting Act; to change and eliminate provisions relating to child custody, visitation, child support, paternity support, and parenting; to create a fund; to increase certain fees; to change provisions relating to pleadings and support liens; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 42-349.01, 43-2901, 43-2902, 43-2903, 43-2904, 43-2905, 43-2906, 43-2907, 43-2908, 43-2909, 43-2910, 43-2911, 43-2912, 43-2913, 43-2914, 43-2915, 43-2916, 43-2917, 43-2917.01, 43-2918, and 43-2919, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Chambers Pankonin

Excused and not voting, 1:

Mines

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 554A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 554, One Hundredth Legislature, First Session, 2007; and to reduce appropriations.

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

Voting in the affirmative, 48:

Adams	Dubas	Heidemann	Louden	Raikes
Aguilar	Engel	Howard	McDonald	Rogert
Ashford	Erdman	Hudkins	McGill	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.

Excused and not voting, 1:

Mines

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

LEGISLATIVE BILL 573.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-167.03 and 53-180.02, Reissue Revised Statutes of Nebraska; to adopt the Minor Alcoholic Liquor Liability Act; to change provisions relating to keg identification numbers and minors in possession of alcoholic liquor; to provide operative dates; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 4:

Heidemann	Janssen	Louden	Synowiecki
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Excused and not voting, 1:

Mines

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

MOTION - Return LR 1CA to Select File

Senator Preister moved to return LR 1CA to Select File for the following specific amendment:

FA143

Strike the enacting clause.

Senator Preister withdrew his motion to return.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 1 CA.

THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At a special election held in conjunction with the statewide primary election in 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. ~~Each~~ Until January 5, 2011, each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. Beginning January 5, 2011, each member of the Legislature shall receive an annual salary during his or her term of office equal to twenty-two thousand dollars. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

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

A constitutional amendment to change the salary of the members of the Legislature to twenty-two thousand dollars per year.

For

Against.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 6:

Engel	Flood	Pahls
Fischer	Howard	Pirsch

Excused and not voting, 1:

Mines

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the special election.

COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 171. Placed on Select File - ER8124.
ER8124

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 68-1017.02, Revised Statutes
- 4 Cumulative Supplement, 2006, is amended to read:
- 5 68-1017.02 ~~(4)~~(1)(a) The Department of Health and Human
- 6 Services shall apply for and utilize to the maximum extent
- 7 possible, within limits established by the Legislature, any and
- 8 all appropriate options available to the state under the federal
- 9 food stamp program and regulations adopted under such program to
- 10 maximize the number of Nebraska residents being served under such
- 11 program within such limits. The department shall seek to maximize
- 12 federal funding for such program and minimize the utilization of
- 13 General Funds for such program and shall employ the personnel
- 14 necessary to determine the options available to the state and issue
- 15 the report to the Legislature required by subdivision (b) of this
- 16 subsection.
- 17 (b) The department shall report annually to the Health

18 and Human Services Committee of the Legislature by December 1
 19 on efforts by the department to carry out the provisions of
 20 this subsection. Such report shall provide the committee with all
 21 necessary and appropriate information to enable the committee to
 22 conduct a meaningful evaluation of such efforts. Such information
 23 shall include, but not be limited to, a clear description of
 1 various options available to the state under the federal food
 2 stamp program, the department's evaluation of and any action taken
 3 by the department with respect to such options, the number of
 4 persons being served under such program, and any and all costs and
 5 expenditures associated with such program.

6 (c) The Health and Human Services Committee of the
 7 Legislature, after receipt and evaluation of the report required in
 8 subdivision (b) of this subsection, shall issue recommendations to
 9 the department on any further action necessary by the department to
 10 meet the requirements of this section.

11 (2)(a) Within the limits specified in this section,
 12 subsection, the State of Nebraska opts out of the provision of the
 13 federal Personal Responsibility and Work Opportunity Reconciliation
 14 Act of 1996, Public Law 104-193, section 115, as such act existed
 15 on the effective date of this act, that eliminates eligibility for
 16 food stamps for any person convicted of a felony involving the
 17 possession, use, or distribution of a controlled substance.

18 (2)(b) A person shall be ineligible for food stamp
 19 benefits under this ~~section~~ ~~subsection~~ if he or she ~~(a)~~ ~~(i)~~ has
 20 had three or more felony convictions for the possession or use
 21 of a controlled substance or ~~(b)~~ ~~(ii)~~ has been convicted of a
 22 felony involving the sale or distribution of a controlled substance
 23 or the intent to sell or distribute a controlled substance. A
 24 person with one or two felony convictions for the possession or
 25 use of a controlled substance shall only be eligible to receive
 26 food stamp benefits under this ~~section~~ ~~subsection~~ if he or she is
 27 participating in or has completed a state-licensed or nationally
 1 accredited substance abuse treatment program since the date of
 2 conviction. The determination of such participation or completion
 3 shall be made by the treatment provider administering the program.

4 Sec. 2. Original section 68-1017.02, Revised Statutes
 5 Cumulative Supplement, 2006, is repealed.

6 2. On page 1, line 1, after the semicolon insert "to
 7 amend section 68-1017.02, Revised Statutes Cumulative Supplement,
 8 2006;"; and in line 3 after "waivers" insert "; to require
 9 reporting; to provide duties for the Health and Human Services
 10 Committee of the Legislature; to harmonize provisions; and to
 11 repeal the original section".

LEGISLATIVE BILL 171A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

REFERENCE COMMITTEE REPORT2007 Resolution calling for an Interim Study

LR 219 Interim study to examine the history of stem cell research, human reproductive cloning, and human therapeutic cloning
Judiciary

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 97, 142, 247, 247A, 358, 456, 551, 551A, 554, 554A, 573, and LR 1CA.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 213 and 215 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 213 and 215.

GENERAL FILE

LEGISLATIVE BILL 177. Title read. Considered.

Committee AM279, found on page 546, was considered.

Senator Janssen renewed his amendment, FA128, found on page 1742, to the committee amendment.

The Janssen amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

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

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 246. Title read. Considered.

Committee AM800, found on page 1059, was considered.

Senator Chambers offered the following amendment to the committee amendment:

FA144

Amend AM800 Strike Section 1.

Pending.

MOTION - Print in Journal

Senator Flood filed the following motion:

Suspend Rule 6, Section 3, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 31, 31A, 33, 46, 103, 114, 119, 120, 121, 122, 125, 126, 127, 128, 129, 130, 134, 149, 156, 189, 190, 260, 301, 303, 303A, 314, 346, 369, 370, 370A, 385, 398, 399, 417, 417A, 426, 426A, 427, 458, 475A, 478, 479, 484, 491, 496, 505, 519, 627, 637, 659, 665, and 682.

MESSAGE FROM THE GOVERNOR

May 30, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

This letter is to inform you that Scot Adams is now serving as the HHSS representative on the Community Corrections Council. Therefore, the request for confirmation of his appointment as the behavioral health provider representing the Second Congressional District is withdrawn.

Sincerely,
(Signed) Dave Heineman
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 30, 2007, at 11:25 a.m. were the following: LBs 97, 142, 247e, 247A, 358, 456, 551e, 551A, 554, 554A, and 573.

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

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on May 30, 2007, at 11:30 a.m. was the following: LR 1CA.

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

AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB 112:
AM1499

- 1 1. Strike section 7 and insert the following section:
- 2 Sec. 2. For purposes of sections 1 to 8 of this act:
- 3 (1) Disability means the lack of legal capability to
- 4 perform an act; and
- 5 (2) Emancipation means the entire surrender of care,
- 6 custody, and earnings of a child by his or her parents or legal
- 7 guardian, including renunciation of parental duties.
- 8 2. On page 3, line 18, strike "may affect" and insert
- 9 "affects"; and in line 24 after "purposes" insert "only".

UNANIMOUS CONSENT - Add Cointroducer

Senator Erdman asked unanimous consent to add his name as cointroducer to LB 498. No objections. So ordered.

VISITORS

Visitors to the Chamber were Travis and Rachall Benning from Plattsmouth; Senator Wightman's wife, Jan, from Lexington and granddaughters, Kate Wightman, from Lexington, and Emalie and Margaret Wightman, from Omaha; and Mike and Nichole McMorrow from Omaha.

RECESS

At 12:00 p.m., on a motion by Senator Langemeier, 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 Mines and Pedersen who were excused; and Senators Dierks, Dubas, Friend, Heidemann, Loudon, and Synowiecki who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 246. The Chambers amendment, FA144, found in this day's Journal, to the committee amendment, was renewed.

Senator Chambers withdrew his amendment.

Committee AM800, found on page 1059 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

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

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

Amber A. Brown - State Personnel Board

VOTE: Aye: Senators Adams, Aguilar, Avery, Friend, Karpisek, Pahls.
Nay: None. Absent: Senators Mines, Rogert.

(Signed) Ray Aguilar, Chairperson

COMMITTEE REPORT**Enrollment and Review**

LEGISLATIVE BILL 177. Placed on Select File - ER8125.
ER8125

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 77-5903, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 77-5903 For purposes of the Nebraska Advantage
- 6 Microenterprise Tax Credit Act:
- 7 (1) Actively engaged in the operation of a microbusiness
- 8 means personal involvement on a continuous basis in the daily
- 9 management and operation of the business;
- 10 (2) Distressed area means a municipality, county,
- 11 unincorporated area within a county, or census tract in Nebraska
- 12 that has (a) an unemployment rate which exceeds the statewide
- 13 average unemployment rate, (b) a per capita income below the

14 statewide average per capita income, or (c) had a population
15 decrease between the two most recent federal decennial censuses;

16 (3) Equivalent employees means the number of employees
17 computed by dividing the total hours paid in a year by the product
18 of forty times the number of weeks in a year;

19 (4) Microbusiness means any business employing five
20 or fewer equivalent employees at the time of application.
21 Microbusiness does not include a farm or livestock operation
22 unless (a) the person actively engaged in the operation of the
23 microbusiness has a net worth of not more than two hundred thousand
1 dollars, including any holdings by a spouse or dependent, based
2 on fair market value, or (b) the investment or employment is in
3 the processing or marketing of agricultural products, aquaculture,
4 agricultural tourism, or the production of fruits, herbs, tree
5 products, vegetables, tree nuts, dried fruits, organic crops, or
6 nursery crops;

7 (5) New employment means the amount by which the total
8 compensation plus the employer cost for health insurance for
9 employees paid during the tax year to or for employees who
10 are Nebraska residents exceeds the total compensation paid plus
11 the employer cost for health insurance for employees to or for
12 employees who are Nebraska residents in the tax year prior to
13 application. New employment does not include compensation to any
14 employee that is in excess of one hundred fifty percent of the
15 Nebraska average weekly wage. Nebraska average weekly wage means
16 the most recent average weekly wage paid by all employers as
17 reported by October 1 by the Department of Labor;

18 (6) New investment means the increase during the tax year
19 over the year prior to the application in the applicant's (a)
20 purchases of buildings and depreciable personal property located
21 in Nebraska, ~~(b) and expenditures on repairs and maintenance on~~
22 ~~property located in Nebraska, not including neither subdivision~~
23 ~~(a) or (b) of this subdivision to include vehicles required to be~~
24 ~~registered for operation on the roads and highways of this state,~~
25 ~~during the tax year, and (c) expenditures on advertising, legal,~~
26 ~~and professional services.~~ If the buildings or depreciable personal
27 property is leased, the amount of new investment shall be the
1 increase in average net annual rents multiplied by the number of
2 years of the lease for which the taxpayer is bound, not to exceed
3 ten years;

4 (7) Related persons means (a) any corporation,
5 partnership, limited liability corporation, cooperative, including
6 cooperatives exempt under section 521 of the Internal Revenue Code
7 of 1986, as amended, or joint venture which is or would otherwise
8 be a member of the same unitary group, if incorporated, or any
9 person who is considered to be a related person under either
10 section 267(b) and (c) or section 707(b) of the Internal Revenue
11 Code of 1986, as amended, and (b) any individual who is a spouse,
12 parent if the taxpayer is a minor, or minor son or daughter of

13 the taxpayer; and

14 (8) Taxpayer means any person subject to the income tax
 15 imposed by the Nebraska Revenue Act of 1967, any corporation,
 16 partnership, limited liability company, cooperative, including a
 17 cooperative exempt under section 521 of the Internal Revenue Code
 18 of 1986, as amended, or joint venture that is or would otherwise
 19 be a member of the same unitary group, if incorporated, which is,
 20 or whose partners, members, or owners representing an ownership
 21 interest of at least ninety percent of such entity are, subject
 22 to such tax, and any other partnership, limited liability company,
 23 subchapter S corporation, cooperative, including a cooperative
 24 exempt under section 521 of the Internal Revenue Code of 1986,
 25 as amended, or joint venture when the partners, shareholders,
 26 or members representing an ownership interest of at least ninety
 27 percent of such entity are subject to such tax.

1 The changes made to this section by this legislative bill
 2 shall be operative for all applications for benefits received on or
 3 after the effective date of this act.

4 Sec. 2. Original section 77-5903, Revised Statutes
 5 Cumulative Supplement, 2006, is repealed.

6 2. On page 1, lines 1 and 6, strike "sections" and insert
 7 "section"; and in line 2 strike "77-5905, and 77-5906,".

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 428. Placed on General File.

LEGISLATIVE BILL 668. Placed on General File.

(Signed) Brad Ashford, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 10. Read. Considered.

Committee AM545, found on page 731, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LR 10, as amended, was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE RESOLUTION 13. Read. Considered.

LR 13 was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 37. Read. Considered.

LR 37 was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 39. Read. Considered.

Committee AM757, found on page 890, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LR 39, as amended, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 73. Read. Considered.**PRESIDENT SHEEHY PRESIDING**

LR 73 was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 28. Read. Considered.

LR 28 was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 214. Read. Considered.

LR 214 was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 13, 37, 73, 28, and 214.

MESSAGE FROM THE GOVERNOR

May 30, 2007

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 12, 12A, 73e, 73Ae, 117, 211e, 211Ae, 304, 316e, 316Ae, 324e, 324Ae, 328e, 328Ae, 342e, 342Ae, 377e, 377Ae, 425, 425A, 441, 441A, 470, 470A, 540e, 540Ae, 603e, and 603A were received in my office on May 24, 2007.

I signed these bills and delivered them to the Secretary of State on May 30, 2007.

Sincerely,
(Signed) Dave Heineman
Governor

ANNOUNCEMENT

Senator Johnson announced the Health and Human Services Committee will hold an executive session Thursday, May 31, 2007, at 10:30 a.m., in Room 2022.

VISITORS

Visitors to the Chamber were Marcena Hendrix and Lara Sivick from Omaha; former Senator Jim Jones from Eddyville; and members of First United Methodist Church, Fremont.

The Doctor of the Day was Dr. Shawn Murdock from Omaha.

ADJOURNMENT

At 3:22 p.m., on a motion by Senator Pahls, the Legislature adjourned until 11:00 a.m., Thursday, May 31, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

