

**FIRST DAY - JANUARY 3, 2007**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
FIRST SESSION**

**FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 3, 2007

**PRAYER**

The prayer was offered by Senator Kruse.

**PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army and Air National Guard.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundredth Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 3, 2007, and was called to order by President Sheehy.

The roll was called and the following members were present:

Adams, Greg L.	Gay, Tim	Nantkes, Danielle
Aguilar, Raymond	Hansen, Tom	Nelson, John E.
Ashford, Brad	Harms, John N.	Pahls, Rich
Avery, Bill	Heidemann, Lavon L.	Pankonin, Dave
Burling, Carroll	Howard, Gwen	Pedersen, Dwite
Carlson, Tom	Hudkins, Carol	Pirsch, Pete
Chambers, Ernie	Janssen, Ray	Preister, Don
Christensen, Mark R.	Johnson, Joel T.	Raikes, Ronald E.
Cornett, Abbie	Karpisek, Russ	Rogert, Kent
Dierks, M. L.	Kopplin, Gail F.	Schimek, DiAnna R.
Dubas, Annette M.	Kruse, Lowen	Stuthman, Arnie
Engel, L. Patrick	Langemeier, Chris	Synowiecki, John F.
Erdman, Philip	Lathrop, Steve	Wallman, Norm
Fischer, Deb	Louden, LeRoy J.	White, Tom
Flood, Mike	McDonald, Vickie D.	Wightman, John M.
Friend, Mike	McGill, Amanda	
Fulton, Tony	Mines, Mick	

**MOTION - Temporary Clerk and Sergeant at Arms**

Senator Mines moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Ron Witkowski as temporary Sergeant at Arms.

The motion prevailed.

**RESIGNATION**

November 9, 2006

The Honorable Dave Heineman  
Governor  
State Capitol  
Lincoln, Nebraska 68509

Dear Governor Heineman:

Congratulations on your overwhelming re-election earlier this week. The voters have clearly and resoundingly voiced their gratitude and support for your outstanding performance as our governor.

I look forward to serving the people of Nebraska with you in my new capacity as Auditor of Public Accounts. In light of my election to that position, I am resigning my seat in the Legislature effective close of business Friday, December 29, 2006.

Thank you.

Sincerely,  
(Signed) Mike Foley  
State Senator

**MESSAGE FROM THE GOVERNOR**

November 28, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

I hereby appoint Tony Fulton to fill the vacancy in the 29th Legislative district created by the resignation of Senator Mike Foley. This appointment will take effect January 3, 2007.



One Hundredth Legislature, First Session, 2007.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundredth Legislature, First Session, 2007.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Third day of January in the year of our Lord, two thousand and seven.

(SEAL)

John A. Gale, Secretary of State

DISTRICT/NAME	ELECTED
1 Lavon L. Heidemann	November 2, 2004
2 Dave Pankonin	November 7, 2006
3 Gail F. Kopplin	November 2, 2004
4 Pete Pirsch	November 7, 2006
5 Don Preister	November 2, 2004
6 John E. Nelson	November 7, 2006
7 John F. Synowiecki	November 2, 2004
8 Tom White	November 7, 2006
9 Gwen Howard	November 2, 2004
10 Mike Friend	November 7, 2006
11 Ernie Chambers	November 2, 2004
12 Steve Lathrop	November 7, 2006
13 Lowen Kruse	November 2, 2004
14 Tim Gay	November 7, 2006
15 Ray Janssen	November 2, 2004
16 Kent Rogert	November 7, 2006
17 L. Patrick Engel	November 2, 2004
18 Mick Mines	November 7, 2006
19 Mike Flood	November 2, 2004
20 Brad Ashford	November 7, 2006
21 Carol Hudkins	November 2, 2004
22 Arnie Stuthman	November 7, 2006
23 Chris Langemeier	November 2, 2004
24 Greg L. Adams	November 7, 2006
25 Ronald E. Raikes	November 2, 2004
26 Amanda M. McGill	November 7, 2006
27 DiAnna R. Schimek	November 2, 2004
28 Bill Avery	November 7, 2006
29 Tony Fulton	Appointed January 3, 2007



Legislature according to the best of your ability, and that at the election at which you were chosen to fill said office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation).

Adams, Greg L.	Gay, Tim	Pankonin, Dave
Ashford, Brad	Hansen, Tom	Pirsch, Pete
Avery, Bill	Harms, John N.	Rogert, Kent
Carlson, Tom	Karpisek, Russ	Stuthman, Arnie
Christensen, Mark R.	Lathrop, Steve	Wallman, Norm
Dierks, M. L.	McGill, Amanda	White, Tom
Dubas, Annette M.	Mines, Mick	Wightman, John M.
Friend, Mike	Nantkes, Danielle	
Fulton, Tony	Nelson, John E.	

The committee escorted the Chief Justice from the Chamber.

### **MOTION - Adopt Temporary Rules**

Senator Dierks moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 3, 2007.

The motion prevailed.

### **MOTION - Election of Officers**

Senator Engel moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundredth Legislature:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Ron Witkowski

The motion prevailed.

### **MOTION - Election of Speaker**

Senator Preister moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Flood placed his name in nomination.

Senator Schimek placed her name in nomination.



Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Pedersen.

The motion prevailed.

Senator Pedersen was duly elected Chairperson of the Committee on Committees.

### **MOTION - Committee on Committees Members**

Senator Dierks moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Adams, Karpisek, Raikes, and Schimek were nominated from District 1.

Senators Ashford, Cornett, Preister, and White were nominated from District 2.

Senators Aguilar, Burling, Dierks, and Engel were nominated from District 3.

Senator Pedersen moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

### **MOTION - Chairperson of Executive Board**

Senator Janssen moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Engel placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Engel.

The motion prevailed.

Senator Engel was duly elected Chairperson of the Executive Board.



**MOTION - Vice Chairperson of Executive Board**

Senator Kopplin moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Burling placed his name in nomination.

Senator Preister placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Dierks, Erdman, and Janssen as tellers.

Senator Burling	20
Senator Preister	<u>29</u>
	49

Senator Preister was duly elected Vice Chairperson of the Executive Board.

**MOTION - Executive Board Members**

Senator Cornett moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Janssen and Stuthman were nominated from District 1.

Senators Chambers and Kopplin were nominated from District 2.

Senators Erdman and McDonald were nominated from District 3.

Senator Howard moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Standing Committee Chairpersons**

Senator Hudkins moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 7(a).

The motion prevailed.

CHAIRPERSON - Agriculture

Senator Erdman placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Erdman.

The motion prevailed.

Senator Erdman was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Kruse placed his name in nomination.

Senator Heidemann placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Pedersen, Schimek, and Synowiecki as tellers.

Senator Kruse	23
Senator Heidemann	<u>26</u>
	49

Senator Heidemann was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Pahls placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Pahls.

The motion prevailed.

Senator Pahls was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator Cornett placed her name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Cornett.

The motion prevailed.

Senator Cornett was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Raikes placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Raikes.

The motion prevailed.

Senator Raikes was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator McDonald placed her name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McDonald.

The motion prevailed.

Senator McDonald was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Aguilar placed his name in nomination.

Senator Friend moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Aguilar.

The motion prevailed.

Senator Aguilar was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Johnson placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Johnson.

The motion prevailed.

Senator Johnson was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Ashford placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Ashford.

The motion prevailed.

Senator Ashford was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Langemeier placed his name in nomination.

Senator Louden placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Burling, McDonald, and Preister as tellers.

Senator Langemeier 23

Senator Louden 26

49

Senator Louden was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Synowiecki placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Synowiecki.

The motion prevailed.

Senator Synowiecki was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Mines placed his name in nomination.

Senator Janssen placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Engel, Flood, and Kopplin as tellers.

Senator Mines	19
Senator Janssen	<u>30</u>
	49

Senator Janssen was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Stuthman placed his name in nomination.

Senator Fischer placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Ashford, Friend, and Howard as tellers.

Senator Stuthman	22
Senator Fischer	<u>27</u>
	49

Senator Fischer was duly elected Chairperson of the Transportation and Telecommunications Committee.

CHAIRPERSON - Urban Affairs

Senator Friend placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Friend.

The motion prevailed.

Senator Friend was duly elected Chairperson of the Urban Affairs Committee.

**MOTION - Special and Select Committee Chairpersons**

Senator McDonald moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Senator Rogert placed his name in nomination.

Senator Kruse placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Burling, Dierks, and Pedersen as tellers.

Senator Rogert	19
Senator Kruse	<u>30</u>
	49

Senator Kruse was duly elected Chairperson of the Intergovernmental Cooperation Committee.

CHAIRPERSON - Rules

Senator Hudkins placed her name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hudkins.

The motion prevailed.

Senator Hudkins was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Flood nominated Senator McGill.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McGill.

The motion prevailed.

Senator McGill was duly elected Chairperson of the Enrollment and Review Committee.

**MOTION - Election Returns**

Senator Burling moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2006.

The motion prevailed.

The Chair appointed Senators Ashford, Erdman, and Pahls to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

**REPORT FROM THE SECRETARY OF STATE**

January 3, 2007

Speaker of the Legislature  
One Hundredth Legislature-, First Session (Regular) 2007  
State Capitol  
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 7, 2006 for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judges, and Nebraska Workers Compensation Judges which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 1998 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to six Constitutional Amendments are on file in this office. A certification of these returns is also attached.

Inasmuch as these canvass sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office







For 215,827  
Against 336,410

#### **Amendment 4**

A constitutional amendment to permit supervision of individuals sentenced to probation, released on parole, or enrolled in court programs or services by the judicial and executive departments as provided by the Legislature.

For 283,639  
Against 221,148

#### **Amendment 5**

A constitutional amendment to permit use of funds dedicated to the common schools for early childhood educational purposes.

For 291,454  
Against 243,988

#### **Amendment 6**

A constitutional amendment to remove a requirement that property be substandard and blighted for purposes of rehabilitating, acquiring, or redeveloping such property through use of public debt or special property tax treatment, to add developed as a purpose for use of the constitutional provision authorizing public debt and special property provision, and to authorize the Legislature to extend the term of such special tax treatment from fifteen to thirty years.

For 151,041  
Against 344,483

Senator Synowiecki moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

The Secretary of State was escorted from the Chamber.

### **MOTION - Inaugural Ceremonies**

Senator Kruse moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 4, 2007, at 1:30 p.m.

The motion prevailed.

## ANNOUNCEMENT

Senator Pedersen announced the Committee on Committees will meet today, January 3, 2007, at 2:30 p.m., in Room 1524.

## PROPOSED RULES CHANGES

Senator Hudkins offered the following proposed rules change:

### **Rule 4, Sec. 3**

**Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results.** (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd-numbered years and the 50th legislative day in even-numbered years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee shall file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for the highest prioritized interim studies referenced to such committee. This study plan shall be filed no later than thirty days after adjournment sine die. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject-matter jurisdiction.

(d) The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board shall consider whether the subject matter proposed for study by such a committee lies within the jurisdiction of one or more standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board shall be limited to subject matters that do not lie wholly within the jurisdiction of one or another standing committee. Membership on a select interim committee shall, to the extent possible, include senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study. Select interim committees shall meet no later than five legislative days prior to

adjournment sine die to organize and to review study plans. Staff to select interim committees shall be drawn from the Legislature's division staffs (e.g., fiscal, research, bill drafting), be based upon a joint plan submitted to the Executive Board by the division directors, may include other interested legislative staff, and shall be coordinated by the ~~Legislative Research Division~~ Office of Legislative Audit and Research, and the chairpersons of the standing committees involved with the select interim committee.

(e) The Executive Board shall retain its traditional prerogatives to consider and refer study proposals arising from extraordinary circumstances after the deadlines established in this section.

(f) The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, shall be an ex officio member of the committee during and only for the conduct of the study.

(g) On or before December 1 of each year, each standing and select interim committee shall file a report, on a form prescribed by the Clerk, with the Executive Board on the disposition of the study resolutions referred to them. These reports shall be printed in the Journal at the beginning of the next session of the Legislature.

(h) The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Nine copies of each completed standing committee report shall be filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees shall be prepared and published in a format prescribed by the ~~Legislative Research Division~~ Office of Legislative Audit and Research and copies of such studies will be indexed and filed with the Legislative Reference Library.

*RRS 50-404.*

Referred to the Rules Committee.

Senator Erdman offered the following proposed rules change:

Proposal #1

**Rule 2 -- RULES OF PROCEDURE**

**Sec. 3. Chamber, Guests, Distribution of Material.**

(h) Members shall remain ~~in~~ near their seats during the final reading of a bill and until the vote thereon has been announced, except when excused by the President. During discussion of amendments or motions offered pursuant to Rule 6, Section 8, officers and employees of the Legislature shall be permitted on the floor of the Legislature and members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senate Lounge, and the hallway connecting those areas.

**Rule 7 -- PROCEEDINGS AND MOTIONS**

**Sec. 5. Call of the House.** (a) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall

then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain ~~in~~ near his or her seat during the call, unless recognized or seeking to be recognized to speak by the presiding officer. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. The President may declare a motion to place the house under call out of order if all of the absentees were to vote on one side of the question and if their combined vote would be insufficient to change a result of the vote.

Referred to the Rules Committee.

Senator Erdman offered the following proposed rules change:

Proposal #2

## **RULE 7 -- PROCEEDINGS AND MOTIONS**

### **(C) Motions**

**Sec. 10. Cloture.** At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A ~~two-thirds~~ three-fifths majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture ~~shall not be in order until two additional hours of debate on the bill has occurred~~ may be offered at any time. If the presiding officer rejects a motion for cloture on a

bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

Referred to the Rules Committee.

### **ANNOUNCEMENT**

Senator Hudkins announced the Rules Committee will hold a public hearing on Wednesday, January 10, 2007, at 1:30 p.m. in Room 1524.

### **VISITOR**

The Doctor of the Day was Dr. Ron Klutman from Columbus.

### **ADJOURNMENT**

At 1:02 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Thursday, January 4, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**SECOND DAY - JANUARY 4, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 4, 2007

**PRAYER**

The prayer was offered by Senator Engel.

**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.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the first day was approved.

**MOTION - Adopt Temporary Rules**

Senator Hudkins moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

**MESSAGES FROM THE GOVERNOR**

April 11, 2006

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Nebraska Information Technology Commission.

## APPOINTEES:

\*Linda Aerni, 1000-53 Street, Columbus NE 68601

Patrick Flanagan, 7710 S 45th Avenue, Omaha NE 68157

Lance Hedquist, 905 E 29th Street, South Sioux City NE 68776

Daniel Hoelsing, 101 7th Street, Laurel NE 68745

Harold "Mike" Huggenberger, 3281 County Road P 43, Fort Calhoun NE 68023

\*Doug Kristensen, 219 North Brown, Minden NE 68959

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/

Enclosure

\*Reappointment

May 15, 2006

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Nebraska Motor Vehicle Industry Licensing Board.

## APPOINTEES:

Jack Henry, 1207 Birch Court, Aurora NE 68818

Toby Miller, 538 Eleanora Drive, Valentine NE 69201

Kelly Smith, 120 Mill Park Drive, North Platte NE 69101

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/

Enclosure

May 15, 2006



President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Commission for the Deaf and Hard of Hearing.

APPOINTEE:

Joseph J. Caruso, 6800 A Street, Apt 126, Gramercy Apartments, Lincoln  
NE 68510

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

May 17, 2006

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Crime Victim's Reparations Committee.

APPOINTEES:

\*Scott Arnold, 412 N Custer Avenue, Grand Island NE 68803  
\*James Riskowski, 9966 Devonshire Road, Omaha NE 68114

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

May 22, 2006

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Board of Trustees of the Nebraska State Colleges.

APPOINTEE:

Gary Bieganski, 513 Elizabeth Lane, McCook NE 69001

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

July 24, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Environmental Quality Council.

APPOINTEE:

John C. Turnbull, 711 Main Avenue, York NE 68467

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosure

July 24, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Investment Council.

APPOINTEE:

John M. Dinkel, 2206 Koenigstein Avenue, Norfolk NE 68701

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosure

August 11, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was reappointed to the Board of Parole.

APPOINTEE:

Robert L. Boozer, 1258 South 163rd Avenue, Omaha NE 68130

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosure

September 12, 2006

Mr. President, Speaker Brashear

and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was reappointed to the Nebraska Ethanol Board:

Mark McColley, 13505 B Street, Omaha NE 68144

The following individual is a new appointee to the Nebraska Ethanol Board:

Michael S. Thede, 327 R Street, Palmer NE 68864

The aforementioned names are respectfully submitted for your consideration. Copies of their appointment certificates and applications are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 14, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual is appointed to the Coordinating Commission for Postsecondary Education:

Richard B. Uhing, 1500 North 43 Street, Norfolk NE 68701

The aforementioned name is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 15, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual is appointed to the State Personnel Board:

Lucinda Glen, 1324 Regency Drive, Hastings NE 68901

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 21, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual is appointed to the Rural Health Advisory Commission:

Dr. Kate Hesser, 5438 Charles, Omaha NE 68132

The following individuals are being reappointed, contingent upon your approval.

Dr. Donald Frey, 22412 Schram Road, Gretna NE 68028  
Dr. Rebecca Schroeder, PO Box 4, Curtis NE 69025  
Dr. Michael Sitorius, 8115 Jackson St, Omaha NE 68114  
Roger Wells, 1518 Jay St, St. Paul NE 68873

The aforementioned names are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,  
(Signed) Dave Heineman

Governor

Enclosures

October 5, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual is appointed to the Nebraska Educational Telecommunications Commission:

J. Richard Shoemaker, 611 Patterson, Cambridge NE 69022

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 31, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual is appointed to the Community Corrections Council:

Jeffrey Davis, 1104 Crest Road, Papillion NE

The following individuals are being reappointed to the Council:

Scot Adams, 3116 S 58, Omaha NE  
Catherine Cook, 2733 Fontenelle Blvd, Omaha NE  
Julie Hippen, 722 N 13, Beatrice NE  
Joe Kelly, 5822 Fieldcrest Way, Lincoln NE  
Robert Lindemeier, 219 N Bryan, North Platte NE

The aforementioned appointees are respectfully submitted for your

consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 31, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual is appointed to the Rural Health Advisory Commission:

Crystal Johnson, 421 East O'Neill Avenue, Greeley NE 68842

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 6, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals are appointed to the State Emergency Response Commission:

Keith Deiml, 905 Crest Road, Papillion NE 68046  
Keith Hansen, 10700 Dawn Ave, Lincoln NE 68516  
Larry Johnson, 1729 North 160, Omaha NE 68118

The following individuals are being reappointed to the Commission:

Tim Hofbauer, 2328 34th St, Columbus NE 68601  
Dana Miller, 110 21st St, Gering NE 69341

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 20, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

David E. Gardels, 110 North 54 Street, Omaha NE 68132  
Sandra J. Schroeder, 201 Bridge Road, Norfolk NE 68701  
Joanne F. Shephard, HC 14, Box 100, Valentine NE 69201

The following individual is being reappointed to the Council:

Steven Bloch, 9966 Hascall, Omaha NE 68124

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 27, 2006

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

Dear Mr. President, Speaker Brashear and Senators:



Contingent upon your approval, the following individual is appointed as State Tax Commissioner:

Doug Ewald, 16337 Page Street, Omaha NE 68118-2515

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 28, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual is reappointed as a member of the Nebraska Investment Council:

Richard DeFusco, 6111 South 41st Street, Lincoln NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 11, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals are being appointed to the Board of Emergency Medical Services:

Linda L. Jensen, 16181 Co Rd 21, Herman NE  
Dr. James E. Smith, 701 Eagle Circle, North Platte NE  
Jeffrey Strawn, 409 Corral St, Papillion NE  
Dr. Leon Sykes, 16236 Wright Cr, Omaha NE  
Scott C. Wiebe, 4301 Antelope Cr Rd, Lincoln NE

The following individuals are being reappointed to the Board:

Joel E. Cerny, 2411 Road 45, Linwood NE 68036  
Robert K. Olson, 16810 S 87th St, Papillion NE 68046

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

## ATTORNEY GENERAL'S OPINIONS

### Opinion 06007

DATE: May 25, 2006

SUBJECT: Whether the original bill of sale must be filed with the Brand Committee, in order to satisfy the requirements of Neb. Rev. Stat. § 54-1,111 of the Nebraska Brand Act and whether the Brand Committee should accept copies or facsimiles in satisfaction of Neb. Rev. Stat. § 54-1,111.

REQUESTED BY: Senator Arnie Stuthman

WRITTEN BY: Jon Bruning, Attorney General  
Katherine J. Spohn, Assistant Attorney General

On March 7, 2006, you requested an opinion from the Attorney General's Office stating, "Are 'original' documents required to satisfy the requirements of the Nebraska Brand Act, when it comes to the sale of cattle inside the inspection area? Would copies or facsimiles satisfy the requirements? Should the commission accept copies or facsimiles?" Please find our response below.

You have requested an opinion from this office regarding whether the original bill of sale must be provided pursuant to the requirements of Neb. Rev. Stat. § 54-1,111 of the Nebraska Brand Act and whether the Nebraska

Brand Committee ("Brand Committee") should accept copies or facsimiles of the bill of sale in satisfaction of the requirements of Neb. Rev. Stat. § 54-1,111. For the reasons set forth below, we conclude that the original bill of sale is not necessary and that the Brand Committee should accept a copy or facsimile of a properly executed bill of sale in satisfaction of Neb. Rev. Stat. § 54-1,111, provided said copy or facsimile is sufficient to establish ownership to the brand inspector.

An Original Bill of Sale Is Not Required Pursuant to Neb. Rev. Stat. § 54-1,111.

In your request for an opinion, you raise the issue of whether an original bill of sale is required pursuant to Neb. Rev. Stat. § 54-1,111, which requires in relevant part,

...[N]o person shall sell or trade any cattle located within the brand inspection area, nor shall any person buy or purchase any such cattle unless the cattle have been inspected for brands and ownership and a certificate of inspection or brand clearance has been issued by the Nebraska Brand Committee. Any person selling such cattle shall present to the brand inspector a properly executed bill of sale, brand clearance, or other satisfactory evidence of ownership which shall be filed with the original certificate of inspection in the records of the brand committee....  
(emphasis added)

The question being raised is whether the person selling the cattle must present the original bill of sale to the brand inspector in order to satisfy the requirements of Neb. Rev. Stat. § 54-1,111(1). A bill of sale is defined by Neb. Rev. Stat. § 54-172 as,

a formal instrument for the conveyance or transfer of title to livestock or other goods and chattels. The bill of sale shall state the buyer's name and address, the date of transfer, the guarantee of title, the number of livestock transferred, the sex of such livestock, the brand or brands, the location of the brand or brands or a statement to the effect that the animal is unbranded, and the name and address of the seller. The signature of the seller shall be attested by at least one witness or acknowledged by a notary public or by some other officer authorized by state law to take acknowledgements. A properly executed bill of sale means a bill of sale that is provided by the seller and received by the buyer.

(emphasis added)

From the language of the above-cited statutes, it is clear that the Livestock Brand Act does not require the original bill of sale to be filed pursuant to the requirements of Neb. Rev. Stat. § 54-1,111. Nothing in the language of the definition of bill of sale requires that the original bill of sale be used, nor

does Neb. Rev. Stat. § 54-1,111 expressly require that the original bill of sale be provided.

The Nebraska Legislature, in adopting Neb. Rev. Stat. § 54-1,111(1), only required that the original certificate of inspection be filed in the records of the Brand Committee. The Legislature's failure to expressly require that the original bill of sale also be filed in the records of the Brand Committee cannot be construed as a mere omission on the part of the Legislature because when the Legislature deemed the original document was necessary, as was the case with the certificate of inspection, they expressly provided so in the statute. For these reasons, it is apparent from a plain reading of Neb. Rev. Stat. § 54-1,111 and the definition of a bill of sale, that the original bill of sale is not required to satisfy the requirements of Neb. Rev. Stat. § 54-1,111.

Your opinion request further inquires as to whether the Nebraska Brand Committee should accept copies or facsimiles of properly executed bills of sale in meeting the requirements of Neb. Rev. Stat. § 54-1,111. As the original bill of sale is not required by statute, as discussed at length above, and because the original bill of sale is generally not necessary to establish ownership of cattle, the Brand Committee should accept copies or facsimiles of the properly executed bill of sale, provided such copies or facsimiles were sufficient for the brand inspector to determine ownership of the cattle.

The brand inspector is charged with the duty to "attempt to establish correct and true ownership of...livestock". Neb. Rev. Stat. § 54-176. In furtherance of this duty, any person selling cattle is required to present to the brand inspector "a properly executed bill of sale, brand clearance, or other satisfactory evidence of ownership" in order to enable the brand inspector to establish ownership of the cattle. Neb. Rev. Stat. § 54 1,111. Upon presentation of sufficient evidence of ownership, the brand inspector is required to issue a certificate of inspection, which serves as "documentary evidence of ownership on all livestock covered by such document." Neb. Rev. Stat. § 54-179. The original certificate of inspection is then required to be filed with the evidence of ownership, in the records of the Brand Committee. Neb. Rev. Stat. § 54-1,111

The documentation required to be filed with the Brand Committee under Neb. Rev. Stat. § 54-1,111 is only that evidence which is needed by the brand inspector to establish ownership of the cattle. The statutory definition of satisfactory evidence of ownership, found at Neb. Rev. Stat. § 54-187, provides a wide array of documentation and identifying characteristics, which evidence which can be used to establish ownership, including physical descriptions and documentary evidence.

Ordinarily, the original bill of sale is not necessary to establish ownership of cattle and a copy or facsimile of the properly executed bill of sale is sufficient to satisfy the requirements of Neb. Rev. Stat. § 54-1,111. If, however, the ownership of cattle is brought into question, the brand

inspector could certainly require that the original bill of sale, or any other evidence of ownership of the cattle, be produced, in order to ascertain the true owner of the cattle. In such an instance, all evidence necessary to establish ownership would need to be filed in the records of the Brand Committee in order to satisfy the requirements of Neb. Rev. Stat. § 54-1,111.

Clearly, nothing in the plain language of Neb. Rev. Stat. §§ 54-1,111 and 54-172 requires that the original bill of sale be provided for compliance with Neb. Rev. Stat. § 54-1,111. Only in those rare instances when the ownership of cattle is called into question and the original bill of sale is necessary to establish proof of ownership should the brand inspector require that the original bill of sale be produced and, even in those instances, a copy of the bill of sale may be filed in the Brand Committee records in order to satisfy the requirements of Neb. Rev. Stat. § 54-1,111.

For the foregoing reasons, the plain language of Neb. Rev. Stat. §§ 54-1,111 and 54-172 make it clear that the original bill of sale is not necessary for compliance with Neb. Rev. Stat. §54-1,111 and the Brand Committee should accept a photocopy or other reproduction of the bill of sale if such documents were sufficient for the brand inspector to establish ownership of the cattle.

Sincerely,  
JON BRUNING  
Attorney General  
(Signed) Katherine J. Spohn  
Assistant Attorney General  
Agriculture, Environment &  
Natural Resources Section

pc: Patrick O'Donnell  
Clerk of the Legislature

Opinion 06011

DATE: July 20, 2006

SUBJECT: Whether the statutory change sought by LB 563, 99th Legislature, is necessary to put the State of Nebraska in conformity with the Alcohol and Tobacco Tax and Trade Bureau's final regulations, 27 CFR Parts 7 and 25, related to flavored malt beverages (FMBs).

REQUESTED BY: Senator Raymond "Ray" Janssen

WRITTEN BY: Milissa Johnson-Wiles, Assistant Attorney General

Senator Raymond "Ray" Janssen

District 15 Representative  
Nebraska State Legislature  
P.O. Box 94604  
Lincoln, NE 68509-4604

Dear Senator Janssen:

You have asked five questions related to flavored malt beverages (FMBs), which we have renumbered in the manner addressed in this opinion:

1. Is Neb. Rev. Stat. § 53-103 clear on its face as to how to classify flavored malt beverages?
2. If Neb. Rev. Stat. § 53-103 is not clear on its face, then does the Liquor Control Commission have authority under Neb. Rev. Stat. § 53-116 to determine the classification of FMBs?
3. Is the Liquor Control Commission preempted by the federal regulation and federal law from deciding what manufacturing standards and methods for beer production are in Nebraska, due to Neb. Rev. Stat. § 53-117(2), and therefore must the commission follow the federal regulation with respect to the manufacturing of flavored malt beverages?
4. May the State of Nebraska enact or enforce laws that substantially differ from federal code and regulations which are adopted and followed as the industry standard laws relating to alcohol?
5. Is the statutory change sought in LB 563, 99th Legislature, necessary to put the State of Nebraska in conformity with the Alcohol and Tobacco Tax and Trade Bureau's (TTB) final regulations related to FMBs?

Although the 99th session of the legislature has ended, it is our understanding based on a conversation with your staff that you intend to re-introduce a version of LB 563 in the next legislative session, in the event that it is necessary. Therefore, we will respond to your questions in the order enumerated above.

1. The first question is whether Neb. Rev. Stat. § 53-103 is clear on its face as to how to classify FMBs. As you are aware, FMBs are a mixture of a fermented base of beer with added flavors that usually contain distilled spirits. Neb. Rev. Stat. § 53-103(2) and (3)(Reissue 2004), the definitional section of the Nebraska Liquor Control Act, provides that:

(2) "Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances;"

(3) "Beer means a beverage obtained by alcoholic fermentation of an

infusion or concoction of barley or other grain, malt, and hops in water and includes, but is not limited to, beer, ale, stout, lager beer, porter, and near beer."

Flavored malt beverages could be considered beer because under Nebraska's statutory definition, they are "a beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water . . ." Likewise, flavored malt beverages could be considered distilled spirits because they are "any beverage which contains alcohol obtained by distillation."

An ambiguity exists in a statute when "reasonable persons can find different meanings and good arguments can be made for either of the two contrary positions as to the meaning of the statute." (Black's Law Dictionary, 6th Ed. 1991). A latent ambiguity exists when "the language employed is clear and intelligible, but some extrinsic fact creates a necessity for a choice among two or more possible meanings." *Id.* Flavored malt beverages create that necessity for a choice among two different meanings and § 53-103 is, therefore, ambiguous.

2. You have further asked whether, if Neb. Rev. Stat. § 53-103 is not clear on its face, the Liquor Control Commission has the authority under Neb. Rev. Stat. § 53-116 to determine the classification of flavored malt beverages. The answer to this question is yes. The Liquor Control Commission has broad authority under Neb. Rev. Stat. § 53-116 to regulate the manufacture, distribution and sale of alcohol. As that statute provides: "The power to regulate all phases of the control, manufacture, distribution, sale and traffic of alcoholic liquor, except as specifically delegated in the Nebraska Liquor Control Act, is vested exclusively with the Commission." Since § 53-103 is capable of more than one interpretation, the Commission would have the authority to determine the classification of flavored malt beverages.

3. You have further asked whether, due to Neb. Rev. Stat. § 53-117(2), the Commission is preempted by federal regulation or law from deciding what manufacturing standards and methods for beer production are in Nebraska. The answer to this question is yes. That section states that the Commission shall have the power:

(2) To fix by rules and regulations the standards of manufacture of alcoholic liquor *not inconsistent with federal laws* in order to insure the use of proper ingredients and methods in the manufacture and distribution thereof and to adopt and promulgate rules and regulations *not inconsistent with federal laws* for the proper labeling of containers, barrels, casks, or other bulk containers or of bottles of alcoholic liquor manufactured or sold in this state (Emphasis supplied).

This provision of the statute appears to evidence a legislative intent to submit to federal law on issues related to manufacture and labeling of

alcohol. Therefore, while the Commission may have the authority to determine the classification of flavored malt beverages, such standards as to manufacture and labeling must be consistent with federal law.

4. You have further asked whether "the State of Nebraska may enforce or enact laws which substantially differ from federal code and regulations which are adopted and followed as the industry standard laws relating to alcohol." This question raises the issue of federal preemption of state law. As set forth below, the answer to this question is "yes." However, a legislative change to § 53-117(2) would be necessary if the State of Nebraska desires to depart from federal guidelines relating to the standards of manufacture and labeling of flavored malt beverages.

The Supremacy Clause of the U.S. Constitution, Article IV, Cl. 2, provides that the laws enacted by the federal government shall be the "supreme law of the land." The Supremacy Clause controls over any state laws which "interfere with or are contrary to" federal law. *Hillsborough County v. Automated Medical Laboratories, Inc.*, 471 U.S. 707, 712 (1985)(quoting *Gibbons v. Ogden*, 9 Wheat 1, 211 (1824)). In addition to acts of Congress, federal regulations can preempt state law. *Louisiana Public Service Comm'n v. FCC*, 476 U.S. 355 (1986). In order to determine whether federal law preempts state law on an issue, however, it must be determined whether Congress intended such preemption. *Zannini et al., v. Ameritrade Holding Corp.*, 266 Neb. 492, 667 N.W.2d 222 (2003). Congressional intent is the "touchstone" of preemption. *Retail Clerks Int'l Ass'n v. Schermerhorn*, 375 U.S. 96, 103 (1975). The Supreme Court has held that a preemption analysis "start[s] with the assumption that the....powers of the States...were not to be superseded.....unless that was the clear and manifest purpose of Congress." *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947).

The TTB's federal regulations related to FMBs, 27 CFR Parts 7 and 25, were adopted and went into effect January 3, 2006. The TTB adopted these regulations defining FMBs based on its authority under the labeling provisions of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. § 205(e), and the Internal Revenue Code (IRC). *Flavored Malt Beverages and Related Regulatory Amendments*, 70 Fed. Reg. 1, 214 (Jan. 3, 2005)(to be codified at 27 CFR Parts 7 and 25).

The FAA Act provides that the standards of labeling and advertising set forth in the Act apply to malt beverages sold and shipped into any state only to the extent that similar requirements are imposed by the states. 27 U.S.C. § 205. Further, in adopting the regulations for FMBs pursuant to the Act, the TTB expressly stated that it did not intend to preempt the States on the issues of classification and taxation of FMBs:

"Pursuant to the 21st Amendment, States have significant authority to regulate the sale and distribution of alcohol beverages within their borders. Under the..... FAA Act, Federal labeling and advertising regulations apply to malt beverages only to the extent that the State has



adopted similar requirements for malt beverages sold within the State.....We do not believe that the adoption of a different standard by some states will cause major problems to the beer industry; in any case, it is beyond TTB's authority to control what the States choose to do on this issue." Flavored Malt Beverages and Related Regulatory Amendments, 70 Fed. Reg. 1, 219 (Jan. 3, 2005)(to be codified at 27 CFR Parts 7 and 25).

Additionally, TTB stated:

"As already noted in this preamble, while most States look to Federal guidance in this area and rely on Federal classification of alcohol beverages, there is certainly no requirement for them to do so. Thus, individual States may take a different view of the classification and taxable status of these products, and may reclassify FMBs as distilled spirits products, perhaps even before the effective date of this final rule." Flavored Malt Beverages and Related Regulatory Amendments, 70 Fed. Reg. 1, 230 (Jan. 3, 2005)(to be codified at 27 CFR Parts 7 and 25).

Therefore, under federal preemption standards, the State is not precluded from enacting or enforcing laws that substantially differ from federal laws relating to the classification of flavored malt beverages. However, as discussed earlier in this opinion, § 53-117(2) appears to evidence a legislative intent to submit to federal law on issues of manufacture and labeling, and such statutory provision would need to be amended if the State intends to depart from federal law.

5. Finally, you have asked whether the statutory change sought by LB 563, 99th Legislature, is necessary to put the State of Nebraska in conformity with the Alcohol and Tobacco Trade Bureau's (TTB) final regulations related to FMBs. Because it is our opinion that § 53-103 is ambiguous and the Commission has the authority to implement the TTB regulations, the statutory change sought by LB 563, while helpful in clarifying the legislature's intent related to FMBs, would not be necessary.

Sincerely,  
JON BRUNING  
Attorney General  
(Signed) Milissa Johnson-Wiles  
Assistant Attorney General

pc: Patrick J. O'Donnell  
Clerk of the Legislature  
16-535-13

Opinion 06012

DATE: August 28, 2006

**SUBJECT:** Whether In Light of Equal Protection Concerns, It Would Be "Prudent" to Delete the "Notice Of Risks" Requirement Added To Neb. Rev. Stat. § 44 3522 (2004) By LB 875 In 2006.

**REQUESTED BY:** Senator Mick Mines  
Nebraska State Legislature

**WRITTEN BY:** Jon Bruning, Attorney General  
Charles E. Lowe, Assistant Attorney General

### INTRODUCTION

LB 875 was enacted during the 2006 session of the Nebraska Legislature. That bill, among other things, amends Neb. Rev. Stat. § 44-3522 (2004) by adding a subsection (4) requiring that a purchaser of a motor vehicle service contract must be given a "notice of risks." Unless the motor vehicle service contract reimbursement insurance policy is issued by an insurer domiciled in Nebraska, that notice must include the following statement: "The issuer of the motor vehicle service contract reimbursement insurance policy is not a domestic entity and the Department of Insurance can give no assurance that the issuer has adequate reserves to cover potential losses." The notice of risks is also to contain a statement regarding the fact that neither the motor vehicle service contract nor the motor vehicle service contract reimbursement insurance policy are covered by the Nebraska Property and Liability Insurance Guaranty Association Act.

You are concerned that the notice language requirement referring to the possibility of inadequate reserves to cover losses quoted above may violate the equal protection clause of the Fourteenth Amendment to the United States Constitution and Nebraska's equal protection clause, Neb. Const. art. I, § 3, in that it appears to discriminate against insurers who are not domiciled in Nebraska by requiring the cautionary language concerning reserves be put in the notice only for them and not for insurers domiciled in Nebraska. You have indicated that you are contemplating introducing legislation to eliminate the "notice of risks" requirement because of this concern. You have asked for this office's "opinion as to whether this would be a prudent change to the existing statute."

As you know, this office, in performing its duties and responsibilities, might be called upon in the future to defend the statutory "notice of risks" requirement should an action be brought in court attacking its constitutionality. Therefore, we are not in a position to give any opinion as to whether or not the language of the notice, as applied to insurers that are not domiciled in Nebraska, violates constitutional equal protection provisions, and we do not do so. We will, however, provide an overview of the legal principles and precedents we believe would be applicable in any equal protection challenge to the "notice of risks" requirements based upon

the language that is required when the issuer of the motor vehicle service contract reimbursement insurance policy is not domiciled in Nebraska; and we will offer our thoughts on a "prudent" course of action.

### Presumption of Constitutionality

Initially, when analyzing whether or not a statute is unconstitutional, it is important to bear in mind that "[s]tatutes are afforded a presumption of constitutionality, and the unconstitutionality of a statute must be clearly established before it will be declared void." *Gourley v. Nebraska Methodist Health System, Inc.*, 265 Neb. 918, 942, 663 N.W.2d 43, 68 (2003). Additionally, "[t]he party attacking a statute as violative of equal protection has the burden to prove that the classification violates the Equal Protection Clause." *Id.*, 265 Neb. at 945, 663 N.W.2d at 70. Thus, any insurer seeking to have the notice of risks requirement declared unconstitutional as violative of equal protection will bear the burden of overcoming the presumption of constitutionality and establishing that the statute violates equal protection principles.

### Equal Protection – "Strict Judicial Scrutiny" and "Rational Basis" Tests

Equal protection challenges to legislation are analyzed under two somewhat different approaches. If a "fundamental right" or "suspect classification" is involved, then the classification and differing treatment in the legislation will be subject to "strict judicial scrutiny" and will be upheld only if there is a compelling governmental interest. In such circumstances the classification and differing treatment must be narrowly tailored to meet the specific compelling interest involved. *Gourley*, 265 Neb. at 946, 663 N.W.2d at 70. "Fundamental rights" include only those basic liberties that are explicit or implicit in the Constitution, such as free speech, the right of assembly, the right to interstate travel and freedom of religion. 16B Am. Jur. 2d Constitutional Law § 816 (2006). "Suspect classifications" are classifications based on such things as race, national origin or religion. *Id.*, § 817.

Where a "fundamental right" or "suspect classification" is not at issue, the equal protection clause allows government to make distinctions among groups and to treat different groups differently so long as there is a "rational basis" serving a legitimate governmental purpose for such differing treatment. "In an equal protection challenge, when a fundamental right or suspect classification is not involved, the act is a valid exercise of police power if the act is rationally related to a legitimate governmental purpose." *Le v. Lautrup*, 271 Neb. 931, 936, 716 N.W.2d 713, 719 (2006). The United States Supreme Court has said: "Unless a statute provokes 'strict judicial scrutiny' because it interferes with a 'fundamental right' or discriminates against a 'suspect class,' it will ordinarily survive an equal protection attack so long as the challenged classification is rationally related to a legitimate governmental purpose." *Kadrmas v. Dickinson Public Schools*, 487 U.S. 450, 457-58 (1988).

Under the rational basis test, the Equal Protection Clause is satisfied as long as there is (1) a plausible policy reason for the classification, (2) the legislative facts on which the classification is apparently based may rationally have been considered to be true by the governmental decisionmaker, and (3) the relationship of the classification to its goal is not so attenuated as to render the distinction arbitrary or irrational. . . . The rational relationship standard, as the most relaxed and tolerant form of judicial scrutiny under the Equal Protection Clause, is offended only if a classification rests on grounds which are wholly irrelevant to the achievement of the government's objectives. . . . When determining whether a rational basis exists for a legislative classification, courts look to see if any state of facts can be conceived to reasonably justify the disparate treatment which results.

Le, 271 Neb. at 936-37, 716 N.W.2d at 719-20.

#### Application of "Rational Basis" Test in These Circumstances

There is no "fundamental right" to conduct the business of insurance or to sell motor vehicle service contract reimbursement insurance policies in this state and no "fundamental right" to be free of regulation in carrying on an insurance business. Likewise, distinguishing between domiciled and non-domiciled insurers does not create a "suspect classification" as that term has been applied by the courts. Accordingly, if it is attacked under the equal protection clause, the notice of risk requirement would be measured by the rational basis test – i.e., whether or not there is a rational basis related to a legitimate state purpose for the differing treatment of insurers selling service contract reimbursement insurance policies who are not domiciled in Nebraska.

The United States Supreme Court has applied the rational basis test, rather than the "strict judicial scrutiny" test, in cases involving equal protection challenges to differing treatment of insurers not domiciled in a state. In *Metropolitan Casualty Ins. Co. of New York v. Brownell*, 294 U.S. 580, 583 (1935), the Court set forth the proper analysis as follows:

The equal protection clause does not prohibit legislative classification and the imposition of statutory restraints on one class which are not imposed on another. But this Court has said that not every legislative discrimination between foreign and domestic corporations is permissible merely because they differ, and that with respect to some subjects of legislation the differences between them may afford no reasonable basis for imposition of a statutory restriction upon foreign corporations, not applied to domestic corporations. The ultimate test of validity is not whether foreign corporations differ from domestic, but whether the differences between them are pertinent to the subject with respect to which the classification is made. . . . If those differences have any rational relationship to the legislative command, the discrimination

is not forbidden. (Citation omitted.)

In *Metropolitan Life Ins. Co. v. Ward*, 470 U.S. 869, 875 (1985), the Court, quoting favorably from *Western & Southern Life Ins. Co. v. State Board of Equalization of California*, 451 U.S. 648 (1981), reiterated:

We held that "[w]e consider it now established that, whatever the extent of a State's authority to exclude foreign corporations from doing business within its boundaries, that authority does not justify imposition of more onerous taxes or other burdens on foreign corporations than those imposed on domestic corporations, unless the discrimination between foreign and domestic corporations bears a rational relation to a legitimate state purpose." (Emphasis supplied.)

#### Possible Arguments as to "Rational Basis"

In your letter you note the competitive disadvantage that non-domiciled insurers might suffer as a result of the notice of risks requirement regarding notice of possible inadequate reserves<sup>1</sup>, and you posit some arguments that could be made to show that treating insurers not domiciled in Nebraska differently in the notice of risk requirements bears no rational relationship to a legitimate state purpose. Principally, the argument could be made that, because the Department of Insurance cannot and does not give assurance that any insurer has adequate reserves to cover potential losses, there is no rational basis for singling out insurers not domiciled in Nebraska and requiring that the warning regarding possible insufficient reserves to cover losses apply only to them. In other words, assuming that there is a legitimate governmental purpose for giving any such warning to consumers, there is no reasonable basis for giving it only when the insurer is not domiciled in this state. This is certainly a colorable argument tending to support the position that there is no rational basis for the differing treatment and, therefore, a denial of equal protection of the law.

There are, however, arguments that could be made in support of the position that there is a rational basis for the differing treatment of non-domiciled insurers in connection with the notice of risk requirement. Clearly the State has a legitimate interest in seeing that its citizens are given fair warning regarding the risks they are taking when deciding whether or not to purchase a motor vehicle service contract. Moreover, from the state's perspective, the risk of insufficient reserves to cover losses might be somewhat greater for non-domiciled insurers simply because Nebraska state insurance regulators perform less oversight over such insurers and have somewhat fewer controls over them. For example, according to the Department of Insurance, with some exceptions, Nebraska's regulators normally defer to insurance regulators in the jurisdiction where an insurer is domiciled to perform financial reviews and audits of that company. On the other hand, Nebraska's insurance regulators perform their own such financial reviews and audits of insurers domiciled in this state. Also, the Nebraska Department of Insurance has authority to approve or disapprove mergers and acquisitions of insurers

domiciled in the state. Neb. Rev. Stat. §§ 44-2126 and 44-2127 (2004). The department has no such authority with regard to insurers domiciled elsewhere. Additionally, the Director of Insurance has broader authority to initiate various proceedings and enter orders against an insurer domiciled in Nebraska that is having financial difficulties than he or she has with regard to an insurer not domiciled in this state. Neb. Rev. Stat. § 44-4809(1) and (2) (2004). Based on these factors it can be argued that there is a rational basis for treating non-domiciled insurers differently in the language of the notice of risks requirement.

Ultimately, it is difficult, if not impossible, to predict how these differing arguments would "play out" and which position would prevail in the context of litigation challenging, on equal protection grounds, the notice of risks requirement. Again, however, it is important to remember that any party seeking to challenge the notice of risks requirement will have the burden of overcoming the presumption of statutory constitutionality and of establishing that there is no reasonable relationship between the notice of risks requirement concerning possible insufficient reserves of non-domiciled insurers and any legitimate state purpose.

#### Conclusion With Regard to Possible Changes in Existing Statute

In your letter you ask for our view as to whether removing the notice of risks requirement "would be a prudent change to the existing statute." Obviously, if one sought to eliminate any possibility that a successful challenge to the notice of risks requirement could be brought in court, then eliminating the requirement would alleviate any such concern; so, in that sense, eliminating the requirement would be "prudent."

On the other hand, if the policy of giving notice of risks to purchasers of motor vehicle service contracts is of such importance as to override whatever risk there might be of an unfavorable court ruling on the constitutionality of the statute, then it might not be the most "prudent" course to eliminate the notice of risks requirement altogether. This is so for two reasons. First, as discussed above, it is not at all certain that a court would find that the notice regarding possible inadequate reserves of non-domiciled insurers is violative of constitutional equal protection requirements. Second, even if this differing treatment of non-domiciled insurers concerning notice of possible inadequate reserves were determined to be unconstitutional, there is a good chance that that provision could be severed from the remainder of the notice of risks requirement dealing with losses not being covered by the Nebraska Property and Liability Insurance Guaranty Association Act so that the latter could remain in effect.<sup>2</sup>

One other "prudent" possibility for statutory amendment to deal with your concerns comes to mind: Leave the notice of risks requirement in the law but make the notice regarding possible inadequate reserves equally applicable to all insurers, whether or not domiciled in Nebraska. The second paragraph of the notice of risks called for by the statute could be amended to

read simply: "The Nebraska Department of Insurance can give no assurance that the issuer of the motor vehicle service contract reimbursement insurance policy has adequate reserves to cover potential losses;" and the last paragraph of subsection (4) of Neb. Rev. Stat. § 44-3522 would be deleted. These changes would comport with the statement in your letter that the Department of Insurance "does not give assurances that any insurer, whether foreign or domestic, has adequate reserves to meet its losses" and would result in equal treatment of all insurers, whether or not domiciled in Nebraska, eliminating any possible equal protection concerns. Purchasers, however, would still be alerted to the fact that the state regulatory agency cannot and does not assure that the insurer will have sufficient reserves to cover potential losses – something it might be beneficial for them to know.

We hope the foregoing provides you with the information you seek.

<sup>1</sup> We are informed by the Department of Insurance that, in fact, no company domiciled in Nebraska offers motor vehicle service contract reimbursement insurance policies in this state. Therefore, the language of the notice of risks requirement does not give any competitive advantage to any insurer domiciled in Nebraska. Rather, that language might discourage some individuals from purchasing such policies altogether, thus causing the non-domiciled insurers who do offer such policies to lose some business.

<sup>2</sup> An unconstitutional portion of a statute may be severed if (1) absent the unconstitutional portion, a workable statutory scheme remains; (2) the valid portions of the statute can be enforced independently; (3) the invalid portion was not an inducement to the passage of the statute; and (4) severing the invalid portion will not do violence to the intent of the Legislature.

State ex rel. Stenberg v. Murphy, 247 Neb. 358, 368-69, 527 N.W.2d 185, 194 (1995). Elements (1), (2) and (4) would clearly apply in this situation. The only question concerns element (3).

Sincerely yours,  
JON BRUNING  
Attorney General  
(Signed) Charles E. Lowe  
Assistant Attorney General

cc: Patrick O'Donnell  
Clerk of the Legislature  
17-188-21

Opinion 06015

DATE: November 21, 2006

SUBJECT: "Notice of Risks" Requirement Contained in Neb. Rev. Stat. § 44-3522, as amended by 2006 Neb. Laws LB

875.

REQUESTED BY: Senator Mick Mines  
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General  
Charles E. Lowe, Assistant Attorney General

### BACKGROUND

In a letter to the Attorney General dated July 20, 2006, you expressed some concern about the constitutionality of an amendment to Neb. Rev. Stat. § 44-3522 made by the Legislature in 2006 Neb. Laws LB 875. You referred to possible equal protection problems with a "Notice of Risks" requirement which is required by the amendment to be given to all potential purchasers of motor vehicle service contracts. You were particularly concerned about the requirement that, if the insurer of a motor vehicle service contract reimbursement insurance policy is not a Nebraska domesticated entity, a written warning be given stating: "The issuer of the motor vehicle service contract reimbursement insurance policy is not a domestic entity and the Department of Insurance can give no assurance that the issuer has adequate reserves to cover potential losses." You thought that this disparate treatment of non-domesticated insurers would likely run afoul of the equal protection clauses of the United States and Nebraska Constitutions.

In your letter of July 20, 2006, you indicated that you were considering introducing legislation to remove the notice of risks requirement from the law due to your "concerns regarding its constitutionality." You specifically asked this office for its opinion "as to whether this [proposed legislation] would be a prudent change to the existing statute."

### OPINION 06012

In response to your inquiry this office issued Op. Att'y Gen. No. 06012 (Aug. 28, 2006). In Opinion 06012 we discussed the legal standards for equal protection challenges to duly enacted laws and the arguments which could be made on both sides in the context of the notice of risks requirement. We concluded that it was not clear how a court would rule. We then proceeded to address your question about whether we thought your proposed elimination of the notice of risks requirement "would be a prudent change to the existing statute." We concluded that such elimination would be "prudent" in the sense that it would remove the equal protection issue altogether since the notice of risks requirement would no longer exist at all.

We went on in Opinion 06012 to suggest one other "prudent" possibility for statutory amendment that we thought would alleviate the equal protection concern without eliminating the notice of risks requirement completely. We noted that the notice of risks requirement could be amended to "make the notice regarding possible inadequate reserves equally applicable to all



insurers, whether or not domiciled in Nebraska."

### SUPPLEMENTAL REQUEST AND RESPONSE

You have now sent a letter to this office providing some additional information and confirming that there are no insurers domiciled in Nebraska who are currently offering motor vehicle service contract reimbursement insurance policies. You ask if this supplemental information would alter our earlier opinion in any sense.

Considering the information you provided, and upon further reflection, we would alter Opinion 06012 to note that merely amending the notice of risks requirement to "make the notice regarding possible inadequate reserves equally applicable to all insurers, whether or not domiciled in Nebraska" would not necessarily alleviate the equal protection issues raised by the notice of risks requirement in its present form. This is so because, since there are no Nebraska domiciled insurers offering motor vehicle service contract reimbursement insurance policies, an insurer not domiciled in Nebraska could argue that, while neutral on its face, the notice of risks requirement still unconstitutionally discriminates against insurers not domiciled in this state in its application. While we offer no opinion as to whether or not a court would agree with any such argument, we do conclude that our original alternative suggestion for amendment to the notice of risks requirement to alleviate equal protection concerns might not be as "prudent" as we had earlier thought and may not resolve the issue.

In all other particulars, we adhere to the opinions and views expressed in Opinion 06012.

Sincerely,  
JON BRUNING  
Attorney General  
(Signed) Charles E. Lowe  
Assistant Attorney General

17-036-24

### REPORTS

The following reports were received by the Legislature:

**Administrative Services, Department of**

Annual Budgetary Report for year ended June 30, 2006

Notification of proposed adjustment to the system of charges that cover basic rental, maintenance, renovations, and operation of leased and owned properties managed by the DAS State Building Division

**Agriculture, Department of**

Beginning Farmer Tax Credit Act Annual Report

Commercial Dog and Cat Operator Inspection Act Fiscal Report for 2005/2006

**Arts Council**

Arts and Humanities Cash Fund Report

**Auditor of Public Accounts**

Attestation reports for the following:

Revenue, Department of - Charitable Gaming Investigation Petty Cash Fund

Revenue, Department of - Cigarette Tax Receipts

Revenue, Department of - Motor Fuel Tax Enforcement and Collection Division

Audit reports for the following:

Lottery, Nebraska

Retirement Systems, Public Employees Retirement Systems - Deferred Compensation Plan

Retirement Systems, Public Employees Retirement Systems - School Employees, Judges, and State Patrol Retirement Plans

Retirement Systems, Public Employees Retirement Systems - State and County Employees Retirement Plans

**Broadband Services Task Force**

Final Report as submitted by a majority of the Task Force

Minority Report of the Task Force

**Coordinating Commission for Postsecondary Education**

2005-06 Biennial Report

**Correctional Services**

Work Ethic Camp Annual Report

**Economic Development, Department of**

2005 Nebraska Affordable Housing Trust Fund Annual Report

2005 Annual Performance Report (APR) for Nebraska's Housing and Community Development Program's Consolidated Plan

2006 Annual Report on Grants conditionally approved for funding by the Legislature

Proposed 2007 Annual Action Plan, Housing and Community Development Programs

**Education, Department of**

Attracting Excellence to Teaching Program (AETP) Report

**Environmental Quality, Department of**

2005 Nebraska Surface Water Quality Monitoring Report

2006 Nebraska Groundwater Quality Monitoring Report Annual Report

**Ethanol Board**

EPIC Report

**Fire Marshal**

Volunteer Emergency Responders Recruitment and Retention Act Information

**Fiscal, Legislative**

Certification of General Fund net receipts for fiscal year beginning July 1, 2006. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced

February 24, 2006

**Game and Parks Commission**

2006 Recreation Road Report

Game Law Investigation Cash Fund Annual Report

**Greenbelt Advisory Committee**

Report and Meeting Minutes

**Health and Human Services System**

2006 LB 692 Report - Use of funds Appropriated Under Health Care Funding Act and Outcomes Achieved

Medicaid Report Biennial Report

Proposal for a Change in Scope of Practice by Dental Hygienists Corrected Report

Sex Offender Treatment and Management Services Report

State Disbursement Unit Report for 2005

System Advocate, Office of, Fiscal Year 2006 Report regarding contacts made

Women's Health, Office of, Annual Report

**Information Technology Commission**

Progress Report

Recommendations on Technology Investments for the FY2007-2009 Biennium Report

**Investment Council**

Cash Flow Projection for the Health Care Endowment Fund (Tobacco Settlement Plus Medicaid IGT)

Northern Ireland Investment Requirements Report

**Investment Finance Authority**

2002 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2002)

2006 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2006) Notices

2006 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2006) Reports

2006 Series C Single Family Housing Revenue Bonds Notice

2006 Series E Single Family Housing Revenue Bonds Notice

2006 Series FG Single Family Housing Revenue Bonds Notice

2006 Series G.O.-21 General Obligation Bonds Notice

2006 Series D Single Family Housing Revenue Bonds Notice

2006 Series G.O.-22 General Obligation Bonds Notice

Agricultural Loans Report Fiscal Year ending 6-30-06

Clean Water State Revolving Fund Revenue Bonds Series 2006B Notice

Clean Water State Revolving Fund Revenue Bonds Series 2006B Quarterly Report

Drinking Water State Revolving Fund Revenue Bonds Series 2005 A, Quarterly Reports

Drinking Water State Revolving Fund Revenue Bonds Series 2006A, Notices

General Obligation Bonds 2006 Series G.O.-21

Review of the Issuance of Single Family Bonds

Single Family Housing General Obligation Bonds Notices (consisting of

one or more Series of Bonds)

Single Family Housing Revenue Bonds Series 2006 AB and General  
Obligation Bonds Series 2006 G.O.-20 Quarterly Reports

Single Family Housing Revenue Bonds Series 2006 C and General  
Obligation Bonds Series 2006 G.O.-21 Quarterly Reports

Single Family Housing Revenue Bonds Series 2006 D and General  
Obligation Bonds Series 2006 G.O.-22 Quarterly Reports

Single Family Housing Revenue Bonds Series 2006 E Quarterly Report

**Labor, Department of**

Modification to Nebraska's Strategic State Plan for Title I of the  
Workforce Investment Act of 1998 and the Wagner-Peyser Act for the  
period of July 1, 2005, through June 30, 2007

Workforce Development Investment Board, 2005 Annual Report

**Legislative Research Division (See Research Division, Legislative)**

**Motor Vehicles, Department of**

2005 Annual Report

**Natural Resources, Department of**

Nebraska State Water Planning and Review Process Annual Report and  
Plan of Work

Resources Development Fund 2006 Biennial Report

**Performance Audit, Legislative**

Lincoln Regional Center's Sex Offender Services Program

Public Employees Retirement Board and the Nebraska Public Employees  
Retirement Systems: An Examination of Compliance, PIONEER, and

Management Report

**Power Review Board**

"Conditions Certain" Issues Annual Report

Fourteenth Biennial Report

**Public Service Commission**

2006 Annual Report on Telecommunications

**Research Division, Legislative**

Boards and Commissions in Nebraska, 2006

**Retirement Systems, Public Employees**

County Employees' Retirement System Cash Balance Benefit Fund

Actuarial Valuation Results as of January 1, 2005 for State Fiscal Year  
Ending June 30, 2007

Actuarial Valuation Results as of January 1, 2006 for State Fiscal Year  
Ending June 30, 2008

Judges Retirement System, Forty-first Actuarial Report for State Fiscal  
Year Ending June 30, 2008 and System Plan Year Beginning July 1,  
2006

School Retirement System, Fifty-fourth Actuarial Report for State Fiscal  
Year Ending June 30, 2008 and System Plan Year Beginning July 1,  
2006

State Employees' Retirement System Cash Balance Benefit Fund

Actuarial Valuation Results as of January 1, 2005 for State Fiscal Year  
Ending June 30, 2007

Actuarial Valuation Results as of January 1, 2006 for State Fiscal Year  
Ending June 30, 2008

State of Nebraska DCP, Investment Review

State of Nebraska Deferred Compensation Plan, Plan & Investment Review for December 31, 2004 - December 31, 2005

State Patrol Retirement System, Fifty-first Actuarial Report for State Fiscal Year Ending June 30, 2008 and System Plan Year Beginning July 1, 2006

**Revenue, Department of**

Charitable Gaming Division's 2006 Annual Report

Certification of General Fund net receipts for fiscal year beginning July 1, 2006. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced February 24, 2006

EPIC Report

Lottery Annual Report and Resource Guide, July 1, 2005 through June 30, 2006

Report of Examination of State of Nebraska Auditor of Public Accounts for Fiscal Year Ended June 30, 2005

Tax Expenditure Report and Summary for 2006

**Roads, Department of**

2005 State Highway Inventory Report, Supplemental Report for the 2005 State Highway Needs Assessment

2006 State Highway Needs Assessment Report

Board of Examiners for County Highway and City Street Superintendents Thirty-Sixth Annual Report for the period January 1, 2005 to December 31, 2005

Board of Public Roads Classifications and Standards Minutes for March, April, May, June, July, and September 2006

Long-Range Transportation Plan

State Highway Commission Quarterly Reports

**Secretary of State**

Certification of the Learning Community of Douglas and Sarpy County pursuant to LB 1024, 2006

Initiative 300 Reports Summary of Activity 2006

**State Fair Board**

State Fair Park Expenditures Made in the Fiscal Year Ending June 30, 2006

**Supreme Court**

Judicial Workload Assessment, Nebraska District, County and Juvenile Courts, Final Report 2006

**Treasurer, State**

2006 LB 1175 Report of Expenditures and Distributions by Mutual Finance Organizations

**University of Nebraska**

Minority and Women Faculty Progress Report

## COMMUNICATIONS

December 18, 2006

Senator L. Patrick Engel  
Chairman  
Executive Board of the Legislative Council  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Senator Engel:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska project:

**University of Nebraska-Lincoln - Abel / Sandoz Window Replacement.** The University of Nebraska-Lincoln proposes to expend \$2,241,300 from the 1986 Replacement Fund. The funds would be used to replace aging windows and energy conservation in Abel Hall - Floors 2 - 13 and Sandoz Hall - Floors 2 - 9.

The expenditure relates to the Bond Resolution dated December 1, 1964, authorizing the issuance of Revenue Bonds by the Board of Regents. The Board has heretofore issued revenue bonds payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska-Lincoln, under which a 1986 Surplus Fund was created.

Section 6.2 of the Resolution requires the Board to operate the facilities in an efficient, sound and economical manner and to keep all facilities and betterments thereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that at all times the business carried on in connection therewith shall be properly and advantageously conducted.

**Request.** The University requests approval of the Abel Halls 2-13 and Sandoz Hall - Floors 2-9 window replacement project in the amount of \$2,241,300 to be financed from the University of Nebraska-Lincoln Student Fees and Facilities Revenue Bond Surplus Fund.

The Board of Regents authorized these expenditures at its November 3, 2006, meeting. The Nebraska Coordinating Commission for Postsecondary Education approved the expenditure on December 7, 2006.

Thank you for your consideration of this project.

Respectfully submitted,  
(Signed) Donal J. Burns  
Corporation Secretary

C: Patrick O'Donnell

January 4, 2007

Senator Pat Engel  
Chairperson, Executive Board  
Room 2010  
State Capitol  
Lincoln, NE 68509

Dear Senator Engel,

Enclosed is correspondence from Donal Burns, Corporation Secretary for the Office of the President of the University of Nebraska and correspondence from the Coordinating Commission for Postsecondary Education. The correspondence relates to expenditure of bond surplus funds for the following:

University of Nebraska at Lincoln: Abel/Sandoz Window Replacement.

I am forwarding this correspondence to you for Executive Board action.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:ck

## COMMUNICATION

June 22, 2006

Patrick O'Donnell  
Clerk of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. O'Donnell:

The purpose of this letter is to forward to you a communication from Governor Heineman regarding the certification of inmate population pursuant to the Correctional System Overcrowding Act.

Sincerely,  
(Signed) Senator Pat Engel  
Chairman, Executive Board

Enclosure

**COMMUNICATION**

Pursuant to the adoption of the impeachment resolution LR 449, Ninety-Ninth Legislature, Second Session, 2006, please note the Nebraska Supreme Court decision: Nebraska Legislature on Behalf of the State of Nebraska, Plaintiff, v. C. David Hergert, Regent, University of Nebraska, Defendant, 271 Nebraska Report, page 976, 2006.

**COMMUNICATIONS**

Received a copy of Senate Concurrent Resolution No. 65 from the state of Louisiana relating to encouraging the adoption of an amendment to the Constitution of the United States to define marriage in the United States as the union between one man and one woman.

Received a copy of Senate Joint Resolution Number 30 from the state of California relating to alcoholic beverages.

Received a copy of House Concurrent Resolution No. 33 of the 2006 Second Extraordinary Session from the state of Louisiana relating to encouraging adoption of federal legislation to limit the jurisdiction of the federal courts and preserve the right to acknowledge God to the states and to the people and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God.

**COMMITTEE ON COMMITTEES PRELIMINARY REPORT**

Senator Pedersen offered the following Committee on Committees report:

## Agriculture - Erdman (C)

Chambers	Dierks	Dubas	Karpisek
McDonald	Preister	Wallman	

## Appropriations - Heidemann (C)

Engel	Fulton	Harms	Kruse
Nantkes	Nelson	Synowiecki	Wightman

## Banking, Commerce and Insurance - Pahls (C)

Carlson	Christensen	Gay	Hansen
Langemeier	Pankonin	Pirsch	

## Business and Labor - Cornett (C)

Chambers	Lathrop	McGill	Rogert
Wallman	White		



## Education - Raikes (C)

Adams Howard	Ashford Johnson	Avery Kopplin	Burling
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## General Affairs - McDonald (C)

Dierks Janssen	Dubas Karpisek	Erdman Preister	Friend
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## Government, Military and Veterans Affairs - Aguilar (C)

Adams Mines	Avery Pahls	Friend Rogert	Karpisek
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## Health and Human Services - Johnson (C)

Erdman Pankonin	Gay Stuthman	Hansen	Howard
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## Judiciary - Ashford (C)

Chambers Pedersen	Lathrop Pirsch	McDonald Schimek	McGill
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## Natural Resources - Louden (C)

Carlson Hudkins	Christensen Kopplin	Dubas Wallman	Fischer
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## Nebraska Retirement Systems - Synowiecki (C)

Erdman White	Heidemann	Karpisek	Louden
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## Revenue - Janssen (C)

Burling Preister	Cornett Raikes	Dierks White	Langemeier
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## Transportation and Telecommunications - Fischer (C)

Aguilar Pedersen	Hudkins Schimek	Louden Stuthman	Mines
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## Urban Affairs - Friend (C)

Cornett Rogert	Janssen White	Lathrop	McGill
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## Committee on Committees - Pedersen (C)

Adams Cornett Preister	Aguilar Dierks Raikes	Ashford Engel Schimek	Burling Karpisek White
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## Enrollment and Review - McGill (C)

## Reference - Engel (C)

Chambers Janssen Stuthman	Erdman Kopplin	Flood McDonald	Heidemann Preister
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## Rules - Hudkins (C)

Adams White	Erdman	Flood	Lathrop
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## Executive Board - Engel (C)

Chambers Janssen Stuthman	Erdman Kopplin	Flood McDonald	Heidemann Preister
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## Intergovernmental Cooperation - Kruse (C)

Aguilar Rogert	Flood Lt. Gov. Sheehy	Langemeier	Pirsch
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**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1.** Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to picketing; to amend sections 28-1317 and 28-1318, Reissue Revised Statutes of Nebraska; to remove language held unconstitutional in United Food and Commercial Workers International Union, AFL-CIO, CLC v. IBP, Inc., 857 F.2d 422; and to repeal the original sections.

**LEGISLATIVE BILL 2.** Introduced by Executive Board: Engel, 17,

Chairperson.

A BILL FOR AN ACT relating to appropriations; to repeal sections that are obsolete; and to outright repeal sections 90-528, 90-529, and 90-530, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 3.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2006; to exempt sales of clothing, school supplies, computer software, and computer equipment from sales and use tax as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 4.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-2716, Revised Statutes Cumulative Supplement, 2006; to provide an income tax credit and income tax adjustment for long-term care insurance premiums; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 5.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to state personnel; to amend sections 81-1346, 81-1350, and 81-1351, Reissue Revised Statutes of Nebraska; to change provisions relating to the employee suggestion system as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 6.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to children; to adopt the Nebraska Safe Haven Act.

**LEGISLATIVE BILL 7.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend sections 84-1409 and 84-1412, Revised Statutes Cumulative Supplement, 2006; to change the rights of the public with regard to agenda items as prescribed; to define a term; and to repeal the original sections.

**LEGISLATIVE BILL 8.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1525, Reissue Revised Statutes of Nebraska; to increase the penalty for an accumulation of junk; and to repeal the original section.

**LEGISLATIVE BILL 9.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3806, Reissue Revised Statutes of Nebraska, and sections 77-908, 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2006; to provide an income tax credit for energy conservation and renewable energy generation expenditures as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 10.** Introduced by Mines, 18; Fulton, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2101.02, Reissue Revised Statutes of Nebraska, and sections 77-2101.01 and 77-2101.03, Revised Statutes Cumulative Supplement, 2006; to terminate estate and generation-skipping taxes; and to repeal the original sections.

**LEGISLATIVE BILL 11.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-117, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation; to provide powers and duties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 12.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 54-628, 54-629, 54-630, 54-631, and 54-632, Reissue Revised Statutes of Nebraska, and sections 54-625, 54-627, and 54-633, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to license requirements, inspections, rules and regulations, applications, disciplinary actions, and enforcement powers; to provide for administrative fines; to provide powers and duties; to state intent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 13.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend sections 13-801, 13-803, 13-806, and 13-820, Reissue Revised Statutes of Nebraska, and section 13-804, Revised Statutes Cumulative Supplement, 2006; to provide a procedure for the creation and certification of joint entities and the corresponding governing bodies; to provide powers and duties for joint entities and the Secretary of State; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 14.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-501, 60-1903, and 60-1908, Reissue Revised Statutes of Nebraska, and sections 18-1736, 18-1737, 60-163, 60-180, 60-308, 60-366, 60-373,

60-376, 60-378, 60-380, 60-383, 60-392, 60-395, 60-396, 60-397, 60-398, 60-399, 60-3,100, 60-3,101, 60-3,102, 60-3,105, 60-3,106, 60-3,107, 60-3,108, 60-3,109, 60-3,113, 60-3,114, 60-3,119, 60-3,120, 60-3,121, 60-3,122, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130, 60-3,130.01, 60-3,130.02, 60-3,130.05, 60-3,134, 60-3,135, 60-3,146, 60-3,147, 60-3,149, 60-3,150, 60-3,151, 60-3,157, 60-3,167, 60-3,175, 60-3,183, 60-3,205, 60-653, 60-683, 60-6,197.01, 60-1306, 60-1901, 60-1902, and 66-1406.02, Revised Statutes Cumulative Supplement, 2006; to provide for one license plate and In Transit decal per vehicle; to change provisions relating to license plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 15.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Cumulative Supplement, 2006; to include public parks as a prohibited area for controlled substances as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 16.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to airport zoning; to amend sections 3-303 and 3-304, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of airport hazards; to prescribe duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 17.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to elections; to amend sections 32-603 and 32-604, Reissue Revised Statutes of Nebraska; to change provisions relating to multiple office holding; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 18.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-1301, 32-1302, 32-1303, and 32-1304, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to recall; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 19.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Mobile Home Landlord and Tenant Act; to amend section 76-14,109, Reissue Revised Statutes of Nebraska; to authorize disposition of an abandoned mobile home as personal property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 20.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to public access to public lands; to amend sections 2-3290.01 and 18-1755, Revised Statutes Cumulative Supplement, 2006; to change provisions related to public access for recreational use at water projects; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 21.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.02 and 79-1007.10, Revised Statutes Cumulative Supplement, 2006, and sections 79-1022, 79-1026, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to cost growth factor; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 22.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2004, 77-2005, and 77-2006, Reissue Revised Statutes of Nebraska; to change provisions relating to inheritance tax; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 23.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2006; to exclude capital gains from income taxation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 24.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to accountants; to amend section 1-136.02, Reissue Revised Statutes of Nebraska, and section 1-124, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to a reciprocal certificate as a certified public accountant and an experience requirement; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 25.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to rabies; to amend sections 71-4401, 71-4402, 71-4403, 71-4404, 71-4405, 71-4407, 71-4408, 71-4409, 71-4410, and 71-4412, Reissue Revised Statutes of Nebraska; to prohibit ownership of hybrid animals as prescribed; to change penalties; and to repeal the original sections.

**MOTION - Escort Committees**

Senator Johnson moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 26.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.01, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 27.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2721, Reissue Revised Statutes of Nebraska, and section 84-304, Revised Statutes Cumulative Supplement, 2006; to authorize the Auditor of Public Accounts to conduct audits as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 28.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-503.02, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the conveyance of personal property; and to repeal the original section.

**LEGISLATIVE BILL 29.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-290, Reissue Revised Statutes of Nebraska, and section 43-3342.05, Revised Statutes Cumulative Supplement, 2006; to provide for court orders to direct financially able parents to pay for costs of care for wards of the state; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 30.** Introduced by Hudkins, 21; Fischer, 43.

A BILL FOR AN ACT relating to schools; to amend section 32-1206, Reissue Revised Statutes of Nebraska, and sections 79-403, 79-415, and 79-479, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to provide for reorganization of certain school districts as prescribed; to provide for operating councils; to prohibit closing

elementary attendance centers as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 31.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to labor; to amend sections 48-1203, 48-1203.01, and 48-1206, Reissue Revised Statutes of Nebraska; to change minimum wage and training wage provisions; to change penalty provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 32.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2006; to exempt college textbooks from sales and use taxes; to define a term; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 33.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to fund the County Property Tax Relief Program; and to declare an emergency.

**LEGISLATIVE BILL 34.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Legislature; to create the State-Tribal Relations Committee.

**LEGISLATIVE BILL 35.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,186, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Cumulative Supplement, 2006; to clarify speed limits on certain freeways; to harmonize provisions; to delete obsolete provisions; and to repeal the original sections.

**LEGISLATIVE BILL 36.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to county courts; to amend section 24-503, Revised Statutes Cumulative Supplement, 2006; to change the number of judges in specified districts; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 37.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to district courts; to amend section 24-301.02, Revised Statutes Cumulative Supplement, 2006; to change the number of judges in specified districts; to provide an operative date; to



repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 38.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to separate juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to change the number of judges; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 39.** Introduced by Schimek, 27; Friend, 10; Mines, 18; Pahls, 31.

A BILL FOR AN ACT relating to petition circulators; to amend sections 32-629, 32-630, 32-1303, 32-1404, 49-1455, and 49-1478, Reissue Revised Statutes of Nebraska; to require circulators of certain petitions to be electors; to prohibit paying petition circulators based on the number of signatures gathered; to change campaign reporting requirements related to petition circulators; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 40.** Introduced by Schimek, 27; Friend, 10; Mines, 18; Pahls, 31.

A BILL FOR AN ACT relating to elections; to amend sections 32-1404, 32-1406, and 32-1546, Reissue Revised Statutes of Nebraska; to require an initiative and referendum petition circulator to wear an identification badge; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 41.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to streets and roads; to amend sections 66-4,148 and 66-6,109, Reissue Revised Statutes of Nebraska, and sections 66-489, 66-4,105, 66-4,145, 66-4,146, 66-6,107, and 77-27,132, Revised Statutes Cumulative Supplement, 2006; to increase motor fuel taxes; to allocate revenue as prescribed; to change distribution of certain sales and use tax proceeds; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 42.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 39-2401 and 77-2602, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to distribution of the cigarette tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**SENATOR JANSSEN PRESIDING**

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 43.** Introduced by Heidemann, 1; Christensen, 44; Erdman, 47; Fischer, 43; Flood, 19; Langemeier, 23; Pahls, 31; Stuthman, 22.

A BILL FOR AN ACT relating to highways; to provide for mowing and hay harvesting permits for right-of-ways; to provide fees; and to provide duties for the Department of Roads.

**LEGISLATIVE BILL 44.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to elections; to amend sections 32-913 and 32-1026, Reissue Revised Statutes of Nebraska, and section 32-914, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the precinct list of registered voters and sign-in register; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 45.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to courts; to amend section 33-106, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to district court fees; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 46.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-304, Reissue Revised Statutes of Nebraska; to require payments by grape producers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 47.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2006; to create the offense of interference with child visitation; to provide penalties; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 48.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to radiation; to amend sections 71-1734 and 71-3508, Reissue Revised Statutes of Nebraska; to exempt certified registered nurse anesthetists from certain radiation-use qualifications; and to repeal the original sections.

**LEGISLATIVE BILL 49.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to public health; to adopt the Mercury Vaccine and Drug Act; to provide a penalty; and to declare an emergency.

**LEGISLATIVE BILL 50.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to state government; to prohibit certain actions relating to use of vacation leave by state employees.

**LEGISLATIVE BILL 51.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska Industrial Development Corporation Act; to amend sections 21-2301 and 21-2308, Reissue Revised Statutes of Nebraska; to include cities of the primary, first, and second class and villages under the act; and to repeal the original sections.

**LEGISLATIVE BILL 52.** Introduced by Howard, 9; Dierks, 40; Hudkins, 21; Johnson, 37; Nantkes, 46; Pedersen, 39.

A BILL FOR AN ACT relating to public health and welfare; to create a task force; to provide for a review and recommendations regarding the use of certain drugs by wards of the state; to provide a termination date; and to declare an emergency.

**LEGISLATIVE BILL 53.** Introduced by Howard, 9; Aguilar, 35; Burling, 22; Dierks, 40; Hudkins, 21; Johnson, 37; Kruse, 13; Nantkes, 46; Pedersen, 39; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to health; to amend section 71-5707, Revised Statutes Cumulative Supplement, 2006; to prohibit smoking in certain foster care homes; to harmonize provisions; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 1CA.** Introduced by Preister, 5.

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

Section 1. At the general election in November 2008 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 by any political party or organization. ~~Each~~ Until January 7, 2009, 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 7, 2009, 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.

Referred to the Reference Committee.

#### **LEGISLATIVE RESOLUTION 2CA.** Introduced by Rogert, 16.

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

Section 1. At the general election in November 2008 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 VIII, section 12:

VIII-12 (1) ~~For the purpose of developing, rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, property, the Legislature may by law authorize any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, within its corporate boundaries or within the area in which it exercises planning, zoning, and code enforcement authority or any county to incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise, notwithstanding any other provision in this Constitution and without regard to charter limitations and restrictions. Notwithstanding~~

(2) ~~Except as provided in subsection (3) of this section and notwithstanding any other provision in the this Constitution or a local charter, such cities, or villages, or counties may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property~~

for the year prior to such development, rehabilitation, acquisition, or redevelopment.

(3) Notwithstanding any other provision in this Constitution, the Legislature may provide that the limitation to a period of fifteen years on the collection of all taxes levied on the excess value of property collected for the payment of the indebtedness incurred for the purpose of developing, rehabilitating, acquiring, or redeveloping such property may be extended to a period not to exceed thirty years if more than one-half of the property by area within the project area is owned by the State of Nebraska and if the indebtedness to be incurred for the development, rehabilitation, acquisition, or redevelopment of such property cannot be reasonably financed within fifteen years.

(4) When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

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 remove a requirement that property be substandard and blighted for purposes of rehabilitating, acquiring, or redeveloping such property through use of public debt or special property tax treatment, to add development as a purpose for use of the constitutional provision authorizing public debt and special property tax treatment, to permit counties and cities and villages outside their corporate boundaries to use such constitutional provision, and to authorize the Legislature to extend the term of such special tax treatment from fifteen to thirty years.

For

Against.

Referred to the Reference Committee.

### **LEGISLATIVE RESOLUTION 3CA.** Introduced by Friend, 10.

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

Section 1. At the general election in November 2008 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, sections 1, 5, 6, 7, 10, 11, 12, 13, 14, 17, 22, and 27, Article IV, sections 1, 4, 7, 10, 12, 16, and 28, and Article VII, sections 6, 13, and 14:

III-1 The legislative authority of the state shall be vested in a Legislature consisting of ~~one chamber~~, a Senate and a House of Representatives as provided in this article. The people reserve for themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls, independent of the Legislature, which power shall be called the power of initiative. The people also reserve power at their own

option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature, which power shall be called the power of referendum.

III-5 The Legislature shall by law determine the number of members to be elected and divide the state into legislative districts. In the creation of such districts, any county that contains population sufficient to entitle it to two or more ~~members of the Legislature~~ senators shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One member of the ~~Legislature~~ Senate shall be elected from each ~~such~~ district, and two members of the House of Representatives shall be elected from each district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature.

III-6 The Legislature shall consist of ~~not more than fifty members and not less than thirty~~ the Senate composed of not more than thirty-one members and the House of Representatives composed of not more than sixty-two members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided by law.

III-7 At the general election to be held in November ~~1964~~, 2010, one-half the members of the ~~Legislature~~, Senate and one-half the members of the House of Representatives, 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. The Legislature as constituted as of the general election in November 2008 and the terms of the members elected at such election terminate as of the beginning of the terms of members of the Legislature elected in November 2010.

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 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. 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.

III-10 ~~Beginning with the year 1975, regular~~ Regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first

Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members ~~elected to the Legislature, in each house,~~ and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members ~~elected to the Legislature, in each house.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. Neither house shall adjourn for more than three days without the consent of the other house.

The Lieutenant Governor shall preside in the Senate, but shall vote only when the ~~Legislature~~ Senate is equally divided. A majority of ~~the all~~ members ~~elected to the Legislature~~ shall constitute a quorum; ~~the Legislature in each house, and the members of each house~~ shall determine the rules of its proceedings, shall and be the judge of the election, returns, and qualifications of its members, and shall choose its own officers. The Senate shall choose a President pro tempore, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act~~ acting as Governor. The Secretary of State shall call the House of Representatives to order at the opening of each new Legislature and preside until a Speaker is chosen.

No member shall be expelled by either house except by a vote of two-thirds of all members ~~elected to the Legislature, in the respective house,~~ and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.

III-11 ~~The Legislature~~ Both the Senate and the House of Representatives shall keep a journal of its proceedings and publish them, except such parts as may require secrecy, and the yeas and nays of the members on any question shall at the desire of any one of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the committees of the Legislature shall be open, except when the business shall be such as ought to be kept secret. The yeas and nays of each member of any committee of the Legislature shall be recorded and published on any question in committee to advance or to indefinitely postpone any bill.

III-12 (1) No person shall be eligible to serve as a member of the ~~Legislature~~ Senate for four years next after the expiration of two consecutive terms in the Senate regardless of the district represented. No person shall be eligible to serve as a member of the House of Representatives for four years next after the expiration of two consecutive terms in the House regardless of the district represented.

(2) ~~Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.~~

(3) (2) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

III-13 The style of all bills shall be, Be it enacted by the people of the State of Nebraska, and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members ~~electd~~ of the Senate and a majority of all members of the House of Representatives, and the yeas and nays on the question of final passage of any bill shall be entered upon the journal. All bills passed by one house may be amended by the other house. No amendment to a bill by one house shall be concurred in by the other house and no conference committee report as to any bill shall be adopted by either house, except by the assent of the same number of members as is required for the passage of the original bill. Any bill may originate in either house, except that bills appropriating money shall originate only in the House of Representatives.

III-14 Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member of the Legislature. The bill and all amendments thereto shall be printed and presented before the vote is taken upon its final passage and shall be read at large in the Senate and in the House of Representatives unless three-fifths of all the members electd to the Legislature in the respective house vote not to read the bill and all amendments at large. No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the subject shall be clearly expressed in the title. No law shall be amended unless the new act contains the section or sections as amended and the section or sections so amended shall be repealed. The ~~Lieutenant Governor, or the Speaker if acting as~~ presiding officer, of each house shall sign, in the presence of the ~~Legislature~~ respective house while it is in session and capable of transacting business, all bills and resolutions passed by the Legislature.

III-17 The ~~Legislature~~ Senate and the House of Representatives in joint session shall have the sole power of impeachment, ~~but a majority of the members electd must concur therein.~~ Upon the introduction of a resolution to impeach by either house, the other house shall at once be notified, and the two houses shall meet in joint session for the purpose of acting upon such resolution within three days after such notification. The vote shall be tallied for each house separately, and a majority of the members of each house must concur. Proceedings may be initiated in either a regular session or a special session of the Legislature.

Upon the adoption of a resolution of impeachment, which resolution shall give reasonable notice of the acts or omissions alleged to constitute impeachable offenses but need not conform to any particular style, a notice of an impeachment of any officer, other than a Judge of the Supreme Court, shall be forthwith served upon the Chief Justice, by the Clerk of the ~~Legislature,~~ House of Representatives, who shall thereupon call a session of the Supreme Court to meet at the Capitol in an expeditious fashion after such notice to try the impeachment. A notice of an impeachment of the Chief Justice or any Judge of the Supreme Court shall be served by the



Clerk of the ~~Legislature, House of Representatives,~~ upon the clerk of the judicial district within which the Capitol is located, and he or she thereupon shall choose, at random, seven Judges of the District Court in the State to meet within thirty days at the Capitol, to sit as a Court to try such impeachment, which Court shall organize by electing one of its number to preside.

The case against the impeached civil officer shall be brought in the name of the Legislature and shall be managed by ~~two senators, one Senator and one Representative,~~ appointed by the ~~Legislature, respective house,~~ who may make technical or procedural amendments to the articles of impeachment as they deem necessary. The trial shall be conducted in the manner of a civil proceeding and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that such person is guilty of one or more impeachable offenses, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his or her official duties after he or she shall have been impeached and notified thereof, until he or she shall have been acquitted.

III-22 Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members ~~elected to the Legislature, in each house.~~ Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.

III-27 No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency, which is expressed in the preamble or body of the act, the ~~Legislature shall Senate and the House of Representatives shall each~~ by a vote of two-thirds of all the members ~~elected of the respective house~~ otherwise direct. All laws shall be published within sixty days after the adjournment of each session and distributed among the several counties in such manner as the Legislature may provide.

IV-1 The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and State Treasurer shall be chosen at the general election held in November 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members ~~elected to the Legislature, of the Senate,~~ but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.

IV-4 The returns of every election for the officers of the executive department shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the ~~Legislature, House,~~ who shall immediately after the organization of the Legislature, and before proceeding to other business, open and publish the same in the presence of a majority of the members of the ~~Legislature, House.~~ The person having the highest number of votes for each of ~~said such~~ offices shall be declared duly elected; but if two or more have an equal and the highest number of votes, the Legislature shall choose one of such persons for ~~said such~~ office. The conduct of election contests for any of ~~said such~~ offices shall be in such manner as may be prescribed by law.

IV-7 The Governor may, at the commencement of each session, and at the close of his or her term of office and whenever the Legislature may require, give by message to the Legislature information of the condition of the state, and shall recommend such measures as he ~~shall deem~~ or she deems expedient. At a time fixed by law, ~~he~~ the Governor shall present, by message, a complete itemized budget of the financial requirements of all departments, institutions, and agencies of the state and a budget bill to be introduced by the Speaker of the ~~Legislature~~ House at the request of the Governor. ~~Said~~ The budget bill shall be prepared with such expert assistance and under such regulations as may be required by the Governor. No appropriations shall be made in excess of the recommendation contained in such budget including any amendment the Governor may make thereto unless by three-fifths vote of the Legislature, and such excess so approved shall be subject to veto by the Governor.

IV-10 The Governor shall appoint with the approval of a majority of the ~~Legislature, Senate,~~ all persons whose offices are established by the Constitution, or which may be created by law, and whose appointment or election is not otherwise ~~by law or herein~~ provided for; ~~and no~~ by law or in this Constitution. No such person shall be appointed or elected by the Legislature. The Governor shall have power to remove, for cause and after a public hearing, any person whom he ~~may appoint~~ or she appoints for a term

except officers provided for in Article V of ~~the~~ this Constitution, and ~~he~~ the Governor may declare ~~his~~ such office vacant; and fill the same ~~as herein provided~~ as in other cases of vacancy. The Governor shall have power to remove any other person whom he or she appoints at any time and for any reason.

IV-12 If any nonelective state office, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment. If the Legislature is in session, such appointment shall be subject to the approval of a majority of the members of the ~~Legislature.~~ Senate. If the Legislature is not in session, the Governor shall make a temporary appointment until the next session of the Legislature, at which time a majority of the members of the ~~Legislature~~ Senate shall have the right to approve or disapprove the appointment. All appointees shall hold their office until their successors shall be appointed and qualified. No person after being rejected by the ~~Legislature~~ Senate shall be again nominated for the same office at the same session, unless at request of the ~~Legislature.~~ Senate, or be appointed to the same office during the recess or adjournment of the Legislature.

IV-16 In case of the conviction of the Governor on impeachment, ~~his~~ the removal of the Governor from office, ~~his~~ or the resignation or ~~his~~ death of the Governor, the Lieutenant Governor, the Speaker of the ~~Legislature~~ House, and such other persons designated by law shall in that order be Governor for the remainder of the Governor's term.

In case of the death of the Governor-elect, the Lieutenant Governor-elect, the Speaker of the ~~Legislature~~ House, and such other persons designated by law shall become Governor in that order at the commencement of the Governor-elect's term.

If the Governor or the person in line of succession to serve as Governor is absent from the state; or suffering under an inability, the powers and duties of the office of Governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases as provided by law. ~~After January 1, 1975, the~~ The Lieutenant Governor shall serve on all boards and commissions in lieu of the Governor whenever so designated by the Governor, shall perform such duties as may be delegated ~~him~~ by the Governor, and shall devote his or her full time to the duties of ~~his~~ the office.

IV-28 By January 1, 1997, there shall be a Tax Equalization and Review Commission. The members of the commission shall be appointed by the Governor as provided by law. The commission shall have power to review and equalize assessments of property for taxation within the state and shall have such other powers and perform such other duties as the Legislature may provide. The terms of office and compensation of members of the commission shall be as provided by law.

A Tax Commissioner shall be appointed by the Governor with the approval of the ~~Legislature.~~ Senate. The Tax Commissioner may have jurisdiction over the administration of the revenue laws of the state and such other duties and powers as provided by law. The Tax Commissioner shall serve at the pleasure of the Governor.

VII-6 No lands now owned or hereafter acquired by the state for educational purposes shall be sold except at public auction under such conditions as the Legislature shall provide. The general management of all lands set apart for educational purposes shall be vested, under the direction of the Legislature, in a board of five members to be known as the Board of Educational Lands and Funds. The members shall be appointed by the Governor, subject to the approval of the ~~Legislature~~, Senate, with such qualifications and for such terms and compensation as the Legislature may provide.

VII-13 The general government of the state colleges as now existing, and such other state colleges as may be established by law, shall be vested, under the direction of the Legislature, in a board of seven members to be styled as designated by the Legislature, six of whom shall be appointed by the Governor, with the advice and consent of the ~~Legislature~~, Senate, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years, and the Commissioner of Education shall be a member ex officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties, but may be reimbursed their actual expenses incurred therein.

VII-14 ~~On January 1, 1992, there~~ There shall be established the Coordinating Commission for Postsecondary Education which shall, under the direction of the Legislature, be vested with the authority for the coordination of public postsecondary educational institutions. Public postsecondary educational institutions shall include each postsecondary educational campus or institution which is governed by the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

Coordination shall mean:

(1) Authority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education which shall include (a) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as may be prescribed by the Legislature and (b) plans for facilities which utilize tax funds designated by the Legislature;

(2) Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication; and

(3) Authority to review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

The Legislature may provide the commission with additional powers and duties related to postsecondary education as long as such powers and duties do not invade the governance and management authority of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges as provided in the Constitution of Nebraska, Article VII, sections 10 and 13. The Legislature may provide that coordination of the community colleges by the commission pursuant to this section may be conducted through a board or association representing all the community colleges.

Nothing in this section providing for statewide coordination shall limit or require the use of property tax revenue by and for community colleges.

The commission shall consist of eleven members, residents of the state or the districts for which appointed, who shall be appointed by the Governor with the approval of a majority of the ~~Legislature~~ Senate. Six of the members shall be chosen from six districts of approximately equal population and five shall be chosen on a statewide basis.

The terms of the members of the commission shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, four members shall serve for terms of two years and four members shall serve for terms of four years. The members of the commission shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses.

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 from a unicameral legislature to a bicameral legislature.

For

Against.

Referred to the Reference Committee.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 54.** Introduced by Howard, 9.

FOR AN ACT relating to health and human services; to require certain qualifications for new hires of child protection and safety workers, social workers, and trainees.

**LEGISLATIVE BILL 55.** Introduced by Howard, 9.

FOR AN ACT relating to social services; to change provisions governing the funding of certain services.

**LEGISLATIVE BILL 56.** Introduced by Howard, 9.

FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for alcohol-related birth defects prevention programs.

### **ANNOUNCEMENT**

The Transportation and Telecommunications Committee elected Senator Stuthman as Vice Chairperson.

### **RECESS**

At 11:29 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Chambers and Hudkins who were excused.

### **PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army and Air National Guard.

### **INAUGURAL CEREMONIES**

Chief Justice Michael G. Heavican, administered the Oath of Office to the newly elected state officials.

Governor Dave Heineman delivered the following Inaugural Address:

### **GOVERNOR'S INAUGURAL ADDRESS**

Mister President, Mister Speaker, Mister Chief Justice, Members of the 100th Legislature, Tribal Leaders and other Distinguished Guests ... Friends and Fellow Nebraskans;

I am honored and pleased to have this opportunity to continue as the 39th Governor of this great state.

The experiences of the past year have provided me renewed energy and optimism about what lies ahead for Nebraska.

I want to first congratulate my fellow constitutional officers and the newly installed members of the Nebraska Legislature.

As I'm sure you have already experienced, it is both an awesome responsibility and an incredible opportunity to be able to serve the people of this state.

\* \* \*

A remarkable trust has been placed in our hands ... and I have great confidence in the passion and abilities of everyone in this chamber to make the best interests of Nebraska their first priority.

I have tremendous respect for the members of this body and I pledge to continue building on the good relationships we have already begun...

Whether that relationship began years ago in the halls of this historic building ... or in the hours that followed last fall's election.

\* \* \*

While we are here today to discuss some of the important issues that lie ahead for our state, I would be remiss if I did not call attention to the very serious and immediate challenges facing many Nebraskans.

The effects of the New Year's storm have left thousands of our fellow citizens without power...

I want to assure every Nebraskan that we are putting all of our available resources to work, and while there are difficult days and weeks ahead as Nebraskans work to rebuild what was lost...

I have confidence in the people of this state, and I know that we will get through this challenge.

\* \* \*

Early on as Governor, I said that I had faith that Nebraskans would reward good performance ... so I am grateful for the opportunity to stand before Nebraskans today to say thank you for the confidence that's been placed in me.

I pledge to the people of this state that I will continue to work as hard in the years to come as the first two I've spent as your Governor.

There's no doubt that there are exceptional opportunities on the horizon for Nebraska.

But we are also at a crossroads.

We are faced with a future of limited resources, as well as the

accompanying reality that state government cannot be all things to all people.

The days when state government could provide funding for every project are in the past.

Yet I will argue that we have extraordinary potential when it comes to making strategic investments that will move Nebraska forward and make our communities even stronger.

\* \* \*

I believe in the people of this state, and I believe in each of you in this chamber.

I believe we have an incredible opportunity to make changes that will make this state an even better place to live, to work and to raise a family in the years to come.

I believe strongly in education and economic development.

Our state provides an excellent education to students of all ages.

The reality, however, is that we can no longer afford to ignore that many young people are leaving our state to begin their careers in other states and other countries.

This is a reality that we must change.

Creating dynamic, 21st Century jobs for our sons and daughters must be part of our vision for the future.

More than that, it must be a priority.

That is why I believe so strongly that education and Nebraska's continued economic vitality go hand-in-hand.

My hope is that we can make these pillars of our state even stronger in the future.

To do that we need to come together as educators, as business leaders, as employees, and perhaps most importantly, as parents ... to ensure that we create opportunities for our young people to remain in Nebraska and to be part of our great future.

A sustained focus on job creation and making Nebraska a competitive place for new business development is key to turning the tide and making our state a more attractive place for young families.



\* \* \*

The need to create a 21st Century business climate is a call to action for every Nebraskan ...

However, the challenge for us as their representatives ... lies in finding ways to control the growth of government spending while providing real and broad-based tax reform in the years ahead.

In that regard, I want share with you today that I am committed to pursuing policy decisions that will help confront the challenges facing both us and the citizens of this state.

As every Nebraskan can attest, over the past two decades, Nebraska has become a high tax state.

I believe that we are at a crossroads and that there are two very clear paths.

We can act now and grow our state to meet the demands of the future ...

Or we can do nothing, change nothing, and watch the slow decline of a great state.

Nebraska can't afford the status quo.

I believe that together we have a unique opportunity to make changes that will help create the real and sustained growth that is needed to ensure that our sons and daughters can remain here in our state.

We all want them to be a part of Nebraska's future, and we are in a position to do something about it.

This opportunity is the result of a truly unique set of circumstances that brought the members of this body together.

\* \* \*

The 100th Legislature is made up of senators who have experience and a fresh perspective.

The fact that a class of 22 senators is beginning its first session together is an opportunity we should not waste.

I've had several opportunities to meet with this year's class of new lawmakers, as well as our returning senators, and I know each of you brings a wealth of talent and ideas to address the challenges before us.

From taxes and spending, to education, water and the restructuring of

government ...

We need to confront these challenges and those that await us over the next four years head-on.

\* \* \*

In one week, we will begin the discussion of Nebraska's future when I deliver the State of the State Address.

That discussion will center on providing real tax relief for our citizens and moving us toward a lower tax burden through the reform of our income tax system and providing tax relief aimed at middle-class Nebraskans.

Yet I also know that there is a need for our state to have an open, honest discussion about property taxes.

Ladies and gentlemen, our efforts at the state level to address local property taxes are a tax shift, not a tax cut ... and each one increases state spending.

We should acknowledge them for what they are ... and move forward with an honest resolve.

Toward that end, my budget will include significant investments in property tax relief ...

As well as my income tax reform proposal.

Both of these ideas will be contained in a tight-fisted budget that limits state spending growth to a far more reasonable and sustainable number over time ...

A far more reasonable number than we have historically achieved.

It is a budget that does what I told the people of Nebraska we would do ...

It makes difficult, prioritized spending decisions, and it respects the people who elected us.

\* \* \*

I have confidence in this Legislature, and in the people of this great state.

Nebraskans have an incredible ability to come together and find solutions to the challenges we face.

Our people are truly our greatest resource, and the future of Nebraska rests with each and every one of us.

We need to engage our citizens in these difficult and complex policy discussions and then we must be willing to make the tough decisions that Nebraskans expect of their leaders.

I value the opportunity to work with you, and I believe very strongly that together we have an unprecedented opportunity to make changes for the good of Nebraska.

\* \* \*

It has been an honor and privilege to serve this state these past two years, and I look forward to what we can accomplish together over the next four years.

I am excited about the opportunities in front of us, and I am enthusiastic about finding ways to resolve the challenges we face.

Together, we will chart a course toward a more vibrant and opportunistic Nebraska ...

A place that our children and grandchildren will proudly call home.

Thank you.

The Governor, Lt. Governor, Chief Justice, associate justices, newly elected state officials, and families were escorted from the Chamber.

### **PROPOSED RULES CHANGES**

Senator Schimek offered the following proposed rules change:

**Amend Rule 3, Section 4(e). Reference Committee.**

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause ~~shown by a majority vote of the members assigned to the committee conducting the hearing.~~ as determined by the chair of the committee.

The committee shall prepare a report either approving or rejecting the appointment. Said report shall be filed with the Clerk of the Legislature. The Legislature shall then have the opportunity to accept or reject the report of the committee.

Referred to the Rules Committee.

### **VISITOR**

The Doctor of the Day was Dr. Brian Finley from Papillion.

**ADJOURNMENT**

At 2:47 p.m., on a motion by Senator Fischer, the Legislature adjourned until 10:00 a.m., Friday, January 5, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRD DAY - JANUARY 5, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 5, 2007

**PRAYER**

The prayer was offered by Senator Langemeier.

**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.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

**REPORTS**

The following reports were received by the Legislature:

**Education Committee, Legislative**

Comprehensive Statewide Plan for Postsecondary Education

**Educational Lands and Funds, Board of**

65<sup>th</sup> Biennial Report

**Health and Human Services System**

2006 Nebraska Medicaid Report of Implementation of Rules and Regulations, Plan Amendments, and Waivers

**Roads, Department of**

One-Year and Five-Year Plan of Anticipated Design, Construction and Improvement for Recreation Roads

**MESSAGE FROM THE GOVERNOR**

December 11, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual is appointed as Chief Administrative Officer for the Health and Human Services System:

Christine Peterson, 5916 Branford Place, Lincoln NE 68512

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**COMMUNICATION**

Pursuant to 84-104.05 R.R.S of Nebraska Governor Dave Heineman issued a proclamation declaring January 5, 2007, as George W. Norris Day.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 57.** Introduced by Preister, 5; Cornett, 45; Howard, 9; Kopplin, 3; Kruse, 13; Lathrop, 12; McGill, 26; Pedersen, 39; Schimek, 27.

A BILL FOR AN ACT relating to labor; to amend section 48-217, Reissue Revised Statutes of Nebraska; to provide for a fair share representation contribution by employees who are not members of certain labor organizations for representation provided by the labor organization; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 58.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1534, Reissue Revised Statutes of Nebraska; to increase the probationary period of teaching staff as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 59.** Introduced by Engel, 17.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1403, 60-1403.01, 60-1407, 60-1411.01, and 60-1438.01, Reissue Revised Statutes of Nebraska, and sections 25-2602.01 and 60-1401.02, Revised Statutes Cumulative Supplement, 2006; to require completion of an education program for dealers, agents, and salespersons as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 60.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2006; to exempt sales of clothing, school supplies, and computers from sales and use tax as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 61.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1401, Revised Statutes Cumulative Supplement, 2006; to prohibit certain gifts and contributions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 62.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to insurance; to amend section 44-354, Reissue Revised Statutes of Nebraska; to authorize insurance producers to charge incidental fees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 63.** Introduced by Schimek, 27; Hudkins, 21; McDonald, 41.

A BILL FOR AN ACT relating to insurance; to amend section 44-784, Reissue Revised Statutes of Nebraska; to change a provision relating to coverage for childhood immunizations; and to repeal the original section.

**LEGISLATIVE BILL 64.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to gaming; to eliminate a fee and tax on certain gaming activity adopted by Initiative 419; and to outright repeal sections 9-901, 9-902, 9-903, and 9-904, Revised Statutes Cumulative Supplement, 2006.

**COMMITTEE ON COMMITTEES FINAL REPORT**

Senator Pedersen moved to approve the following final Committee on Committees report:

## Agriculture - Erdman (C)

Chambers	Dierks	Dubas	Karpisek
McDonald	Preister	Wallman	

## Appropriations - Heidemann (C)

Engel	Fulton	Harms	Kruse
Nantkes	Nelson	Synowiecki	Wightman

## Banking, Commerce and Insurance - Pahls (C)

Carlson	Christensen	Gay	Hansen
Langemeier	Pankonin	Pirsch	

## Business and Labor - Cornett (C)

Chambers	Lathrop	McGill	Rogert
Wallman	White		

## Education - Raikes (C)

Adams	Ashford	Avery	Burling
Howard	Johnson	Kopplin	

## General Affairs - McDonald (C)

Dierks	Dubas	Erdman	Friend
Janssen	Karpisek	Preister	

## Government, Military and Veterans Affairs - Aguilar (C)

Adams	Avery	Friend	Karpisek
Mines	Pahls	Rogert	

## Health and Human Services - Johnson (C)

Erdman	Gay	Hansen	Howard
Pankonin	Stuthman		

## Judiciary - Ashford (C)

Chambers	Lathrop	McDonald	McGill
Pedersen	Pirsch	Schimek	



## Natural Resources - Louden (C)

Carlson Hudkins	Christensen Kopplin	Dubas Wallman	Fischer
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## Nebraska Retirement Systems - Synowiecki (C)

Erdman White	Heidemann	Karpisek	Louden
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## Revenue - Jansen (C)

Burling Preister	Cornett Raikes	Dierks White	Langemeier
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## Transportation and Telecommunications - Fischer (C)

Aguilar Pedersen	Hudkins Schimek	Louden Stuthman	Mines
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## Urban Affairs - Friend (C)

Cornett Rogert	Jansen White	Lathrop	McGill
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## Committee on Committees - Pedersen (C)

Adams Cornett Preister	Aguilar Dierks Raikes	Ashford Engel Schimek	Burling Karpisek White
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## Enrollment and Review - McGill (C)

## Reference - Engel (C)

Chambers Jansen Stuthman	Erdman Kopplin	Flood McDonald	Heidemann Preister
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## Rules - Hudkins (C)

Dubas White	Erdman	Flood	Lathrop
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## Executive Board - Engel (C)

Chambers Jansen Stuthman	Erdman Kopplin	Flood McDonald	Heidemann Preister
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## Intergovernmental Cooperation - Kruse (C)

Aguilar  
Rogert

Flood  
Lt. Gov. Sheehy

Langemeier

Pirsch

The Committee on Committees report was approved with 43 ayes, 1 nay, and 5 present and not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 65.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2828, Reissue Revised Statutes of Nebraska; to change the statute of repose as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 66.** Introduced by Stuthman, 22; Janssen, 15; Loudon, 49.

A BILL FOR AN ACT relating to schools; to require a driver safety course as prescribed; and to provide an operative date.

**LEGISLATIVE BILL 67.** Introduced by Stuthman, 22; Gay, 14; Hudkins, 21.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1629.04, Reissue Revised Statutes of Nebraska; to provide for service of juror summons by first-class mail; and to repeal the original section.

**LEGISLATIVE BILL 68.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to juveniles; to create the Office of Guardian ad Litem Services; to provide for local guardian ad litem programs; to provide powers and duties to the State Court Administrator; and to define a term.

**LEGISLATIVE BILL 69.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-5415, 2-5416, 2-5417, and 2-5418, Revised Statutes Cumulative Supplement, 2006; to modify provisions of the Agricultural Opportunities and Value-Added Partnerships Act; to authorize grants for specialty crops; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 70.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to permit operation of all-terrain vehicles within municipalities by municipal employees; and to repeal the original section.

**LEGISLATIVE BILL 71.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for a child advocacy center.

**LEGISLATIVE BILL 72.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to schools; to prohibit starting a school year before Labor Day as prescribed; to provide for exceptions; and to provide duties for the State Department of Education.

**LEGISLATIVE BILL 73.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-10,138, Reissue Revised Statutes of Nebraska; to change provisions relating to school breakfasts; and to repeal the original section.

**LEGISLATIVE BILL 74.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to food regulation; to amend sections 81-2,244.01, 81-2,257, 81-2,263, 81-2,272.10, 81-2,272.17, 81-2,272.24, and 81-2,272.25, Reissue Revised Statutes of Nebraska, and sections 81-2,239 and 81-2,270, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the Nebraska Pure Food Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 81-2,272.03, 81-2,272.04, 81-2,272.05, 81-2,272.06, 81-2,272.14, 81-2,272.15, 81-2,272.16, 81-2,272.19, 81-2,272.20, 81-2,272.21, 81-2,272.22, 81-2,272.23, 81-2,272.26, 81-2,272.28, 81-2,272.29, 81-2,272.30, 81-2,272.33, 81-2,272.35, and 81-2,272.37, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 75.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-254 and 43-283.01, Reissue Revised Statutes of Nebraska, and section 43-247, Revised Statutes Cumulative Supplement, 2006; to provide powers and duties to the juvenile court regarding the placement and custody of juveniles as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 76.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to custody; to amend section 42-364,

Revised Statutes Cumulative Supplement, 2006; to provide for legal and physical custody arrangements of a minor child as prescribed; to provide powers and duties to the court; and to repeal the original section.

**LEGISLATIVE BILL 77.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change disability compensation provisions; and to repeal the original section.

**LEGISLATIVE BILL 78.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-922 and 13-926, Reissue Revised Statutes of Nebraska; to change amounts recoverable as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 79.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1553, Reissue Revised Statutes of Nebraska, and section 81-1504.01, Revised Statutes Cumulative Supplement, 2006; to modify reporting requirements under the Nebraska Litter Reduction and Recycling Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 80.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to drinking water; to amend sections 71-5318, 71-5321, and 71-5322, Reissue Revised Statutes of Nebraska; to authorize the transfer of funds, rules and regulations, financial assistance for certain political subdivisions with financial hardships, and emergency funding; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 81.** Introduced by Schimek, 27; Howard, 9; McGill, 26; Nantkes, 46; Pahls, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2006; to create the offense of school trespass; to provide for detention, arrest, and immunity; to require providers of goods and services to schools to prohibit registered sex offenders employed by such providers from being on or in school property or at school-related events; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 82.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1724, Reissue Revised Statutes of Nebraska; to change provisions relating to family size; and to repeal the original section.

**LEGISLATIVE BILL 83.** Introduced by Synowiecki, 7.

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

**LEGISLATIVE BILL 84.** Introduced by Howard, 9; Aguilar, 35; Cornett, 45; Flood, 19; Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2006; to regulate the movement of traffic approaching or passing a stopped authorized emergency vehicle; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 85.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to create the Nebraska Health Insurance Policy Coalition.

**LEGISLATIVE BILL 86.** Introduced by Howard, 9; Aguilar, 35; Flood, 19; Kruse, 13; Nantkes, 46; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Cumulative Supplement, 2006; to provide a notification requirement for applicants for licensure of certain health care facilities as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 87.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to state service contracts; to provide a requirement that all state service contracts be performed in the United States and awarded to United States companies as prescribed; to provide a preference for Nebraska-based companies as prescribed; and to state intent.

**LEGISLATIVE BILL 88.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Chambers, 11; Lathrop, 12; McGill, 26; Rogert, 16; Wallman, 30; White, 8.

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; and to declare an emergency.

**LEGISLATIVE BILL 89.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Chambers, 11; Lathrop, 12; McGill, 26; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

**LEGISLATIVE BILL 90.** Introduced by Howard, 9; Nantkes, 46.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1726, Reissue Revised Statutes of Nebraska, and section 68-1713, Revised Statutes Cumulative Supplement, 2006; to change the earned income disregard as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 91.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to schools; to amend sections 79-2102 and 79-2107, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to formation of certain learning communities; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 92.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to foreign national minors; to amend sections 43-3801, 43-3802, 43-3803, 43-3804, 43-3805, 43-3806, 43-3807, 48-3808, 43-3809, and 43-3810, Revised Statutes Cumulative Supplement, 2006; to change references to dual citizenship; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 93.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to state government; to amend sections 81-5,151 and 81-5,157, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,118, Revised Statutes Cumulative Supplement, 2006; to provide for firefighter plates; to change provisions relating to personalized message license plates; to provide for training for certain emergency personnel; to eliminate obsolete language; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 94.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Cumulative Supplement, 2006; to authorize municipalities to receive information as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 95.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to education; to amend section 79-862, Reissue Revised Statutes of Nebraska; to clarify a reference to reimbursement for expenses of the Professional Practices Commission; and to repeal the original section.

**LEGISLATIVE BILL 96.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2246, Revised Statutes Cumulative Supplement, 2006; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 97.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to courts; to repeal provisions related to settlement escrow funds that terminated July 1, 2004; and to outright repeal sections 25-2922, 25-2923, 25-2924, 25-2925, 25-2926, 25-2927, 25-2928, and 25-2929, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 98.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5601, Revised Statutes Cumulative Supplement, 2006; to eliminate references to a fund that terminated July 1, 2006; and to repeal the original section.

**LEGISLATIVE BILL 99.** Introduced by Wightman, 36; Nelson, 6.

A BILL FOR AN ACT relating to receivers; to amend section 25-1081, Reissue Revised Statutes of Nebraska; to change provisions relating to the appointment of receivers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 100.** Introduced by Erdman, 47; Friend, 10.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Revised Statutes Cumulative Supplement, 2006; to provide duties; and to repeal the original section.

**LEGISLATIVE BILL 101.** Introduced by Erdman, 47; Harms, 48.

A BILL FOR AN ACT relating to private, denominational, or parochial schools; to amend section 79-1601, Reissue Revised Statutes of Nebraska; to clarify provisions related to a parent or guardian and schools that have elected not to meet state accreditation or approval requirements; and to repeal the original section.

**LEGISLATIVE BILL 102.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2483, Reissue Revised Statutes of Nebraska; to provide for notice of appointment of a personal representative as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 103.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 71-5185, 71-8249, and 71-8252, Reissue Revised Statutes of Nebraska; to authorize the release of patient information as prescribed; to change provisions relating to regional trauma advisory boards; and to repeal the original sections.

**LEGISLATIVE BILL 104.** Introduced by Erdman, 47; Flood, 19; Friend, 10; Pedersen, 39.

A BILL FOR AN ACT relating to age of majority; to amend sections 9-255.09, 9-334, 9-633, 20-403, 21-1724, 21-1781, 29-401, 29-2270, 30-2412, 32-602, 43-104.09, 43-117, 43-245, 43-289, 43-290, 43-294, 43-412, 43-504, 43-2101, 43-2903, 43-3703, 44-5238, 48-122.01, 48-124, 49-801, 68-1723, 68-1724, 71-1,281, 71-1,348, 71-20,120, 79-296, 81-885.13, 81-1916, 81-1917, 81-1936, and 81-2036, Reissue Revised Statutes of Nebraska, and sections 9-255.06, 23-1824, 25-1601, 25-1628, 25-21,271, 28-318, 28-319, 28-320.01, 28-457, 30-2209, 30-3402, 30-3502, 42-371.01, 43-247, 64-101, 71-6039.01, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 79-267, and 81-2026, Revised Statutes Cumulative Supplement, 2006; to change the age of majority from nineteen to eighteen years of age as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 105.** Introduced by Loudon, 49; Adams, 24; Carlson, 38; Christensen, 44; Dierks, 40; Fischer, 43; Harms, 48; Hudkins, 21; Kopplin, 3; McDonald, 41; Preister, 5.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds to the Board of Regents of the University of Nebraska for the Nebraska Forest Service.

**LEGISLATIVE BILL 106.** Introduced by Engel, 17.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend sections 77-4001, 77-4002, 77-4007, 77-4008, 77-4014, and 77-4017, Reissue Revised Statutes of Nebraska; to change the tax on snuff; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 107.** Introduced by Pedersen, 39; Aguilar, 35;



Ashford, 20; Chambers, 11; Engel, 17; Flood, 19; Janssen, 15; Johnson, 37; Lathrop, 12; Nantkes, 46; Raikes, 25; Schimek, 27; White, 8.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 81-8,244, Reissue Revised Statutes of Nebraska; to authorize a deputy public counsel to assist the Public Counsel; to define the deputy's scope of authority; to harmonize provisions; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 4CA.** Introduced by Avery, 28.

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

Section 1. At the general election in November 2008 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 IV, section 5:

IV-5 ~~All civil officers~~ A civil officer of this state shall be liable to impeachment for any misdemeanor in office or for any misdemeanor related to the election by which such officer was elected to the office.

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 provide that misdemeanors related to election to office are grounds for impeachment of civil officers.

For

Against.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 5CA.** Introduced by Friend, 10.

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

Section 1. At the primary election in May 2008 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 XIII, section 2:

XIII-2 (1) Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue

revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this ~~section~~ subsection shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of ~~the~~ this Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued and such governmental subdivision shall have no authority to impose taxes for the payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this subsection shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) Notwithstanding any other provision in ~~the~~ this Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived

from state or federal sources.

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 authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

Referred to the Reference Committee.

### **ANNOUNCEMENTS**

The Revenue Committee elected Senator Dierks as Vice Chairperson.

The Government, Military and Veterans Affairs Committee elected Senator Mines as Vice Chairperson.

Senator Cornett announced the Business and Labor Committee will meet January 8, 2007, at 11:00 a.m., under the north balcony.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Pedersen, Rogert, Schimek, and Stuthman asked unanimous consent to add their names as cointroducers to LB 32. No objections. So ordered.

Senator Wightman asked unanimous consent to add his name as cointroducer to LB 58. No objections. So ordered.

Senators Cornett and Synowiecki asked unanimous consent to add their names as cointroducers to LB 86. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Louden's daughter and son-in-law, DaLene Louden and Leonard Salazar, from Scottsbluff.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

### **ADJOURNMENT**

At 11:22 a.m., on a motion by Senator Kopplin, the Legislature adjourned until 11:00 a.m., Monday, January 8, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**FOURTH DAY - JANUARY 8, 2007**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
FIRST SESSION**

**FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 8, 2007

**PRAYER**

The prayer was offered by Senator Fischer.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Sheehy presiding.

The roll was called and all members were present.

**CORRECTIONS FOR THE JOURNAL**

Page 71, line 17, after "proceedings", underscore the comma.

Page 71, line 21, remove underscore from "as".

Page 72, line 18, after "Legislature", remove underscore from ".".

Page 72, line 28, after "repealed.", remove "~~The~~" and insert "The".

Page 74, line 47, after "provided", remove "~~for~~" and insert "for".

The Journal for the second day was approved as corrected.

The Journal for the third day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 1	General File
LB 2	General File
LB 3	Revenue
LB 4	Revenue
LB 5	Government, Military and Veterans Affairs
LB 6	Judiciary
LB 7	Government, Military and Veterans Affairs
LB 8	Judiciary
LB 9	Revenue
LB 10	Revenue

LB 11	Urban Affairs
LB 12	Agriculture
LB 13	Government, Military and Veterans Affairs
LB 14	Transportation and Telecommunications
LB 15	Judiciary
LB 16	Government, Military and Veterans Affairs
LB 17	Government, Military and Veterans Affairs
LB 18	Government, Military and Veterans Affairs
LB 19	Judiciary
LB 20	Judiciary
LB 21	Education
LB 22	Revenue
LB 23	Revenue
LB 24	Banking, Commerce and Insurance
LB 25	Agriculture
LB 26	Banking, Commerce and Insurance
LB 27	Government, Military and Veterans Affairs
LB 28	Urban Affairs
LB 29	Judiciary
LB 30	Education
LB 31	Business and Labor
LB 32	Revenue
LB 33	Appropriations
LB 34	Executive Board
LB 35	Transportation and Telecommunications
LB 36	Judiciary
LB 37	Judiciary
LB 38	Judiciary
LB 39	Government, Military and Veterans Affairs
LB 40	Government, Military and Veterans Affairs
LB 41	Revenue
LB 42	Appropriations
LB 43	Transportation and Telecommunications
LB 44	Government, Military and Veterans Affairs
LB 45	Judiciary
LB 47	Judiciary
LB 48	Health and Human Services
LB 49	Health and Human Services
LB 50	Government, Military and Veterans Affairs
LB 51	Urban Affairs
LB 52	Health and Human Services
LB 53	Health and Human Services
LB 54	Health and Human Services
LB 55	Appropriations
LB 56	Appropriations
LR 1CA	Executive Board
LR 2CA	Urban Affairs
LR 3CA	Executive Board

Adams, Scot - Community Corrections Council - Judiciary

Aerni, Linda - Nebraska Information Technology Commission -  
Transportation and Telecommunications

Arnold, Scott - Crime Victim's Reparations Committee - Judiciary

Bieganski, Gary - Board of Trustees of the Nebraska State Colleges -  
Education

Bloch, Steven - Nebraska Arts Council - General Affairs

Boozer, Robert L. - Board of Parole - Judiciary

Caruso, Joseph J. - Commission for the Deaf and Hard of Hearing - Health  
and Human Services

Cerny, Joel E. - Board of Emergency Medical Services - Health and Human  
Services

Cook, Catherine - Community Corrections Council - Judiciary

Davis, Jeffrey - Community Corrections Council - Judiciary

DeFusco, Richard - Nebraska Investment Council - Nebraska Retirement  
Systems

Deiml, Keith - State Emergency Response Commission - Government,  
Military and Veterans Affairs

Dinkel, John M. - Nebraska Investment Council - Nebraska Retirement  
Systems

Ewald, Doug - State Tax Commissioner - Revenue

Flanagan, Patrick - Nebraska Information Technology Commission -  
Transportation and Telecommunications

Frey, Donald - Rural Health Advisory Commission - Health and Human  
Services

Gardels, David E. - Nebraska Arts Council - General Affairs

Glen, Lucinda - State Personnel Board - Government, Military and Veterans  
Affairs

Hansen, Keith - State Emergency Response Commission - Government,  
Military and Veterans Affairs

Hedquist, Lance - Nebraska Information Technology Commission - Transportation and Telecommunications

Henry, Jack - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Hesser, Kate - Rural Health Advisory Commission - Health and Human Services

Hippen, Julie - Community Corrections Council - Judiciary

Hoelsing, Daniel - Nebraska Information Technology Commission - Transportation and Telecommunications

Hofbauer, Tim - State Emergency Response Commission - Government, Military and Veterans Affairs

Huggenberger, Harold - Nebraska Information Technology Commission - Transportation and Telecommunications

Jensen, Linda L. - Board of Emergency Medical Services - Health and Human Services

Johnson, Crystal - Rural Health Advisory Commission - Health and Human Services

Johnson, Larry - State Emergency Response Commission - Government, Military and Veterans Affairs

Kelly, Joe - Community Corrections Council - Judiciary

Kristensen, Doug - Nebraska Information Technology Commission - Transportation and Telecommunications

Lindemeier, Robert - Community Corrections Council - Judiciary

McColley, Mark - Nebraska Ethanol Board - Natural Resources

Miller, Dana - State Emergency Response Commission - Government, Military and Veterans Affairs

Miller, Toby - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Olson, Robert K. - Board of Emergency Medical Services - Health and Human Services

Peterson, Christine - Health and Human Services System - Health and



## Human Services

Riskowski, James - Crime Victim's Reparations Committee - Judiciary

Schroeder, Rebecca - Rural Health Advisory Commission - Health and Human Services

Schroeder, Sandra J. - Nebraska Arts Council - General Affairs

Shepard, Joanne F. - Nebraska Arts Council - General Affairs

Shoemaker, J. Richard - Nebraska Educational Telecommunications Commission - Education

Sitorius, Michael - Rural Health Advisory Commission - Health and Human Services

Smith, James E. - Board of Emergency Medical Services - Health and Human Services

Smith, Kelly - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Strawn, Jeffrey - Board of Emergency Medical Services - Health and Human Services

Sykes, Leon - Board of Emergency Medical Services - Health and Human Services

Thede, Michael S. - Nebraska Ethanol Board - Natural Resources

Turnbull, John C. - Environmental Quality Council - Natural Resources

Uhing, Richard B. - Coordinating Commission for Postsecondary Education - Education

Wells, Roger - Rural Health Advisory Commission - Health and Human Services

Wiebe, Scott C. - Board of Emergency Medical Services - Health and Human Services

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

**ANNOUNCEMENT**

The Banking, Commerce and Insurance Committee elected Senator Langemeier as Vice Chairperson.

The General Affairs Committee elected Senator Karpisek as Vice Chairperson.

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 5, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Abboud, Chris, Public Affairs Group  
Agri-Business Association, Nebraska  
Brain Injury Association of America  
Manheims Omaha Auto Auction  
Metro Area Transit  
Monsanto  
Omaha Police Union, Local 101

Adair, Peggy  
League of Women Voters of Nebraska

Adams, John H.  
International Gamco, Inc.

Adams, Donald D., Jr.  
Nebraskans First, Inc.

Amack, Angela K.  
Grand Island Public Schools

American Communications Group, Inc.  
American Cancer Society  
Behavioral Health Organizations, Nebraska Association of  
Center for Rural Affairs  
City of Lincoln  
Emergency Medical Service Association, Nebraska  
Empyrean Brewing Company  
Engineers and Architects, Nebraska Board of  
Girl Scout Legislative Monitoring Network, Nebraska  
Iowa/Nebraska Primary Care Association  
Medtronic Sofamor Danek  
Medtronic, Inc.  
Nebraskans for Research  
Papio-Missouri Natural Resources District, Nebraska  
Physical Therapy Association, Nebraska Chapter of American  
Physician Assistants, Nebraska Academy of

Psychological Association, Nebraska  
Public Employees, AFSCME Local 61, Nebraska Association of  
Public Health, Friends of in Nebraska  
Research Nebraska!  
Respiratory Care, Nebraska Society for  
Retired School Personnel, Nebraska Association of  
Speech, Language, & Hearing Association, Nebraska  
Teamsters Local Union 554  
YMCA of Nebraska

Andersen, Robert C.  
Cooperative Council, Nebraska

Anderson, Shannon M.  
Alegent Health

Anderson, Steven  
Institute For Justice

Anderson, Tim W.  
Central Nebraska Public Power & Irrigation District

Ashburn, Bill  
ALLTEL Communications

Aspengren, Eric  
Nebraskans Against the Death Penalty

Baack, Dennis G.  
Community College Association, Nebraska

Bailey, Jon M.  
Center for Rural Affairs

Baker, R.J.  
Elkhorn Valley Economic Development Council

Barrett, John  
Aquila

Bateman, Joseph R.  
Union Pacific Railroad

Beattie, George  
Bankers Association, Nebraska

Beck, Curt  
General Contractors of America, NE Chapter, Associated

- Beermann, Allen J.  
Press Association, Nebraska
- Belcher, Barbara N.  
Merck & Company
- Bell, David  
Loup River Public Power District
- Belschner, Shanna  
Children and Family Coalition of Nebraska
- Berry, Erin  
State Farm Insurance Companies
- Boehm, John M.  
Mortgage Association, Nebraska
- Bohrer, Bruce J.  
Lincoln Chamber of Commerce
- Bonaiuto, John A.  
School Boards, Nebraska Association of
- Boryca, Kelly J.  
Pfizer, Inc.
- Boucher, Richard  
Sheriffs Association, Nebraska
- Brady, Justin J.  
Radcliffe, Walter H. of Radcliffe & Associates
- Bromm, Curt  
AFLAC  
Cable Communications Association, Nebraska  
Papio Valley Preservation Association  
Telecommunications Association, Nebraska
- Brown, Margaret S.  
League of Women Voters of Nebraska
- Bruning, Deonne L.  
Cox Nebraska Telcom, LLC  
Embarq Corp.  
Northern Natural Gas  
U. S. Cellular

- Buntain, David R.  
Medical Association, Nebraska
- Burhan, Charles H.  
Liberty Mutual Insurance
- Burkhart, Burdette L.  
American Legion of Nebraska
- Burroughs, Sheila K.  
Certified Public Accountants, Nebraska Society of
- Campbell, Mary M./Campbell & Associates  
AIA Nebraska  
Beverage Distributors of Nebraska, Associated  
Cable Communications Association, Nebraska  
Educational Service Units Administrators Association  
Friends of Nebraska Nonprofit Hospitals  
Hospital Association, Nebraska  
Industrial Energy Users of Nebraska  
Lincoln Public Schools  
Nature Conservancy Action Fund, The  
Region II and V Services  
State Troopers Association of Nebraska, Inc.  
University of Nebraska  
Waste Management  
Wholesale Liquor Distributors Association, Nebraska
- Carlton, Tiffany  
Republican Party, Nebraska
- Carstenson, Eric B.  
Telecommunications Association, Nebraska
- Cavanaugh Law Firm, PC, LLO  
City of Omaha, Mayor  
Creighton University  
Explore Information Services, LLC  
Independent Insurance Agents of Nebraska  
National Confectioners Association  
Snack Food Association  
Tenet Health System
- Cavanaugh, James P.  
Cavanaugh Law Firm PC, LLO
- Cavanaugh, Patrick B.  
Cavanaugh Law Firm PC, LLO

Cheloha, John A. 'Jack'  
City of Omaha

Christiansen, Craig R.  
Education Association, Nebraska State

Clark, Douglas R.  
Metropolitan Utilities District

Clayburn, Neal  
Education Association, Nebraska State

Colacurci, Mary C.  
Children & Families Foundation, Nebraska

Cover, Joni R.  
Pharmacists Association, Nebraska

Crawford, Kristin Lawson  
Engineering Companies/Nebraska, American Council of  
Engineers, Nebraska Society of Professional

Cunningham, James R.  
Catholic Conference, Nebraska

Curtis, Carol A.  
AstraZeneca Pharmaceuticals

Cutshall & Associates  
ACS State and Local Solutions, Inc.  
Advocacy Strategies, LLC  
Area Agencies on Aging, Nebraska Association of  
BryanLGH Health System  
College Systems, Board of Trustees of Nebraska State  
Community Lottery System, Inc.  
County Attorneys Association, Nebraska  
Credit Advisors  
Dietetic Association, Nebraska  
Elkhorn Public Schools  
Family Physicians, Nebraska Academy of  
Financial Services Coalition, Nebraska  
Funeral Directors Association, Nebraska  
Lincoln Medical Education Partnership  
Metropolitan Utilities District  
Nebraska Public Power District  
NET Foundation for Television  
Peetz & Company  
Pfizer, Inc.  
Pork Producers Association, Nebraska

Poultry Industries, Inc., Nebraska  
Resources Districts, Nebraska Association of  
Rural Community School Association, Nebraska  
Southern Public Power District  
Union Pacific Railroad  
Water Coalition, Nebraska

Cutshall, Bruce A.  
Cutshall & Associates

DeCamp, John W.  
Chiropractic Physicians Association, Nebraska

Dibbern, Chris M.  
Nebraska Municipal Power Pool

Dix, Larry  
County Officials, Nebraska Association of

Dobler, James B.  
Farmers Mutual of Nebraska

Duckworth, Linda  
League of Women Voters of Nebraska

Dulaney, Michael S.  
School Administrators, Nebraska Council of

Edson, Dean E.  
Resources Districts, Nebraska Association of

Edwards, Jon  
County Officials, Nebraska Association of

Elliott, Joseph W.  
Professional Insurance Agents of Nebraska

Engh, Jennifer L.  
Cargill Inc.

Eret, Don  
Tractor Testing Laboratory, Supporters of Nebraska

Erickson, Julie S.  
American Communications Group, Inc.

Fahleson, Mark A.  
Abengoa Bioenergy Corporation  
NorthWestern Energy

- Ferdinand, Betty  
Health Care Association, Nebraska
- Ferrell, Beth Bazyn  
County Officials, Nebraska Association of
- Festersen, Pete  
Omaha Chamber of Commerce, Greater
- Flannery, John S.  
Verizon Wireless
- Fraizer, Ted J.  
AFLAC  
Insurance Association, American  
Mutual of Omaha Insurance Company
- Fraizer, Theodore D. (Tad)  
Fraizer & Fraizer Law Office
- Funk, Christine  
Planned Parenthood of Nebraska & Council Bluffs
- Gangwish, Duane  
Cattlemen, Inc., Nebraska
- Genrich, Richard L.  
Eagles, Fraternal Order of, NE State Aerie  
Veterans & Social Societies, Inc., Nebraska Council of Fraternal
- Gilbertson, Korby M.  
Radcliffe, Walter H. of Radcliffe & Associates  
Wildlife Protectors Association, Inc./Operation Game Thief, Nebraska
- Goc, John J.  
Metropolitan Utilities District
- Gordon, James E.  
DeHart & Darr Associates
- Gossman, Abigail  
MedImmune, Inc.
- Gottschalk, Kristen  
Rural Electric Association, Nebraska



- Gould, John 'Jack'  
Common Cause National  
Common Cause Nebraska
- Grotirian, James  
Metropolitan Community College
- Hale, Brian R.  
School Boards, Nebraska Association of
- Hale, Susan  
Center For People In Need
- Hall, Kimberle M.  
Home & Community Health Agencies, Nebraska Association of
- Hallstrom, Robert J.  
Bankers Association, Nebraska  
National Federation of Independent Business  
Nebraskans For Workers Compensation Equity  
NETWORKS, Inc.  
Pharmacists Association, Nebraska
- Hansen, John K.  
Farmers Union, Nebraska
- Hartmann, William  
One-Call Notification Center, Nebraska Statewide
- Harvey, William F.  
Big Red Lottery Services, Ltd.
- Hassebrook, Charles, Jr.  
Center for Rural Affairs
- Haubensak, Richard  
Cornerstone Energy, Inc.
- Head, Craig J.  
Farm Bureau Federation, Nebraska
- Hedman, Gary  
Southern Public Power District
- Hernandez, Jennifer  
Appleseed Center for Law in the Public Interest, Nebraska
- Higgins, Shirley  
Nebraska Public Power District

Hill, Denise A.  
Berkshire Hathaway Homestate Companies

Hoke, Fred A.  
Home Builders' Association of Lincoln

Holmquist, David W.  
American Cancer Society

Holmquist, Jay  
Rural Electric Association, Nebraska

Hood, Jane Renner  
Humanities Council, Nebraska

Horn, Ryan  
Wal-Mart Stores, Inc.

Horne, Virgil L.  
Lincoln Public Schools

Hutchinson, M.C.  
Family Council, Nebraska

Hybl, Michael G. - Consortia Consulting  
Cambridge Telephone Company  
Clarks Telecommunications Co.  
Consolidated Telephone Company  
Hamilton Telecommunications  
Hartington Telecommunications, Inc.  
Hershey Coop Telephone Co.  
HunTel Systems, Inc.  
Ignition Interlock Systems of IA, Inc.  
K & M Telephone Company  
Nebraska Central Telephone Company  
Northeast Nebraska Telephone Co.  
Stanton Telecom, Inc.  
Three River Telco  
Trucking Association, Nebraska

Intermill, Mark  
AARP

Jaeschke, Ronda  
Kinder Morgan, Inc.

Jensen, Ronald L./Jensen Associates, Inc.  
Counseling Association, Nebraska  
Dental Hygienists Association, Nebraska  
Homes & Services for the Aging, Nebraska Association of  
Johnson, DeMaris/The Johnson Group  
Kraft Foods North America, Inc. - Altria Corporate Services, Inc.  
Magellan Health Services, Inc.  
Marriage and Family Therapy, The Nebraska Association for  
National Rifle Association Institute for Legislative Action  
Nurse Anesthetists, Nebraska Association of  
Optometric Association, Nebraska  
Philip Morris USA, Inc. - Altria Corporate Services, Inc.  
Podiatric Medical Association, Nebraska  
Service Providers, Nebraska Association of  
Sportsmen's Alliance, U.S.

Jensen, S. Michael  
Great Plains Communications

Johnson, DeMaris/The Johnson Group  
Cable Communications Association, Nebraska  
Check Cashers, Nebraska Association of  
County Attorneys Association, Nebraska  
Geologists, Board of  
Jensen, Ronald/Jensen & Associates  
Water Resources Association, Nebraska

Johnson, Dick  
Builders and Contractors, Inc., Associated

Johnson, Mary A.  
Ruth Mueller Robak LLC

Johnson, Sandra A.  
Medical Association, Nebraska

Jordison, John C.  
Great Plains Communications

Jun,Michelle  
Consumers Union

Kaminski, Ronald Lee, Jr.  
Laborers Local #1140

Karavas, Julie M.  
Bio Nebraska

Karl, Jamie T.

Chamber of Commerce & Industry, Nebraska

Katzberg, Alan

Rural Community School Association, Nebraska

Kay, Sara A.

AIA Nebraska

Keigher, Timothy P.

Keigher/Rasmussen & Associates, LLC

Petroleum Marketers & Convenience Store Assn., Nebraska

Keigher/Rasmussen & Associates, LLC

Auto Dealers Association, Nebraska Independent

Class I's United

Credit Management

Iowa/Nebraska Equipment Dealers Association

Kraft Foods North America, Inc. - Altria Corporate Services, Inc.

Land Improvement Contractors Association, Nebraska

Miller Brewing Company

National Guard Assn. of Nebraska

Philip Morris USA, Inc. - Altria Corporate Services, Inc.

SouthWestern Association

Kelley & Lehan, P.C.

ABATE of Nebraska, Inc.

Beverage Operators of Nebraska, Responsible

Douglas County, Nebraska

Eastern Nebraska Human Services Agency

Elevator Industry Work Preservation

Fraternal Order of Police, Nebraska

Johnson Brothers/Finocchiaro, LLC

Omaha Airport Authority

Omaha Exposition & Racing, Inc.

Ralston Public School District

Kelley, Michael, of Kelley & Lehan, PC

Kelley & Lehan, PC

Kelsey, Michael D.

Cattlemen, Inc., Nebraska

Kennedy, Barry L.

Chamber of Commerce & Industry, Nebraska

Kenny, Timothy R.

Investment Finance Authority, Nebraska

- Kerr, Karren  
League of Women Voters of Nebraska
- Kierstead, Roberta  
Planned Parenthood of Nebraska & Council Bluffs
- Kilgarin, Karen  
Education Association, Nebraska State
- Kissel, Gordon  
Kissel/E&S Associates, LLC
- Kissel/Erickson & Sederstrom Associates, LLC  
Alegent Health  
American Petroleum Institute  
Ameristar Casinos, Inc.  
Anheuser-Busch Companies  
CASA Association, Nebraska  
Cooperative Council, Nebraska  
Erickson & Sederstrom, PC  
Hearing Society, Nebraska  
Historical Society, Nebraska State  
Investment Finance Authority, Nebraska  
Lancaster County Board of Commissioners  
Lancaster Event Center  
Lincoln Electric System  
Nebraska Municipal Power Pool  
Professional Engineers Coalition  
Telecommunications Business Users Coalition, Nebraska  
TransCanada Pipelines Limited  
West Corporation
- Knighton, Ethel V.  
Medco Health Solutions, Inc.
- Kohout, Joseph D.  
Kelley & Lehan, PC
- Krannawitter, Brian  
American Heart Association
- Krumland, Gary G.  
League of Nebraska Municipalities
- Kruse, Dacia D.  
Omaha Chamber of Commerce, Greater
- Kruse, Larry D.  
Glaxo Smith Kline

- Krusemark, Cortni L.  
Occupational Therapy Association, Nebraska
- Kulesher, Kate M.  
Wyeth
- Kutilek, William R.  
Cooperative Council, Nebraska
- Lange, Robert G.  
Ameritas Life Insurance Corporation
- Lemon, Greg  
Tax Research Council, Inc., Nebraska
- Lengel, Patricia  
Wineries and Grape Growers Association, Nebraska
- Lewis, Sarah Ann  
Voices for Children
- Libsack, Fiona  
Regional West Health Services
- Lightner, Patricia  
HSBC GR Corp.
- Lindsay, John  
O'Hara, Lindsay & Associates, Inc.
- Lineweber, Ray L.  
United Transportation Union
- Loeffler, Michael T.  
Northern Natural Gas
- Logsdon, Robert R.  
Cox Nebraska Telcom, LLC
- Lombardi, Richard A.  
American Communications Group, Inc.
- Lowrey, Lon  
Novartis Pharmaceuticals Corporation
- Luetkenhaus, Brandon M.  
Credit Union League and Affiliates, Nebraska

Marsh, Laurel S.  
ACLU Nebraska

Marvin, Mike  
Public Employees, AFSCME Local 61, Nebraska Association of

Mass, Ken E.  
AFL-CIO, Nebraska State

Mauk, Daniel S.  
Norfolk Area Chamber of Commerce

McBride, David S.  
Insurance and Financial Advisors, National Association of  
Optometric Association, Nebraska

McClure, John  
Nebraska Public Power District

McGuire, Mark D.  
Crow Butte Resources, Inc.  
Education Association, Nebraska State

McHugh, Jim  
Regional West Health Services

McKenzie, Janis M.  
Gifted, Nebraska Association For The  
Independent Colleges & Universities of Nebraska (AICUN), Association of  
Insurance Federation, Nebraska

McNair, Chrissy  
GWR Wealth Management

Meek, Randy D.  
Brotherhood of Locomotive Engineers, Nebraska State Legislative Board

Menzel, Elaine  
County Officials, Nebraska Association of

Meradith, Steve  
Windstream

Mikkelsen, Brian  
Education Association, Nebraska State

Miller, Amy  
ACLU Nebraska

Mills, Jack D.

Risk Management Association, Nebraska Intergovernmental

Mischo, Craig

Bayer Health Care

Mize, William L. (Len)

Kinder Morgan, Inc.

Moors, H. Jack

3M Traffic Safety Systems

Cargill Inc.

Corn Growers Association, Nebraska

Crow Butte Resources, Inc.

Hastings Exposition and Racing, Inc.

Johnson & Johnson

Syngenta

Tobacco & Candy Distributors, Nebraska Association of

Moylan, James H.

Beverage Association, Nebraska Licensed

R.J. Reynolds Tobacco

Mueller, William J.

Ruth Mueller Robak LLC

Mumgaard, D. Milo

Appleseed Center for Law in the Public Interest, Nebraska

Munguia, Roberto F.

Burlington Northern Santa Fe

Murphy, Jeremy P.

Catholic Conference, Nebraska

Nabb, Douglas

Fremont Public Schools

Napp, Jaimee

Identity Theft Action Council of Nebraska (iTAC)

Nelson, Charles G.

Nelson, Charles G., Architect

Nielsen, Coleen J.

Criminal Defense Attorneys Association, Nebraska

Insurance Information Service, Nebraska

Medco Health Solutions, Inc.

Merck & Company



## State Farm Insurance Companies

Nolles, Michael J.  
Class I's United

Nowka, Trent P.  
Cutshall & Associates

Obst, Robert E.  
Qwest Communications

O'Hara, Lindsay & Associates, Inc.  
Ambulatory Centers, Nebraska Association of Independent  
Aquila  
Automobile Manufacturers, Alliance of  
Beverage Association, Nebraska  
Blue Cross & Blue Shield of Nebraska  
Cabela's Retail, Inc.  
City of Lincoln  
City of Norfolk  
County Judges Association, Nebraska  
Hall County Livestock Improvement Association  
Housing & Redevelopment Officials, Nebraska Chapter of the National  
Association of  
Humanities Council, Nebraska  
Kinder Morgan, Inc.  
Nucor Corporation  
Omaha Public Power District  
Omaha Public Schools  
Peru State College Foundation  
TracFone Wireless, Inc.  
Trial Attorneys, Nebraska Association of  
Valmont Industries, Inc.  
Winnebago Tribe of Nebraska

O'Hara, Paul V.  
O'Hara, Lindsay & Associates, Inc.

Olsen, Keith R.  
Farm Bureau Federation, Nebraska

O'Neill, Thomas J., Jr.  
Independent Colleges & Universities of Nebraska (AICUN), Association of

Orton, Leroy  
Irrigation Association, Nebraska State  
Waste Water Assn., Nebraska On-Site  
Well Drillers Association, Nebraska

- Othmer, Mark F.  
Iowa/Nebraska Equipment Dealers Association
- Otto, James A.  
Restaurant Association, Nebraska  
Retail Federation, Nebraska
- Ozanne, Colleen K.  
State Farm Insurance Companies (NE)
- Pack, Mary M.  
Radcliffe, Walter H. of Radcliffe & Associates
- Paden, Nicholas  
Campbell, Mary M./Campbell & Associates
- Pallesen, Charles M., Jr.  
Medical Association, Nebraska
- Pankoke, Mary Jo  
Children & Families Foundation, Nebraska
- Parker, David R.  
Great West Casualty Company
- Partington, Jim  
Restaurant Association, Nebraska
- Passarelli, Angelo D.  
Millard Public Schools
- Peetz, Natalie, Peetz & Company  
Apollo Group, Inc./Univ. of Phoenix  
Children & Families Foundation, Nebraska  
Cutshall & Associates  
Educare of Omaha  
GWR Wealth Management  
Kiewit Corporation  
Omaha Community Playhouse
- Peters, William E.  
Burlington Northern Santa Fe  
Cigar Association of America, Inc.  
Golden Rule Insurance Company
- Peterson, Alan E.  
Media of Nebraska, Inc.

- Peterson, Patricia Schuett  
Investment Finance Authority, Nebraska
- Petsch, Jean M.  
General Contractors, Associated (NE Building Chapter)
- Pierson, Darwin R.  
Oil & Gas Association, Nebraska Independent
- Pirruccello, Jeffrey J.  
McGrath North Mullin & Kratz, PC LLO
- Plucker, Julia  
Bennington Public Schools  
Community Alliance, Inc.  
Nebraska School Activities Association
- Polt, Brendon A.  
Health Care Association, Nebraska
- Popken, Kent T.  
Qwest Communications
- Potter, Cara E.  
National Association of Chain Drug Stores
- Prenda, Amy  
Kissel/E&S Associates, LLC
- Quandahl, Mark  
Republican Party, Nebraska
- Radcliffe, Walter H. of Radcliffe & Associates  
ACS Government Healthcare Solutions c/o MultiState Associates Inc.  
ALLTEL Communications  
Bellevue Public Schools  
Broadcasters Association, Nebraska  
Cable Communications Association, Nebraska  
Cemetery Association, Nebraska State  
Certified Public Accountants, Nebraska Society of  
Community Development Coalition  
Community Financial Services of America (CFSA) c/o MultiStates  
Associates Inc.  
Fair Board, Nebraska State  
Father Flanagans Boys Home aka Girls and Boys Town  
Father Flanagans Boys Home d/b/a Boys Town National Research  
Hospital  
Financial Services Coalition, Nebraska  
Health Care Association, Nebraska

Home Builders Association, Nebraska State  
INTRALOT USA  
League of Nebraska Municipalities  
Lincoln Public Schools  
Media of Nebraska, Inc.  
Medical Center, Nebraska  
Motion Picture Association of America  
Omaha Property Owners Association  
Optometric Association, Nebraska  
Pinnacle Bancorp, Inc.  
Property Casualty Insurers Association of America  
Public Health Funding, Nebraskans for  
Pyrotechnics Association, Nebraska  
Realtors Association, Nebraska  
Small Smiles of Nebraska c/o Multistate Associates Inc.  
State Troopers Association of Nebraska, Inc.  
Tyson Foods, Inc.  
University of Nebraska  
UST Public Affairs, Inc.  
Waste Connections, Inc.  
Wholesale Liquor Distributors Association, Nebraska  
Windstream

Rasmussen, Dennis  
Keigher/Rasmussen & Associates, LLC

Rasmussen, Jessie K.  
Children & Families Foundation, Nebraska

Rea, James M.  
Lincoln Education Association

Redoutey, Laura J.  
Hospital Association, Nebraska

Reiman, Charlene  
Kinder Morgan, Inc.

Rempe, Jay E.  
Farm Bureau Federation, Nebraska

Renner, Shawn D.  
Media of Nebraska, Inc.

Rex, L. Lynn  
League of Nebraska Municipalities

Reynolds, Simera  
Mothers Against Drunk Driving, Nebraska

Richards, Thomas  
Omaha Public Power District

Rieker, Bruce R.  
Hospital Association, Nebraska

Riibe, Diane  
Project Extra Mile

Riskowski, Al  
Family Council, Nebraska

Robak, Kim M.  
Ruth Mueller Robak LLC

Robertson, Rob J.  
Farm Bureau Federation, Nebraska

Roland, Gene  
Kinder Morgan, Inc.

Ruth Mueller Robak LLC  
Airport Officials, Nebraska Association of  
American Express Travel Related Services, Inc.  
Ash Grove Cement Co.  
Bankers Association, Heartland Community  
Better Nebraska Association  
Big Red Lottery Services, Ltd.  
Chief Industries, Inc.  
Cingular Wireless LLC  
Collectors Association, Nebraska  
Commercial Property Owners, Nebraska Association of  
Cornerstone Energy, Inc.  
Court Reporters Association, Nebraska  
Dental Association, Nebraska  
Dermatology Society, Nebraska  
District Court Judges Association, Nebraska  
Duncan Aviation  
Eastern Nebraska Development Council  
eBay, Inc.  
Electrical Contractors Association, National  
Eye Physicians and Surgeons, Nebraska Academy of  
Feld Entertainment, Inc.  
First Data Corporation  
General Contractors of America, NE Chapter, Associated  
Independent Accountants, Nebraska Society of  
Kearney Area Chamber of Commerce  
Lamar Advertising Company

Land Title Association, Nebraska  
Lincoln Airport Authority  
Lower Republican NRD  
Lyman-Richey Corporation  
Machinery Company, Nebraska  
MDS Pharma Services (US), Inc.  
MedImmune Incorporated  
Methodist Health Systems, Nebraska  
Millard Public Schools  
Modern Banking Systems, Inc.  
Nebraska Interactive  
Nebraska State Bar Association  
Pharmaceutical Research and Manufacturers of America  
Press Association, Nebraska  
Private Duty Association, National, Eastern NE Chapter  
Service Contract Industry Council  
Vision 2015

Ruth, Larry L.  
Ruth Mueller Robak LLC

Ryan, Beth  
Union Pacific Railroad

Sahling-Zart, Shelley R.  
Lincoln Electric System

Schafer, Andrea R.  
Norris Public Power District

Schimek, Herbert H.  
Education Association, Nebraska State

Schleppenbach, Greg  
Catholic Conference, Nebraska

Schmit-Albin, Julie  
Nebraska Right to Life

Schuller, Lynne  
Horsemen's Benevolent & Protective Association

Schultz, William E.  
Marksmanship Association, Nebraska

Sedlacek, Ronald J.  
Chamber of Commerce & Industry, Nebraska

- Sellentin, Jerry L.  
School Administrators, Nebraska Council of
- Setzepfandt, Scott  
HLR Service Corporation
- Sher, Bradley L.  
BryanLGH Health System
- Shultz, Jack L.  
Motorcycle Industry Council, Inc.
- Siefken, Kathy  
Grocery Industry Association, Nebraska  
Shazam
- Skinner, Debra J.  
Nebraska Travel Association
- Smith, Milford L.  
Education Equity and Adequacy, Nebraska Coalition of
- Smith, Steve  
Water Claim
- Snyder, Patricia  
Health Care Association, Nebraska
- Sobotta, Russell  
Sanofi-Aventis Group (Aventis, Inc.)
- Stilmock, Gerald M.  
Bankers Association, Nebraska  
Firefighters Association, Nebraska State Volunteer  
National Federation of Independent Business  
Pharmacists Association, Nebraska
- Stemming, Troy A.  
Ameristar Casinos, Inc.
- Sullivan, J. Scott  
Credit Union League and Affiliates, Nebraska
- Swertzic, Michelle  
Propane Gas Association, Nebraska
- Todd, A. Loy, Jr.  
Car & Truck Dealers Association, Nebraska New

- Tumbleson, Brandi Holys  
March of Dimes Birth Defects Foundation
- Uhe, Fred J.  
Sarpy County Board of Commissioners
- Ullstrom, Galen F.  
Mutual of Omaha Insurance Company
- Urdahl, Michael B.  
Great Plains Communications
- Valentin, Michaela L.  
Blue Cross & Blue Shield of Nebraska
- Vasina, Mark A.  
Nebraskans for Peace, Inc.
- Vickers, Tom  
Community College Association, Nebraska  
Educational Lands and Funds, Board of  
Nurses Association, Nebraska  
Propane Gas Association, Nebraska  
Westside Community Schools
- Vodvarka, Dan  
Certified Public Accountants, Nebraska Society of
- Wagner, Connie  
Licensed Practical Nurse Association of Nebraska
- Warth, Terry  
Nebraska Public Power District
- Watson, James S.  
United Healthcare
- Weber, Rocky  
Cooperative Council, Nebraska
- Werner, Terry  
Social Workers, Nebraska Chapter, National Association of
- Weston, Deborah L.  
ARC of Nebraska
- Wightman, Anna Castner  
First National of Nebraska, Inc.



- Williams, David M.  
Ameritas Life Insurance Corporation
- Wimmer, J. Kent  
Western Sugar Cooperative (CO)
- Winger, Dwight  
Rural Telecommunications Coalition, Nebraska
- Winston, Ken  
Library Association, Nebraska  
Sierra Club, Nebraska
- Withem, Ron  
University of Nebraska
- Wolf, Jesse  
Education Association, Nebraska State
- Woythaler-Runestad, Carly  
Hospital Association, Nebraska
- Wurster, Donald F.  
National Indemnity Company
- Yost, Kurt T.  
Bankers, Nebraska Independent Community  
Central Nebraska Public Power & Irrigation District  
Midwest Check Cashiers, Inc.
- Young, Lora  
Nebraska Travel Association
- Zeigler, Jenifer  
Institute For Justice
- Zohner, Judy  
Farm Bureau Federation, Nebraska
- Zumwinkle, Mike  
Cargill Inc.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 108.** Introduced by Agriculture Committee: Erdman, 47, Chairperson; Chambers, 11; Dierks, 40; Dubas, 34; Karpisek, 32; Preister, 5; Wallman, 30.

A BILL FOR AN ACT relating to fences; to amend sections 2-4806, 2-4808, 34-102, 34-112, and 37-1012, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to fence viewers and viewing; to provide a civil action relating to fence disputes; to provide for mediation of such disputes; to harmonize provisions; to repeal the original sections; to outright repeal sections 34-101, 34-103, 34-104, 34-105, 34-106, 34-107, 34-108, 34-109, 34-110, 34-111, and 34-113, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 109.** Introduced by Agriculture Committee: Erdman, 47, Chairperson; Chambers, 11; Dierks, 40; Dubas, 34; Karpisek, 32; Preister, 5; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to provide for appropriations to the Board of Regents of the University of Nebraska to aid in completing requirements regarding crop insurance provisions as prescribed.

**LEGISLATIVE BILL 110.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend section 2-3918, Reissue Revised Statutes of Nebraska; to adopt the Bovine Tuberculosis Act; to harmonize provisions; to eliminate provisions relating to tuberculosis testing; to repeal the original section; and to outright repeal sections 54-706, 54-707, 54-708, 54-709, 54-710, 54-711, 54-712, 54-713, 54-714, 54-715, 54-716, 54-717, 54-718, 54-719, 54-720, 54-721, and 54-722, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 111.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to milk; to amend sections 2-3903, 2-3904, 2-3909, 2-3911, 2-3913, 2-3916, 2-3919, 2-3920, 2-3921, 2-3922, 2-3923, 2-3925, 2-3935, 2-3937, and 2-3942, Reissue Revised Statutes of Nebraska, and sections 2-3901, 2-3902, 2-3906, 2-3907, 2-3908, 2-3910, 2-3914, 2-3915, 2-3917, 2-3917.01, 2-3924, and 81-2,270, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the regulation and processing of milk; to rename a law; to adopt federal and other national milk standards; to provide powers and duties for the Director of Agriculture and the Department of Agriculture; to provide and eliminate penalties; to eliminate an act and a fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-3905, 2-3918, 2-3926, 2-3927, 2-3931, 2-3932, 2-3934, 2-3936, 2-3937.01, 2-3939, 2-3940, 2-3941, 2-3943, 2-3944, 2-3945, and 2-3946, Reissue Revised Statutes of Nebraska, and sections 2-3917.02, 2-3928, 2-3929, 2-3930, and 2-3938, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 112.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to minors; to provide for judicial

emancipation of minors.

**LEGISLATIVE BILL 113.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banks and banking; to prohibit branch banking by industrial loan companies or industrial banks; to provide a duty for the Revisor of Statutes; and to declare an emergency.

**LEGISLATIVE BILL 114.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend sections 30-3805, 30-3846, 30-3848, 30-3849, 30-3851, and 30-38,110, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the code; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 115.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to insurance; to amend section 44-514, Reissue Revised Statutes of Nebraska; to redefine automobile liability policy; and to repeal the original section.

**LEGISLATIVE BILL 116.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-324, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to priority of purchase-money security interests; and to repeal the original section.

**LEGISLATIVE BILL 117.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to insurance; to amend sections 21-2005, 44-319.07, 44-501, 44-507, 44-508, 44-522, 44-1104, 44-4501, 44-4519, 44-5501, 44-5502, 44-5504, 44-7504, and 48-446, Reissue Revised Statutes of Nebraska, and sections 48-144.03 and 48-146.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Business Corporation Act, the Long-Term Care Insurance Act, the Surplus Lines Insurance Act, securities, workers' compensation insurance, fire insurance policies, standard provisions and forms, the Viatical Settlements Act, and nonadmitted insurers; to provide training requirements for long-term care insurance providers; to provide for a tax on premiums of policies procured by industrial insureds; to define terms; to provide powers and duties; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 118.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44;

Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend section 44-4224, Reissue Revised Statutes of Nebraska, and sections 44-4221 and 44-4222, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to eligibility for pool coverage and the duties of the administering insurer; and to repeal the original sections.

**LEGISLATIVE BILL 119.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to the Insurers Investment Act; to amend sections 44-5110, 44-5111, 44-5120, 44-5137, 44-5140, 44-5141, and 44-5152, Reissue Revised Statutes of Nebraska, and sections 44-5103 and 44-5153, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to participation, investment limitations, securities, stock, and additional authorized investments; to redefine a term; and to repeal the original sections.

**LEGISLATIVE BILL 120.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to the Nebraska Senior Protection in Annuity Transactions Act; to amend sections 44-8101, 44-8102, 44-8103, 44-8104, 44-8105, 44-8106, and 44-8107, Revised Statutes Cumulative Supplement, 2006; to rename the act; to eliminate a defined term; to change the applicability of the act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 121.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to insurance; to amend section 77-908, Revised Statutes Cumulative Supplement, 2006; to adopt the Captive Insurers Act; to provide for a tax on captive insurers; and to repeal the original section.

**LEGISLATIVE BILL 122.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-108, 8-915, 8-2107, 21-17,112, 45-347, 45-351, 45-710, 45-716, 45-920, 45-927, 45-1014, and 45-1017, Reissue Revised Statutes of Nebraska, and sections 8-601, 8-602, 8-2312, and 8-2504, Revised Statutes Cumulative

Supplement, 2006; to change and eliminate provisions relating to financial institution assessment; to change examination expense provisions relating to the Nebraska Installment Sales Act, Mortgage Bankers Registration and Licensing Act, Delayed Deposit Services Licensing Act, and Nebraska Installment Loan Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 21-1739, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 123.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to real property; to amend section 87-302, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Foreclosure Protection Act; to provide a penalty; to change provisions relating to the Uniform Deceptive Trade Practices Act; and to repeal the original section.

**LEGISLATIVE BILL 124.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Cumulative Supplement, 2006; to revise powers of state-chartered banks, building and loan associations, and credit unions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 125.** Introduced by Pahls, 31; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-148.04, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to community development investments; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 126.** Introduced by Pahls, 31; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1901, Revised Statutes Cumulative Supplement, 2006; to regulate trust company names; and to repeal the original section.

**LEGISLATIVE BILL 127.** Introduced by Pahls, 31; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to loan brokers; to amend section 45-191.01, Reissue Revised Statutes of Nebraska; to change provisions relating to loan brokerage agreements; and to repeal the original section.

**LEGISLATIVE BILL 128.** Introduced by Pahls, 31; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-334, 45-340, 45-344, 45-352, and 45-353, Reissue Revised Statutes of Nebraska, and section 45-346, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Nebraska Installment Sales Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 129.** Introduced by Pahls, 31; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to mortgage banking; to amend sections 45-708 and 45-715, Reissue Revised Statutes of Nebraska, and sections 45-701, 45-702, 45-705, 45-706, 45-711, and 45-714, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Mortgage Bankers Registration and Licensing Act; and to repeal the original sections.

**LEGISLATIVE BILL 130.** Introduced by Pahls, 31; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to the Nebraska Installment Loan Act; to amend sections 45-1013 and 45-1033, Revised Statutes Cumulative Supplement, 2006; to provide for a licensee relocation fee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 131.** Introduced by Raikes, 25; Avery, 28; Fulton, 29; Hudkins, 21; McGill, 26; Nantkes, 46; Schimek, 27; Wallman, 30.

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to provide for the University Research and Development Corridor Master Plan as prescribed.

**LEGISLATIVE BILL 132.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to husband and wife; to provide for revocation of a legal separation decree; to provide a duty for the Revisor of Statutes; and to state intent.

**LEGISLATIVE BILL 133.** Introduced by Schimek, 27; Avery, 28; Hudkins, 21.

A BILL FOR AN ACT relating to zoning; to amend section 23-174.01, Reissue Revised Statutes of Nebraska; to provide for the transfer of development rights as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 134.** Introduced by Schimek, 27; Hudkins, 21; McDonald, 41.

A BILL FOR AN ACT relating to insurance; to require coverage of colorectal cancer screenings as prescribed.

**LEGISLATIVE BILL 135.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to state officers; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2006; to provide for confidentiality of certain municipality records as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 136.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to fund management; to adopt the Nebraska Uniform Prudent Management of Institutional Funds Act; to eliminate the Uniform Management of Institutional Funds Act; and to outright repeal sections 58-601, 58-602, 58-603, 58-604, 58-605, 58-606, 58-607, 58-608, and 58-609, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 137.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to inheritance tax; to amend sections 77-2003 and 77-2037, Reissue Revised Statutes of Nebraska; to change and provide provisions relating to a lien and liability for payment of the tax; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 138.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to sex offenders; to amend section 28-912, Reissue Revised Statutes of Nebraska, and sections 28-929, 28-930, 28-931, 28-931.01, 28-932, and 29-4013, Revised Statutes Cumulative Supplement, 2006; to prohibit escape from a treatment facility and assault on an officer by a committed sex offender; to change provisions relating to the release of information under the Sex Offender Registration Act; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 139.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1142, Reissue Revised Statutes of Nebraska; to provide for reimbursement for special education costs for certain students in residential settings as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 140.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend section 81-1504, Reissue Revised Statutes of Nebraska; to provide copies of complaints as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 141.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-507, Reissue Revised Statutes of Nebraska, and section 29-4103, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to burglary; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 142.** Introduced by Friend, 10; Avery, 28; Erdman, 47; McDonald, 41.

A BILL FOR AN ACT relating to communications; to amend section 28-1310, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to intimidation using communication devices; to define terms; and to repeal the original section.

**LEGISLATIVE BILL 143.** Introduced by McDonald, 41; Friend, 10.

A BILL FOR AN ACT relating to crimes and offenses; to prohibit government officials from requiring a polygraph examination of a victim of a sex offense as prescribed.

**LEGISLATIVE BILL 144.** Introduced by McDonald, 41.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Hepatitis C Education and Prevention Act; and to declare an emergency.

**LEGISLATIVE BILL 145.** Introduced by McDonald, 41.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3513 and 77-3514, Revised Statutes Cumulative Supplement, 2006; to require notices to claimants as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 146.** Introduced by McDonald, 41.

A BILL FOR AN ACT relating to child support; to amend sections 42-364.01, 43-1718.02, and 43-1723, Reissue Revised Statutes of Nebraska; to change the administrative fee allowed for income withholding; and to repeal the original sections.



**LEGISLATIVE BILL 147.** Introduced by McDonald, 41.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Reissue Revised Statutes of Nebraska; to change a penalty provision with respect to vehicle loads; and to repeal the original section.

**LEGISLATIVE BILL 148.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,301, Reissue Revised Statutes of Nebraska; to provide an exception to load and weight limits for trucks; and to repeal the original section.

**LEGISLATIVE BILL 149.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-113, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the unauthorized use of the word bank; and to repeal the original section.

**LEGISLATIVE BILL 150.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-809 and 79-810, Reissue Revised Statutes of Nebraska; to change provisions relating to certificate fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 151.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to banks and banking; to amend section 3-118, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to provide a statute of limitations for certificate of deposit obligations as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 152.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to licenses; to amend section 71-1,200, Reissue Revised Statutes of Nebraska; to change provisions relating to reports by insurers; and to repeal the original section.

**LEGISLATIVE BILL 153.** Introduced by Aguilar, 35; Kopplin, 3; McDonald, 41.

A BILL FOR AN ACT relating to schools; to amend section 79-473, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to schools in annexed territory as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 154.** Introduced by Burling, 33; Kruse, 13; Wightman, 36.

A BILL FOR AN ACT relating to jury service; to amend section 25-1601, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to jury service; and to repeal the original section.

**LEGISLATIVE BILL 155.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-203 and 77-1717, Reissue Revised Statutes of Nebraska; to change provisions relating to liens for taxes on personal property and the collection of certain taxes; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 156.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-149 and 8-1,123, Reissue Revised Statutes of Nebraska, and section 8-124, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to bank boards of directors, bank investments in bank premises, and premiums on demand deposits; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 157.** Introduced by Stuthman, 22; Carlson, 38; Nantkes, 46.

A BILL FOR AN ACT relating to infants; to provide for leaving a child with a firefighter or hospital staff member as prescribed; and to provide duties for the Department of Health and Human Services.

**LEGISLATIVE BILL 158.** Introduced by Heidemann, 1; Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and section 77-2704.36, Revised Statutes Cumulative Supplement, 2006; to exempt depreciable repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 159.** Introduced by Heidemann, 1; Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and section 77-2704.36, Revised Statutes Cumulative Supplement, 2006; to exempt repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 160.** Introduced by Cornett, 45; Flood, 19; Lathrop,

12; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to fire and rescue departments; to amend section 35-801, Reissue Revised Statutes of Nebraska; to change provisions relating to clothing and equipment and certain donations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 161.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Dubas, 34; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to the Wastewater Treatment Operator Certification Act; to amend section 81-15,130, Reissue Revised Statutes of Nebraska; to change a provision regarding applicant's fees; and to repeal the original section.

**LEGISLATIVE BILL 162.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to certificates of title; to amend section 37-1282, Reissue Revised Statutes of Nebraska, and section 60-164, Revised Statutes Cumulative Supplement, 2006; to provide for an electronic lien system as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 163.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend section 60-101, Revised Statutes Cumulative Supplement, 2006; to provide requirements for applying for certificates of title; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 164.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to relocation assistance; to amend sections 76-1221 and 76-1228, Reissue Revised Statutes of Nebraska; to add categories of persons excluded from the definition of displaced persons; to authorize rules and regulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 165.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Midwest Interstate Passenger Rail Compact; to eliminate the Midwest Interstate Passenger Rail Compact; to outright repeal sections 74-1601, 74-1602, and 74-1603, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 166.** Introduced by Revenue Committee: Janssen, 15, Chairperson; Burling, 33; Cornett, 45; Dierks, 40; Langemeier, 23; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1233.04 and 77-1613.02, Reissue Revised Statutes of Nebraska, and sections 77-202.03, 77-1344, 77-1347.01, 77-1348, 77-1502, and 77-5018, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to property taxation and assessment; to repeal the original sections; to outright repeal section 77-1216, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 167.** Introduced by Revenue Committee: Janssen, 15, Chairperson; Burling, 33; Cornett, 45; Dierks, 40; Langemeier, 23; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5003 and 77-5011, Reissue Revised Statutes of Nebraska, and sections 25-1901, 77-1504, 77-1507.01, 77-5016, 77-5017, 77-5020, 77-5022, 77-5023, 77-5026, and 77-5028, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to appeals, equalization, the Tax Equalization and Review Commission, and assessor certification; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-5014, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 168.** Introduced by Revenue Committee: Janssen, 15, Chairperson; Burling, 33; Cornett, 45; Dierks, 40; Langemeier, 23; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 60-3,189, 77-202.12, 77-684, 77-1345.01, 77-1504, 77-1507, 77-1510, and 77-5017, Revised Statutes Cumulative Supplement, 2006, and section 79-1016, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change protest and appeal procedures; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 169.** Introduced by Cornett, 45; Carlson, 38; Kopplin, 3; Pankonin, 2; Rogert, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2006; to exclude military retirement benefits from income taxation; and to repeal the original section.

**LEGISLATIVE BILL 170.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Cumulative Supplement, 2006; to change property tax levy provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 171.** Introduced by Kopplin, 3; Howard, 9; Nantkes,

46; Synowiecki, 7.

A BILL FOR AN ACT relating to food stamps; to provide duties for the Department of Health and Human Services relating to options and waivers.

**LEGISLATIVE BILL 172.** Introduced by Kopplin, 3; Cornett, 45; Gay, 14; Stuthman, 22.

A BILL FOR AN ACT relating to counties; to provide for the adoption of ordinances and resolutions as prescribed; to provide requirements for notification and hearing; and to provide powers and duties.

**LEGISLATIVE BILL 173.** Introduced by Engel, 17; Avery, 28; Hudkins, 21; Janssen, 15; Langemeier, 23; Nantkes, 46; Pedersen, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3509.01, 77-3509.03, 77-3510, 77-3517, and 77-3523, Reissue Revised Statutes of Nebraska, and section 77-3514, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to homestead exemptions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 174.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to financial institutions; to provide duties for and prohibit certain actions by issuers of credit and debit cards; to provide penalties; and to provide severability.

**LEGISLATIVE BILL 175.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to labor; to require an employer to provide employee a reason for termination as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 176.** Introduced by Cornett, 45; Flood, 19.

A BILL FOR AN ACT relating to police animals; to amend section 28-906, Reissue Revised Statutes of Nebraska, and section 28-1008, Revised Statutes Cumulative Supplement, 2006; to redefine the term for certain crimes; and to repeal the original sections.

## ANNOUNCEMENTS

The Natural Resources Committee elected Senator Hudkins as Vice Chairperson.

The Education Committee elected Senator Kopplin as Vice Chairperson.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Gay asked unanimous consent to add his name as cointroducer to LB 4. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 32. No objections. So ordered.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board referred the University of Nebraska's request to issue revenue bonds to the Appropriations Committee for further consideration.

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

**VISITOR**

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Speaker Flood, the Legislature adjourned until 11:00 a.m., Tuesday, January 9, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTH DAY - JANUARY 9, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 9, 2007

**PRAYER**

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

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Pedersen who was excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 46	Agriculture
LB 57	Business and Labor
LB 58	Education
LB 59	Transportation and Telecommunications
LB 60	Revenue
LB 61	Government, Military and Veterans Affairs
LB 62	Banking, Commerce and Insurance
LB 63	Banking, Commerce and Insurance
LB 64	General Affairs
LB 65	Judiciary
LB 66	Education
LB 67	Judiciary
LB 68	Judiciary
LB 69	Agriculture
LB 70	Transportation and Telecommunications

LB 71	Appropriations
LB 72	Education
LB 73	Education
LB 74	Agriculture
LB 75	Judiciary
LB 76	Judiciary
LB 77	Business and Labor
LB 78	Judiciary
LB 79	Natural Resources
LB 80	Natural Resources
LB 81	Judiciary
LB 82	Health and Human Services
LB 83	Judiciary
LB 84	Transportation and Telecommunications
LB 85	Banking, Commerce and Insurance
LB 86	Health and Human Services
LB 87	Government, Military and Veterans Affairs
LB 88	Business and Labor
LB 89	Business and Labor
LB 90	Health and Human Services
LB 91	Education
LB 92	Judiciary
LB 93	Transportation and Telecommunications
LB 94	Revenue
LB 95	Education
LB 96	Judiciary
LB 97	Judiciary
LB 98	Revenue
LB 99	Judiciary
LB 100	Government, Military and Veterans Affairs
LB 101	Education
LB 102	Judiciary
LB 103	Health and Human Services
LB 104	Judiciary
LB 105	Appropriations
LB 106	Revenue
LB 107	Judiciary
LR 4CA	Judiciary
LR 5CA	Urban Affairs

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



**MESSAGE FROM THE GOVERNOR**

December 14, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals are being  
reappointed to the Nebraska State Fair Board:

Sallie Atkins, HC 76, Box 4, Halsey NE 69142  
Linda Lovgren, 2414 South 103rd, Omaha NE 68124

The aforementioned appointees are respectfully submitted for your  
consideration. Copies of the appointment certificates and applications are  
attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**ANNOUNCEMENTS**

The Business and Labor Committee elected Senator Rogert as Vice  
Chairperson.

The Agriculture Committee elected Senator Dubas as Vice Chairperson.

The Appropriations Committee elected Senator Kruse as Vice Chairperson.

The Judiciary Committee elected Senator Lathrop as Vice Chairperson.

**NOTICE OF COMMITTEE HEARINGS**

**Agriculture**  
Room 1524

LB 25	Tuesday, January 16, 2007	1:30 p.m.
LB 12	Tuesday, January 16, 2007	1:30 p.m.

(Signed) Philip Erdman, Chairperson



**LEGISLATIVE BILL 181.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to gaming; to eliminate a fee and tax on certain gaming activity adopted by Initiative 419; and to outright repeal sections 9-901, 9-902, 9-903, and 9-904, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 182.** Introduced by Kruse, 13; Avery, 28; Harms, 48; Kopplin, 3; Lathrop, 12; McDonald, 41; McGill, 26; Nantkes, 46; Nelson, 6; Pahls, 31; Stuthman, 22; Wightman, 36.

A BILL FOR AN ACT relating to public transportation; to amend sections 13-1209 and 39-1365.02, Reissue Revised Statutes of Nebraska; to provide limitations on state grants; to provide a duty to report; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 183.** Introduced by Carlson, 38; Adams, 24; Christensen, 44; Cornett, 45; Hansen, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2006; to exclude military retirement benefits from income taxation; and to repeal the original section.

**LEGISLATIVE BILL 184.** Introduced by Carlson, 38; Adams, 24; Christensen, 44; Dubas, 34; Hansen, 42; Stuthman, 22; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to hunting and fishing permits; to amend section 37-405, Reissue Revised Statutes of Nebraska, and sections 37-420, 37-421, and 37-421.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to hunting and fishing permits for Nebraska residents in active military service and veterans; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 185.** Introduced by Health and Human Services Committee: Johnson, 37, Chairperson; Erdman, 47; Gay, 14; Hansen, 42; Howard, 9; Pankonin, 2; Stuthman, 22.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-629, 71-6726, and 71-6733, Reissue Revised Statutes of Nebraska, and sections 68-906, 68-919, 68-921, 71-6039, 81-647, and 81-671, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Medical Assistance Act, birth certificates, nursing assistants, medication aides, and the cancer registry; to change provisions relating to recovery of medical assistance; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 186.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to real property appraisers; to amend sections 76-2210, 76-2210.01, 76-2210.02, 76-2213, 76-2213.01, 76-2217.01, 76-2226, 76-2228, 76-2228.01, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2241, 76-2242, and 77-5004, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to credentialing of real property appraisers; to update references; to delete obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 187.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend section 13-804, Revised Statutes Cumulative Supplement, 2006; to prohibit certain interlocal agreements; and to repeal the original section.

**LEGISLATIVE BILL 188.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to motor vehicle service contracts; to amend section 44-3522, Revised Statutes Cumulative Supplement, 2006; to eliminate a notice requirement; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 189.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend sections 30-3803 and 30-3867, Revised Statutes Cumulative Supplement, 2006; to redefine a term and change provisions relating to the duty of loyalty; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 190.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to consumer reporting agencies; to provide requirements for a security freeze on a credit report; and to provide powers and duties.

**LEGISLATIVE BILL 191.** Introduced by Mines, 18; Johnson, 37; Pahls, 31; White, 8.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2095 and 44-211, Reissue Revised Statutes of Nebraska; to change provisions relating to directors; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 192.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to postsecondary education; to amend

section 85-1412, Revised Statutes Cumulative Supplement, 2006; to adopt the Access College Early Scholarship Program Act; to eliminate the Community Scholarship Foundation Program Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 85-2001, 85-2002, 85-2003, 85-2004, 85-2005, 85-2006, 85-2007, 85-2008, 85-2009, and 85-2010, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 193.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to teachers and administrators; to amend section 79-807, Reissue Revised Statutes of Nebraska; to permit the creation of a special authorization; to specify requirements; to prescribe duties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 194.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-147.02, 71-150, 71-154, 71-155, 71-161.03, 71-168.01, 71-171, and 71-3,173, Reissue Revised Statutes of Nebraska, and section 71-101, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to rules and regulations and certain disciplinary actions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 195.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Nebraska State Quarter; to outright repeal section 90-120, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 196.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to authorized emergency vehicles; to amend sections 55-133, 60-610, 60-6,230, and 60-6,231, Reissue Revised Statutes of Nebraska; to authorize the designation of certain vehicles as military emergency vehicles; to modify terms; to authorize use of lights for convoy control purposes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 197.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change provisions relating to the limitation of actions for certain political subdivisions; and to repeal the original sections.

**LEGISLATIVE BILL 198.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1474.02, Revised Statutes Cumulative Supplement, 2006; to change requirements for campaign messages; and to

repeal the original section.

**LEGISLATIVE BILL 199.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to public bodies; to amend sections 18-2420, 18-2425, 18-2436, and 18-2439, Reissue Revised Statutes of Nebraska, and sections 18-2410, 18-2438, and 84-1411, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to municipal cooperative financing and open meetings; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 200.** Introduced by Burling, 33; Heidemann, 1.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2701.01, Reissue Revised Statutes of Nebraska; to change provisions relating to tractor testing; and to repeal the original section.

**LEGISLATIVE BILL 201.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,171, Revised Statutes Cumulative Supplement, 2006; to change the penalty for false information relating to motor vehicle registration; and to repeal the original section.

**LEGISLATIVE BILL 202.** Introduced by Loudon, 49; Christensen, 44; Fischer, 43; Heidemann, 1.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2001, Revised Statutes Cumulative Supplement, 2006; to define a term; to prohibit certain liens; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 203.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to health care facilities; to amend sections 71-452, 71-453, and 71-6021, Reissue Revised Statutes of Nebraska, and section 71-401, Revised Statutes Cumulative Supplement, 2006; to provide for an informal conference process; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 204.** Introduced by Synowiecki, 7; Lathrop, 12; Nantkes, 46.

A BILL FOR AN ACT relating to labor; to amend sections 48-2102, 48-2104, 48-2107, 48-2114, and 48-2115, Reissue Revised Statutes of Nebraska; to change provisions relating to the Contractor Registration Act; and to repeal the original sections.

**LEGISLATIVE BILL 205.** Introduced by Howard, 9; Ashford, 20; Avery,

28; Hudkins, 21; Kopplin, 3; Kruse, 13; Nantkes, 46; Preister, 5.

A BILL FOR AN ACT relating to schools; to amend section 79-267, Revised Statutes Cumulative Supplement, 2006; to provide for a bullying policy; to change provisions relating to student discipline; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 206.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-553 and 14-554, Reissue Revised Statutes of Nebraska; and section 14-1821, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions regarding the city treasurer; to eliminate the requirement of county treasurer serving as ex officio city treasurer; to repeal the original sections; and to outright repeal sections 14-551, 14-552, and 14-561, Reissue Revised Statutes of Nebraska, and section 14-555, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 207.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to public utilities; to amend sections 14-2110 and 14-2147, Reissue Revised Statutes of Nebraska, and sections 14-2109 and 14-2146, Revised Statutes Cumulative Supplement, 2006; to provide a power for the board of directors of a metropolitan utilities district; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 208.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to bonds; to amend section 52-118, Reissue Revised Statutes of Nebraska; to change a bond requirement for certain public building projects; and to repeal the original section.

**LEGISLATIVE BILL 209.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Lathrop, 12; McGill, 26; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to labor; to amend section 48-1809, Reissue Revised Statutes of Nebraska, and sections 48-418.09 and 48-2506, Revised Statutes Cumulative Supplement, 2006; to create and eliminate funds for elevator and conveyance inspection; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 48-418.10 and 48-1810, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 210.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; McGill, 26; Rogert, 16; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workforce Investment Board; to amend section 48-1623, Reissue Revised Statutes of Nebraska; to

change the membership of the board as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 211.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Lathrop, 12; McGill, 26; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-806, Reissue Revised Statutes of Nebraska; to change the judges' compensation; and to repeal the original section.

**LEGISLATIVE BILL 212.** Introduced by Rogert, 16; Flood, 19.

A BILL FOR AN ACT relating to counties; to authorize counties to enact ordinances as prescribed; and to provide powers and duties.

**LEGISLATIVE BILL 213.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 24-514 and 25-2732, Reissue Revised Statutes of Nebraska; to change provisions relating to tape recorders and recording; and to repeal the original sections.

**LEGISLATIVE BILL 214.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 23-1205, 24-516, and 29-509, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation for an acting county attorney; to provide for county judge interchange as prescribed; to eliminate obsolete provisions relating to examination before the court; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-501, 29-502, and 29-503, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 215.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-105, 29-2204, 29-2520, 29-2522, 29-2524, and 83-1,105.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to life imprisonment; and to repeal the original sections.

**LEGISLATIVE BILL 216.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to service dogs; to amend section 28-1009.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to violence on a service dog; and to repeal the original section.

**LEGISLATIVE BILL 217.** Introduced by Ashford, 20.



A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1437, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to unlawful acts regarding drug substances; and to repeal the original section.

**LEGISLATIVE BILL 218.** Introduced by Burling, 33; Hansen, 42; Schimek, 27; Wightman, 36.

A BILL FOR AN ACT relating to drugs and narcotics; to amend section 28-456, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the acquisition of certain drug products; and to repeal the original section.

**LEGISLATIVE BILL 219.** Introduced by Dierks, 40; Dubas, 34.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to petitions to transfer land between school districts; and to repeal the original section.

**LEGISLATIVE BILL 220.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to medical liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to provide for liens for chiropractors; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 221.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to legal procedure; to amend sections 42-353, 43-1101, and 43-1803, Reissue Revised Statutes of Nebraska; to change complaint and notice provisions from date to year of birth; and to repeal the original sections.

**LEGISLATIVE BILL 222.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to provide for compensation for permanent disfigurement or scarring as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 223.** Introduced by Revenue Committee: Janssen, 15, Chairperson; Burling, 33; Cornett, 45; Dierks, 40; Langemeier, 23; Preister, 5; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-375, 77-3,112, 77-2701.35, 77-2703.04, 77-2712.03, 77-2790, 77-27,131, 77-27,190, 77-27,192, 77-3102, 77-3903, 77-3904, 77-4105, 77-4110, 77-4933, and 77-5542, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, 77-2703, 77-2711, 77-2712.05, 77-2756,

77-27,187.01, 77-27,187.02, 77-27,188, 77-27,189, 77-5715, 77-5725, 77-5803, and 77-5904, Revised Statutes Cumulative Supplement, 2006; to change and eliminate sales and use tax provisions; to define and redefine terms; to change provisions relating to the streamlined sales and use tax agreement; to change tax incentive and reporting requirements laws; to define and redefine terms; to change provisions relating to the Tax Commissioner, disclosure of tax information to the Auditor of Public Accounts, withholding, deficiencies, security, nonresident contractors, and liens; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 77-2703.02, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 224.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to irrigation; to amend sections 46-602 and 46-706, Revised Statutes Cumulative Supplement, 2006; to impose a moratorium on new water wells as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 225.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to law; to amend section 49-801, Reissue Revised Statutes of Nebraska; to provide for acknowledgment of satisfaction of judgment and for unsworn certification; to provide a penalty; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 226.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Boiler Inspection Act; to amend sections 48-720, 48-722, and 48-731, Reissue Revised Statutes of Nebraska; to change provisions relating to boiler inspections; and to repeal the original sections.

**LEGISLATIVE BILL 227.** Introduced by Cornett, 45; McGill, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1008 and 28-1009, Revised Statutes Cumulative Supplement, 2006; to create the offense of intentional abandonment of an animal; to provide a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 228.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to civil liability; to eliminate motor vehicle and aircraft guest statutes; to harmonize provisions; and to outright repeal sections 3-129.01, 25-21,237, and 25-21,238, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 229.** Introduced by Wallman, 30; Carlson, 38;

Kopplin, 3; Preister, 5; Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support for developmental disability aid.

**LEGISLATIVE BILL 230.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-498, Reissue Revised Statutes of Nebraska, section 79-458, Revised Statutes Cumulative Supplement, 2006, and section 79-499, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to resident students for purposes of certain reorganizations as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 231.** Introduced by Raikes, 25.

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

**LEGISLATIVE BILL 232.** Introduced by Dubas, 34; Adams, 24; Aguilar, 35; Avery, 28; Carlson, 38; Dierks, 40; Karpisek, 32; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to the Building Entrepreneurial Communities Act; to amend sections 81-12,126 and 81-12,127, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to matching funds as prescribed; to define a term; and to repeal the original sections.

**LEGISLATIVE BILL 233.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to public building commissions; to amend section 13-1303, Reissue Revised Statutes of Nebraska; to provide a residency requirement for certain members as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 234.** Introduced by Dierks, 40; Karpisek, 32.

A BILL FOR AN ACT relating to schools; to provide for reorganization of certain school districts as prescribed; to provide a duty for the Revisor of Statutes; and to declare an emergency.

**LEGISLATIVE BILL 235.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-201, 77-2701, and 77-2701.04, Revised Statutes Cumulative Supplement, 2006; to provide business incentives for film and music

production; to create the Film and Music Office; to provide powers and duties for the Game and Parks Commission and the Tax Commissioner; to harmonize provisions; to provide an operative date; and to repeal the original sections.

### RESOLUTION

**LEGISLATIVE RESOLUTION 6CA.** Introduced by Avery, 28; Aguilar, 35; Fischer, 43; Flood, 19; Heidemann, 1; Janssen, 15; Johnson, 37; McGill, 26; Raikes, 25; Schimek, 27; Synowiecki, 7; Wightman, 36.

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

Section 1. At the general election in November 2008 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 XI, section 1:

XI-1 No city, county, town, precinct, municipality, or other ~~sub-division~~ subdivision of the state, shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association, except that, notwithstanding any other provision of this Constitution, the Legislature may authorize the investment of the public endowment funds of cities, villages, school districts, public power districts, and other political subdivisions in the manner required of a prudent investor who shall act with care, skill, and diligence under the prevailing circumstance and in such investments as the governing body of such city, village, school district, public power district, and other political subdivision, acting in a fiduciary capacity for the exclusive purpose of protecting and benefiting such investment, may determine, subject to such limitations as the Legislature may by statute provide.

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 authorize the investment of the public endowment funds of cities, villages, school districts, public power districts, and other political subdivisions in such manner and in such investments as the governing body of such political subdivision may determine, subject to limitations by the Legislature.

For

Against.

Referred to the Reference Committee.

**NOTICE OF COMMITTEE HEARINGS**  
**Banking, Commerce and Insurance**  
 Room 1507

LB 24	Tuesday, January 16, 2007	1:30 p.m.
LB 63	Tuesday, January 16, 2007	1:30 p.m.
LB 26	Tuesday, January 16, 2007	1:30 p.m.
LB 62	Tuesday, January 16, 2007	1:30 p.m.

(Signed) Rich Pahls, Chairperson

**Urban Affairs**  
 Room 1510

LB 11	Tuesday, January 16, 2007	1:30 p.m.
LB 28	Tuesday, January 16, 2007	1:30 p.m.

(Signed) Mike Friend, Chairperson

**ANNOUNCEMENT**

The Urban Affairs Committee elected Senator McGill as Vice Chairperson.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Howard asked unanimous consent to add her name as cointroducer to LB 9. No objections. So ordered.

Senators Lathrop, Pahls, Rogert, and Wallman asked unanimous consent to add their names as cointroducers to LB 62. No objections. So ordered.

Senator Pahls asked unanimous consent to add his name as cointroducer to LB 149. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB 153. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 180. No objections. So ordered.

Senator Erdman asked unanimous consent to add his name as cointroducer to LB 186. No objections. So ordered.

**VISITOR**

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator McDonald, the Legislature adjourned until 11:00 a.m., Wednesday, January 10, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTH DAY - JANUARY 10, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 10, 2007

**PRAYER**

The prayer was offered by Senator Janssen.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Raikes and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 108	Agriculture
LB 109	Appropriations
LB 110	Agriculture
LB 111	Agriculture
LB 112	Judiciary
LB 113	Banking, Commerce and Insurance
LB 114	Banking, Commerce and Insurance
LB 115	Banking, Commerce and Insurance
LB 116	Banking, Commerce and Insurance
LB 117	Banking, Commerce and Insurance
LB 118	Banking, Commerce and Insurance
LB 119	Banking, Commerce and Insurance
LB 120	Banking, Commerce and Insurance
LB 121	Banking, Commerce and Insurance
LB 122	Banking, Commerce and Insurance
LB 123	Banking, Commerce and Insurance

LB 124	Banking, Commerce and Insurance
LB 125	Banking, Commerce and Insurance
LB 126	Banking, Commerce and Insurance
LB 127	Banking, Commerce and Insurance
LB 128	Banking, Commerce and Insurance
LB 129	Banking, Commerce and Insurance
LB 130	Banking, Commerce and Insurance
LB 131	Agriculture
LB 132	Judiciary
LB 133	Government, Military and Veterans Affairs
LB 134	Banking, Commerce and Insurance
LB 135	Government, Military and Veterans Affairs
LB 136	Banking, Commerce and Insurance
LB 137	Judiciary
LB 138	Judiciary
LB 139	Education
LB 140	Natural Resources
LB 141	Judiciary
LB 142	Judiciary
LB 143	Judiciary
LB 144	Health and Human Services
LB 145	Revenue
LB 146	Judiciary
LB 147	Transportation and Telecommunications
LB 148	Transportation and Telecommunications
LB 149	Banking, Commerce and Insurance
LB 150	Education
LB 151	Judiciary
LB 152	Banking, Commerce and Insurance
LB 153	Education
LB 154	Judiciary
LB 155	Revenue
LB 156	Banking, Commerce and Insurance
LB 157	Judiciary
LB 158	Revenue
LB 159	Revenue
LB 160	Urban Affairs
LB 161	Natural Resources
LB 162	Transportation and Telecommunications
LB 163	Transportation and Telecommunications
LB 164	Judiciary
LB 165	Transportation and Telecommunications
LB 166	Revenue
LB 167	Revenue
LB 168	Revenue
LB 169	Revenue
LB 170	Revenue
LB 171	Health and Human Services
LB 172	Government, Military and Veterans Affairs



LB 173 Revenue  
 LB 174 Banking, Commerce and Insurance  
 LB 175 Business and Labor  
 LB 176 Judiciary

Atkins, Sallie - Nebraska State Fair Board - Agriculture

Lovgren, Linda - Nebraska State Fair Board - Agriculture

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

### ANNOUNCEMENT

The Health and Human Services Committee elected Senator Gay as Vice Chairperson.

### NOTICE OF COMMITTEE HEARINGS Health and Human Services Room 1510

LB 52	Wednesday, January 17, 2007	1:30 p.m.
LB 53	Wednesday, January 17, 2007	1:30 p.m.
LB 54	Wednesday, January 17, 2007	1:30 p.m.
LB 82	Wednesday, January 17, 2007	1:30 p.m.
LB 90	Wednesday, January 17, 2007	1:30 p.m.

(Signed) Joel Johnson, Chairperson

### Government, Military and Veterans Affairs Room 1507

LB 17	Wednesday, January 17, 2007	1:30 p.m.
LB 39	Wednesday, January 17, 2007	1:30 p.m.
LB 40	Wednesday, January 17, 2007	1:30 p.m.
LB 44	Wednesday, January 17, 2007	1:30 p.m.
LB 5	Thursday, January 18, 2007	1:30 p.m.
LB 7	Thursday, January 18, 2007	1:30 p.m.
LB 16	Thursday, January 18, 2007	1:30 p.m.
LB 50	Thursday, January 18, 2007	1:30 p.m.
LB 13	Friday, January 19, 2007	2:30 p.m.
LB 18	Friday, January 19, 2007	2:30 p.m.

(Signed) Ray Aguilar, Chairperson

**Judiciary**  
Room 1113

LB 8	Wednesday, January 17, 2007	1:30 p.m.
LB 6	Wednesday, January 17, 2007	1:30 p.m.
LB 15	Wednesday, January 17, 2007	1:30 p.m.
LB 141	Wednesday, January 17, 2007	1:30 p.m.
LB 157	Wednesday, January 17, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 236.** Introduced by Johnson, 37; Hansen, 42.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-6615 and 71-6720, Reissue Revised Statutes of Nebraska; to provide for in-home personal care services; to define terms; to provide requirements for agencies and workers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 237.** Introduced by Pahls, 31.

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

**LEGISLATIVE BILL 238.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 13-916, 13-1612, 18-2115, 32-567, 32-607, 32-608, 32-811, 32-1203, 32-1301, 32-1302, 44-1615, 48-621, 48-622.03, 48-811.02, 49-506, 66-1062, 77-3443, 77-3445, 79-919, 79-922, 81-1118.02, 85-606.01, 85-917, 85-933, 85-949, 85-966, 85-9,167, 85-1404, 85-1418, 85-1504, 85-1541, and 85-1542, Reissue Revised Statutes of Nebraska, and sections 10-127, 10-142, 10-1103, 13-503, 13-518, 13-519, 13-2202, 72-2302, 72-2303, 72-2304, 72-2306, 77-1601.02, 77-3442, 79-902, 81-1201.21, 85-966.01, 85-9,181, 85-9,182, 85-1402, 85-1412, 85-1413, 85-1414, 85-1416, 85-1503, and 86-594, Revised Statutes Cumulative Supplement, 2006; to create the Board of Trustees of the Nebraska Community Colleges, advisory boards, and funds; to provide for governance of the community colleges; to change and eliminate provisions relating to Community College Boards of Governors, community colleges, the Coordinating Commission for Postsecondary Education, and a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 32-514, 85-312, 85-1501, 85-1501.01, 85-1505, 85-1506, 85-1507, 85-1508, 85-1509, 85-1510,

85-1511, 85-1512, 85-1515, 85-1516, 85-1518, 85-1519, 85-1520, 85-1521, 85-1523, 85-1524, 85-1525, 85-1526, 85-1527, 85-1528, 85-1529, 85-1530, 85-1531, 85-1532, 85-1533, 85-1534, 85-1535, 85-1536, 85-1537, 85-1538, and 85-1539, Reissue Revised Statutes of Nebraska, and sections 85-1502, 85-1514, 85-1517, 85-1522, 85-1534.01, 85-1536.01, and 85-1540, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 239.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311, 60-342, 60-3.196, 60-462.01, 60-4.147.02, 60-6.265, 60-6.267, 75-363, and 75-364, Revised Statutes Cumulative Supplement, 2006; to update references to federal law; to delete obsolete language; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 240.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3806, Reissue Revised Statutes of Nebraska, and sections 77-908, 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2006; to provide an income tax credit for certain capital gains; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 241.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to education; to amend sections 77-913, 79-213, 79-805, 79-818, 79-820, 79-855, 79-856, 79-861, 79-872, 79-873, 79-874, 79-8.137, 79-901, 79-977, 79-978.01, 79-1065.01, 79-1083.01, 79-1089, 79-1090, 79-10.124, 79-1108.02, 79-1235, and 79-1241, Reissue Revised Statutes of Nebraska, sections 10-704, 13-508, 77-1327, 77-3442, 77-5007, 79-479, 79-528, 79-1065.02, 79-1073, 79-1073.01, 79-10.120, 79-1103, 79-1104, 79-1223, 79-1241.01, 79-1337, 79-2102, and 79-2106, Revised Statutes Cumulative Supplement, 2006, and sections 79-413 and 79-4.111, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to require the state to pay teacher salaries and benefits; to provide for collective bargaining as prescribed; to create a teachers bargaining unit; to eliminate the Tax Equity and Educational Opportunities Support Act; to eliminate funds; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 43-2513, 79-245, 79-1015.01, 79-1017.01, 79-1020, 79-1021, 79-1022.02, 79-1023, 79-1025, 79-1027.01, 79-1029, and 79-1031, Reissue Revised Statutes of Nebraska, sections 79-1001, 79-1002, 79-1005.01, 79-1005.02, 79-1007.01, 79-1007.02, 79-1007.03, 79-1007.04, 79-1007.05, 79-1007.06, 79-1007.07, 79-1007.08, 79-1007.09, 79-1007.10, 79-1008.01, 79-1008.02, 79-1009, 79-1009.01, 79-1010, 79-1011, 79-1012, 79-1018.01, 79-1024, 79-1026.01, 79-1030, and 79-1033, Revised Statutes Cumulative Supplement, 2006, and sections 79-1003, 79-1016, 79-1022, 79-1026, 79-1027, 79-1028, 79-1031.01, 79-1083.02, and 79-1083.03, Revised

Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; and to declare an emergency.

**LEGISLATIVE BILL 242.** Introduced by Flood, 19; Cornett, 45.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-115, 28-201, and 28-932, Revised Statutes Cumulative Supplement, 2006; to change penalty provisions relating to assault by a confined person; to create the offense of assault on an officer using bodily fluids; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 243.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to juries; to amend sections 25-1607, 25-1612, 25-1627.01, 25-1629, 25-1629.01, 25-1629.04, 25-1630, 25-1637, and 25-1641, Reissue Revised Statutes of Nebraska, and sections 25-1601, 25-1628, 25-1633, and 25-1635, Revised Statutes Cumulative Supplement, 2006; to define terms; to change provisions relating to juror disqualification, selection, and procedures; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 244.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to emergency medical services; to amend section 71-5186, Reissue Revised Statutes of Nebraska; to change requirements for certified personnel to occupy ambulances; and to repeal the original section.

**LEGISLATIVE BILL 245.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-3305, Reissue Revised Statutes of Nebraska; to change provisions relating to fluoridation of drinking water; and to repeal the original section.

**LEGISLATIVE BILL 246.** Introduced by Johnson, 37; Aguilar, 35; McDonald, 41.

A BILL FOR AN ACT relating to coroners; to provide requirements for procurement of anatomical gifts as prescribed; to state intent; to define terms; and to provide powers and duties.

**LEGISLATIVE BILL 247.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to drugs and pharmacy; to amend section 71-2421, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, 28-412, 71-1,147.35, 71-5403, and 71-7438, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to controlled

substances, prescriptions and labels, and return of dispensed drugs and devices; to redefine terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 248.** Introduced by Nantkes, 46.

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

**LEGISLATIVE BILL 249.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 72-730, 79-1104.01, 81-179, 84-612, and 84-613, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 250.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-519 and 71-522, Revised Statutes Cumulative Supplement, 2006; to provide a religious exemption to infant screening requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 251.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-172, Reissue Revised Statutes of Nebraska; to eliminate a restriction on adding alcohol to beer; to repeal the original section; and to outright repeal section 53-174, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 252.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to land surveyors; to amend section 81-8,118, Reissue Revised Statutes of Nebraska; to change application, examination, and registration fees; and to repeal the original section.

**LEGISLATIVE BILL 253.** Introduced by Rogert, 16; Aguilar, 35; Erdman, 47; Langemeier, 23; Mines, 18; Nantkes, 46.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,127, 60-4,128, 60-6,279, 60-2125, 60-2126, 60-2129, 60-2130, 60-2131, 60-2132, 60-2133, 60-2135, 60-2136, 60-2137, 60-2138, and 60-2139, Reissue Revised Statutes of Nebraska, and sections 39-2215, 60-3,153, 60-4,115, and 60-4,182, Revised Statutes Cumulative

Supplement, 2006; to adopt the Motorcycle Safety and Training Act; to change and eliminate provisions relating to motorcycle safety and helmets; to create a fund and terminate a fund; to provide a penalty; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 60-6,281, 60-2120, 60-2121, 60-2127, 60-2128, and 60-2134, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 254.** Introduced by Aguilar, 35; Johnson, 37; McDonald, 41; Nantkes, 46; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,268, Reissue Revised Statutes of Nebraska, and section 60-6,267, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to use of child passenger restraint systems and occupant protection systems and enforcement of such provisions; and to repeal the original sections.

**LEGISLATIVE BILL 255.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to labor; to amend section 48-1229, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Wage Payment and Collection Act; and to repeal the original section.

**LEGISLATIVE BILL 256.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to state government; to amend sections 72-803, 72-818, 73-508, 81-154, 81-161.03, 81-8,239.01, 81-8,239.03, 81-8,239.04, 81-8,239.05, 81-8,239.07, and 83-916, Reissue Revised Statutes of Nebraska, and section 81-8,239.02, Revised Statutes Cumulative Supplement, 2006; to change bidding and contract requirements as prescribed; to require submission of a request for a utility easement; to raise dollar thresholds for requisitions and purchases; to rename a fund; to create a fund and provide for its use; to eliminate the Forms Management Program Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1162, 81-1163, 81-1164, 81-1165, 81-1166, 81-1167, 81-1168, 81-1169, and 83-134, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 257.** Introduced by Lathrop, 12; Adams, 24; Nelson, 6.

A BILL FOR AN ACT relating to guardianship; to amend sections 30-2201, 30-2601, 30-2627, and 30-2639, Revised Statutes Cumulative Supplement, 2006; to adopt the Public Guardianship Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 258.** Introduced by Lathrop, 12; Kruse, 13; Nelson, 6.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to

amend sections 53-180.04 and 53-180.05, Reissue Revised Statutes of Nebraska; to provide and change penalties; to provide for license suspension for minors' violations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 259.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to garnishment; to amend section 25-1011, Reissue Revised Statutes of Nebraska; to change provisions relating to service of process as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 260.** Introduced by Kruse, 13; Burling, 33; Christensen, 44; Friend, 10; Kopplin, 3; McDonald, 41; Pahls, 31; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,197.03, Revised Statutes Cumulative Supplement, 2006; to change penalty provisions for violating implied consent to chemical test provisions relating to driving under the influence of alcohol or drugs; and to repeal the original section.

**LEGISLATIVE BILL 261.** Introduced by Kruse, 13; Aguilar, 35; Burling, 33; Christensen, 44; Dubas, 34; Harms, 48; Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-168.06 and 53-180.02, Reissue Revised Statutes of Nebraska; to change provisions relating to minors' violations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 262.** Introduced by Kruse, 13; Christensen, 44; Cornett, 45; Engel, 17; Howard, 9; Kopplin, 3; Lathrop, 12; Nelson, 6.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-501, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and sections 60-310 and 60-346, Revised Statutes Cumulative Supplement, 2006; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 263.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2036, Reissue Revised Statutes of Nebraska; to change provisions relating to permits; and to repeal the original section.

**LEGISLATIVE BILL 264.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to emergency responders; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2006; to adopt the

Volunteer Emergency Responders Incentive Act; to provide for an income tax credit as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 265.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Lathrop, 12; McGill, 26; Rogert, 16; Wallman, 30.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-606, 48-612, 48-663.01, 48-665, and 48-665.01, Reissue Revised Statutes of Nebraska, and sections 48-601, 48-602, 48-624, 48-649, 48-652, and 48-664, Revised Statutes Cumulative Supplement, 2006; to redefine terms; to authorize the recovery of certain payments; to authorize the disclosure of records; to change provisions relating to the combined tax rate, experience accounts, and overpayments; to create penalties; to provide for joint and several liability; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-649.01, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 266.** Introduced by Aguilar, 35; Chambers, 11; Kruse, 13.

A BILL FOR AN ACT relating to motor vehicle operators; to amend sections 60-474 and 60-4,112, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-480, 60-484, 60-490, 60-4,115, and 60-4,119, Revised Statutes Cumulative Supplement, 2006; to provide for a driving privilege card; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 267.** Introduced by McGill, 26; Avery, 28; Howard, 9; Kruse, 13; Nantkes, 46; Pedersen, 39; Preister, 5; Schimek, 27; Stuthman, 22; Synowiecki, 7.

A BILL FOR AN ACT relating to social services; to amend section 68-1206, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to child care subsidies; and to repeal the original section.

**LEGISLATIVE BILL 268.** Introduced by McGill, 26; Avery, 28; Chambers, 11; Cornett, 45; Kopplin, 3; Nantkes, 46; Pedersen, 39; Preister, 5; Schimek, 27; Wallman, 30.

A BILL FOR AN ACT relating to counties; to amend sections 23-151 and 32-528, Reissue Revised Statutes of Nebraska; to change provisions relating to election of county boards; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 269.** Introduced by Burling, 33; Christensen, 44; Rogert, 16.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 23-149, 23-202, 23-292, 23-293, 23-294, and 51-201.03, Reissue Revised



Statutes of Nebraska; to change and eliminate provisions relating to county organization; to change provisions relating to establishment of a county library; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-283, 23-287, 23-290, and 23-291, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 270.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2006; to exclude certain rural health educational loan repayments from income taxation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 271.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend sections 48-1228 and 48-1229, Reissue Revised Statutes of Nebraska; to permit employers to determine the terms and payment of fringe benefits; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 272.** Introduced by Kopplin, 3; Kruse, 13.

A BILL FOR AN ACT relating to natural resources districts; to amend section 77-3442, Revised Statutes Cumulative Supplement, 2006; to provide for issuance of flood control dam and reservoir bonds as prescribed; to provide for a tax levy; to provide powers and duties; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

**LEGISLATIVE BILL 273.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2701.01, Reissue Revised Statutes of Nebraska; to change provisions relating to tractor testing; and to repeal the original section.

**LEGISLATIVE BILL 274.** Introduced by McDonald, 41; Dubas, 34; Hansen, 42; Pedersen, 39; Wallman, 30.

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.

**LEGISLATIVE BILL 275.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Revised Statutes Cumulative Supplement, 2006; to change a transfer amount; to delete obsolete provisions; to appropriate funds to the Department of Health and Human Services Finance and Support; to

repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 276.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state government; to amend sections 3-116, 12-1205, 13-912, 13-1203, 13-1212, 14-2113, 18-601, 18-613, 31-925, 39-102, 39-103, 39-202, 39-203, 39-204, 39-205, 39-206, 39-207, 39-208, 39-210, 39-211, 39-212, 39-213, 39-214, 39-216, 39-217, 39-218, 39-219, 39-220, 39-221, 39-222, 39-223, 39-224, 39-225, 39-308, 39-311, 39-312, 39-805, 39-822, 39-826.01, 39-826.02, 39-847, 39-847.01, 39-892, 39-1010, 39-1011, 39-1101, 39-1110, 39-1306.01, 39-1306.02, 39-1320, 39-1323.01, 39-1328.01, 39-1328.02, 39-1345.01, 39-1350, 39-1353, 39-1363, 39-1364, 39-1365.01, 39-1365.02, 39-1390, 39-1392, 39-1407, 39-1503, 39-1703, 39-1713, 39-1901, 39-2001, 39-2002, 39-2105, 39-2106, 39-2107, 39-2110, 39-2111, 39-2112, 39-2113, 39-2115, 39-2118, 39-2121, 39-2124, 39-2224, 39-2305, 39-2310, 39-2504, 39-2505, 39-2507, 39-2508, 39-2514, 39-2515, 39-2517, 39-2518, 39-2602, 46-251, 49-506, 57-1102, 60-507, 60-631, 60-658.01, 60-680, 60-695, 60-699, 60-6,101, 60-6,102, 60-6,103, 60-6,106, 60-6,107, 60-6,115, 60-6,118, 60-6,120, 60-6,129, 60-6,130, 60-6,137, 60-6,138, 60-6,139, 60-6,145, 60-6,153, 60-6,154, 60-6,159, 60-6,164, 60-6,166, 60-6,167, 60-6,171, 60-6,176, 60-6,177, 60-6,186, 60-6,188, 60-6,189, 60-6,190, 60-6,193, 60-6,230, 60-6,250, 60-6,288, 60-6,292, 60-6,299, 60-6,301, 60-6,311, 60-6,314, 60-6,335, 60-6,376, 60-1301, 60-1302, 66-821, 66-822, 69-1701, 70-309, 72-108, 72-221, 72-221.01, 72-817, 73-507, 74-1310, 74-1314, 74-1318, 74-1319, 74-1329, 74-1331, 74-1332, 74-1333, 74-1335, 74-1336, 74-1338, 74-1340, 74-1341, 74-1342, 74-1405.02, 74-1419.02, 76-1224, 77-3618, 79-604, 81-101, 81-102, 81-701.01, 81-701.02, 81-701.04, 81-710, 81-916, 81-917, 81-1108.43, 81-1711, 81-2801, 82-120, 83-137, 85-1008, 90-238, and 90-260, Reissue Revised Statutes of Nebraska, and sections 13-1210, 25-2501, 39-1302, 39-1311, 39-2215, 60-6,126.01, 60-6,144, 60-6,294, 60-6,298, 60-1303, 66-4,100, 66-4,144, 74-1334, 74-1413, 81-188.01, 81-188.02, 81-1108.15, 81-1108.22, 81-1114, 82-505, and 86-707, Revised Statutes Cumulative Supplement, 2006; to rename the Department of Roads; to eliminate obsolete language; to eliminate the Nebraska Transit and Rail Advisory Council Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 74-1343, 74-1501, 74-1502, 74-1503, 74-1504, 74-1505, 74-1506, 74-1507, 74-1508, 74-1509, 74-1510, 74-1511, 74-1512, 74-1513, and 74-1514, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 277.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Department of Roads; to amend sections 39-1320, 39-2116, 39-2119, 39-2124, 39-2125, 39-2502, and 39-2512, Reissue Revised Statutes of Nebraska; to provide for the submission of a metropolitan transportation improvement program in lieu of the department's annual and six-year plans as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 278.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-322, Reissue Revised Statutes of Nebraska, and section 13-319, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to county sales and use taxes; and to repeal the original sections.

**LEGISLATIVE BILL 279.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,173, 60-4,174, and 60-4,175, Reissue Revised Statutes of Nebraska; to change provisions relating to driver training schools; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 280.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to juveniles; to amend sections 24-517, 25-2740, and 43-247, Revised Statutes Cumulative Supplement, 2006; to provide for jurisdiction over custody proceedings as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 281.** Introduced by Stuthman, 22; Harms, 48; Kruse, 13; Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support for federally qualified community health centers.

**LEGISLATIVE BILL 282.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2101.02, Reissue Revised Statutes of Nebraska, and sections 77-2101.01 and 77-2101.03, Revised Statutes Cumulative Supplement, 2006; to terminate estate and generation-skipping taxes; and to repeal the original sections.

**LEGISLATIVE BILL 283.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-6728, Reissue Revised Statutes of Nebraska, and section 71-162, Revised Statutes Cumulative Supplement, 2006; to provide for biennial renewal of medication aide registrations; to eliminate payment of administrative costs of the credentialing system as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 284.** Introduced by Karpisek, 32; Adams, 24; Avery, 28; Carlson, 38; Dubas, 34; Lathrop, 12; McGill, 26; Nantkes, 46; Pankonin, 2; Preister, 5; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to elections; to amend section 32-1119, Reissue Revised Statutes of Nebraska; to require recounts to be done manually at the office of the election commissioner or county clerk; and to repeal the original section.

**LEGISLATIVE BILL 285.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Hudkins, 21; Louden, 49; Mines, 18; Pedersen, 39; Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicle operator's licenses; to authorize compliance with federal law.

**LEGISLATIVE BILL 286.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Hudkins, 21; Louden, 49; Mines, 18; Pedersen, 39; Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-114, 60-308, 60-324, 60-355, 60-356, 60-378, 60-385, 60-387, 60-3,104, 60-3,118, 60-3,128, 60-3,142, 60-3,145, 60-3,147, and 60-3,150, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Motor Vehicle Certificate of Title Act and the Motor Vehicle Registration Act; and to repeal the original sections.

**LEGISLATIVE BILL 287.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Hudkins, 21; Louden, 49; Mines, 18; Pedersen, 39; Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-101, 60-102, 60-117, 60-123, 60-134, 60-137, 60-145, 60-146, 60-152, 60-153, 60-164, 60-166, 60-168, 60-173, 60-301, 60-302, 60-325, 60-333, 60-339, 60-345, 60-395, 60-397, 60-3,104, 60-3,107, 60-3,118, 60-3,122, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130.04, 60-3,141, 60-3,145, 60-3,147, 60-3,150, 60-3,184, 60-3,186, 60-3,188, and 60-3,190, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to vehicle titling and registration; to define terms; to provide for cancellation of a certificate of title as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-157 and 60-3,191, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 288.** Introduced by Louden, 49; Christensen, 44; Fischer, 43.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to provide for operation of all-terrain vehicles on highways as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 289.** Introduced by Louden, 49; Burling, 33; Christensen, 44; Fischer, 43; Heidemann, 1; McDonald, 41; Preister, 5; Rogert, 16; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3444, Reissue Revised Statutes of Nebraska; to change provisions relating to elections to exceed levy limits; and to repeal the original section.

**LEGISLATIVE BILL 290.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to courts; to amend section 24-809, Reissue Revised Statutes of Nebraska; to change provisions relating to the judicial nominating commission as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 291.** Introduced by Hansen, 42; Carlson, 38; Louden, 49; McDonald, 41.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,171, Reissue Revised Statutes of Nebraska, and section 81-15,170, Revised Statutes Cumulative Supplement, 2006; to modify membership on the Nebraska Environmental Trust Board; and to repeal the original sections.

**LEGISLATIVE BILL 292.** Introduced by Hansen, 42; Harms, 48; Johnson, 37.

A BILL FOR AN ACT relating to public assistance; to amend section 68-104, Revised Statutes Cumulative Supplement, 2006; to provide for the transfer of funds by county boards to the state for medical assistance payments; and to repeal the original section.

**LEGISLATIVE BILL 293.** Introduced by Pedersen, 39; White, 8.

A BILL FOR AN ACT relating to infectious disease exposure; to amend section 71-507, Revised Statutes Cumulative Supplement, 2006; to redefine terms; and to repeal the original section.

**LEGISLATIVE BILL 294.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5016, Revised Statutes Cumulative Supplement, 2006; to change the standard of review for appeals; and to repeal the original section.

**LEGISLATIVE BILL 295.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to natural resources; to amend sections 46-609, 46-644, and 46-651, Reissue Revised Statutes of Nebraska, and sections 46-229.04, 46-602, and 46-714, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to irrigation and regulation of water and water wells; to harmonize provisions; to repeal the original sections; and to outright repeal section 46-611, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 296.** Introduced by Johnson, 37; Burling, 33; Erdman, 47; Fischer, 43; Flood, 19; Friend, 10; Gay, 14; Hansen, 42; Hudkins, 21; Janssen, 15; Kruse, 13; Louden, 49; Nantkes, 46; Pankonin, 2; Pedersen, 39; Stuthman, 22; at the request of the Governor.

A BILL FOR AN ACT relating to health and human services; to amend sections 43-404, 80-317, 80-319, 80-320, 80-321, 80-322, 81-101, and 81-102, Reissue Revised Statutes of Nebraska, and sections 80-318 and 81-1316, Revised Statutes Cumulative Supplement, 2006; to adopt the Health and Human Services System Act; to create a new agency and departments; to state intent; to eliminate the Department of Health and Human Services, the Department of Health and Human Services Finance and Support, the Department of Health and Human Services Regulation and Licensure, the Policy Secretary, the Director of Medical Services, and the Policy Cabinet; to eliminate an administrator; to change provisions relating to the veterans homes review board; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-3103, 81-3108, 81-3203, 81-3303, and 83-125, Reissue Revised Statutes of Nebraska, and sections 81-3001, 81-3001.01, 81-3004, 81-3006, 81-3007.01, 81-3008, 81-3009, 81-3101, 81-3102, 83-3106, 81-3107, 81-3109, 81-3201, 81-3202, 81-3206, 81-3207, 81-3208, 81-3209, 81-3210, 81-3211, 81-3301, 81-3302, 81-3306, 81-3307, 81-3308, 81-3309, 81-3310, and 81-3311, Revised Statutes Cumulative Supplement, 2006; and to declare an emergency.

**LEGISLATIVE BILL 297.** Introduced by Pedersen, 39; Stuthman, 22.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-313, Revised Statutes Cumulative Supplement, 2006; to eliminate a requirement relating to surcharge revenue as prescribed; to repeal the original section; and to declare an emergency.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 7CA.** Introduced by Kruse, 13.

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

Section 1. At the general election in November 2008 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 7, 2009, 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 7, 2009, each member of the Legislature shall receive an annual salary during his or her term of office equal to one thousand dollars adjusted for inflation as determined by the Legislature since the last salary increase for members of the Legislature and every two years thereafter. 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 based on adjustments for inflation as determined by the Legislature.

For

Against.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 8CA.** Introduced by Avery, 28.

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

Section 1. At the general election in November 2008 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 2:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven~~ four percent of the

registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ~~ten~~ fifteen percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

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 number of signatures required on initiative petitions.

For

Against.

Referred to the Reference Committee.

### **MOTION - Print in Journal**

Senator Kopplin filed the following motion to LB 224:  
Withdraw LB 224.

### **NOTICE OF COMMITTEE HEARINGS**

**Revenue**  
Room 1524

LB 166	Wednesday, January 17, 2007	1:30 p.m.
LB 167	Wednesday, January 17, 2007	1:30 p.m.
LB 168	Wednesday, January 17, 2007	1:30 p.m.
LB 155	Wednesday, January 17, 2007	1:30 p.m.
LB 145	Wednesday, January 17, 2007	1:30 p.m.

(Signed) Ray Janssen, Chairperson



**Natural Resources**  
Room 1525

LB 79	Wednesday, January 17, 2007	1:30 p.m.
LB 80	Wednesday, January 17, 2007	1:30 p.m.
LB 161	Wednesday, January 17, 2007	1:30 p.m.
Wednesday, January 17, 2007		1:30 p.m.
John C. Turnbull - Environmental Quality Council		

(Signed) LeRoy Louden, Chairperson

**ANNOUNCEMENT**

The Nebraska Retirement Systems Committee elected Senator White as Vice Chairperson.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Harms asked unanimous consent to add his name as cointroducer to LB 6. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LBs 39 and 40. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 62. No objections. So ordered.

Senator Mines asked unanimous consent to add his name as cointroducer to LB 162. No objections. So ordered.

Senator McDonald asked unanimous consent to add her name as cointroducer to LB 176. No objections. So ordered.

Senator Pankonin asked unanimous consent to add his name as cointroducer to LB 183. No objections. So ordered.

Senator Adams asked unanimous consent to add his name as cointroducer to LB 205. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB 234. No objections. So ordered.

**VISITORS**

Visitor to the Chamber was Connie Liddell from Pacific Junction, Iowa.

The Doctor of the Day was Dr. Matzke from Gothenburg.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Senator Preister, the Legislature adjourned until 9:30 a.m., Thursday, January 11, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTH DAY - JANUARY 11, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 11, 2007

**PRAYER**

The prayer was offered by Pastor David Evenson, Bethany Lutheran Church, Axtell.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Ashford and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 177	Revenue
LB 178	Health and Human Services
LB 179	Judiciary
LB 180	Judiciary
LB 181	General Affairs
LB 182	Transportation and Telecommunications
LB 183	Revenue
LB 184	Natural Resources
LB 185	Health and Human Services
LB 186	Banking, Commerce and Insurance
LB 187	Government, Military and Veterans Affairs
LB 188	Banking, Commerce and Insurance
LB 189	Banking, Commerce and Insurance
LB 190	Banking, Commerce and Insurance
LB 191	Banking, Commerce and Insurance

LB 192	Education
LB 193	Education
LB 194	Health and Human Services
LB 195	Government, Military and Veterans Affairs
LB 196	Government, Military and Veterans Affairs
LB 197	Judiciary
LB 198	Government, Military and Veterans Affairs
LB 199	Government, Military and Veterans Affairs
LB 200	Agriculture
LB 201	Judiciary
LB 202	Natural Resources
LB 203	Health and Human Services
LB 204	Business and Labor
LB 205	Education
LB 206	Urban Affairs
LB 207	Urban Affairs
LB 208	Government, Military and Veterans Affairs
LB 209	Business and Labor
LB 210	Business and Labor
LB 211	Judiciary
LB 212	Government, Military and Veterans Affairs
LB 213	Judiciary
LB 214	Judiciary
LB 215	Judiciary
LB 216	Judiciary
LB 217	Judiciary
LB 218	Judiciary
LB 219	Education
LB 220	Judiciary
LB 221	Judiciary
LB 222	Business and Labor
LB 223	Revenue
LB 225	Judiciary
LB 226	Business and Labor
LB 227	Judiciary
LB 228	Judiciary
LB 229	Appropriations
LB 230	Education
LB 231	Education
LB 232	Government, Military and Veterans Affairs
LB 233	Government, Military and Veterans Affairs
LB 234	Education
LB 235	Revenue
LR 6CA	Urban Affairs

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

**PROPOSED RULES CHANGES**

The Rules Committee offered the following proposed rules changes:

1. The Hudkins proposed rules change, found on pages 19 and 20, to Rule 4, Sec. 3.
2. The Schimek proposed rules change, found on page 83, to Rule 3, Sec. 4(e).

**REPORT OF THE EXECUTIVE BOARD**

Senator Engel, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Building Maintenance - Kopplin (C)  
 Janssen Lathrop Louden Fulton  
 Heidemann

Education Commission of the States  
 Dubas Raikes Harms

Midwestern Higher Education Commission (Midwest Compact)  
 Adams Raikes

Legislative Performance Audit  
 Schimek Preister Engel Stuthman  
 McDonald Heidemann Flood

Midwest Interstate Passenger Rail Compact  
 Cornett Stuthman

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

**2006 INTERIM REPORT  
 ON THE DISPOSITION OF  
 INTERIM STUDY RESOLUTIONS**

## Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
319	Interim study to examine the requirements necessary to implement state mandatory livestock price reporting in the event Congress fails to reauthorize federal mandatory price reporting			X
320	Interim study to review the	X		

	benefits and criticisms of the livestock friendly county program			
329	Interim study to examine statutes regarding the movement and transfer of cattle into and out of a brand commission area		X	
350	Interim study to examine a requirement for significant purchasers of grain who are not required by law to be licensed or bonded to disclose that fact to grain sellers on scale tickets or contracts			X
351	Interim study to examine transferring the operations of the Grain Warehouse Division of the Public Service Commission to the Dept. of Agriculture or another appropriate division for administration			X
371	Interim study of issues relating to winemaking		X	
397	Interim study to examine issues relating to organic food production		X	
415	Interim study to examine issues associated with implementation of an animal identification program	X		

#### Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
307	Interim study to examine whether insurance laws should be amended in order to allow insurance producers to charge fees for services		X	
333	Interim study to determine whether Nebraska should enact the Uniform Debt-Management Services Act		X	
334	Interim study to continue examining issues relating to the Uniform Trust Code		X	
364	Interim study to examine automobile insurance rates which are based on the occupation of the			X

	insurance applicant			
387	Interim study to determine whether Nebraska should enact the Uniform Real Property Electronic Recording Act			X
388	Interim study to determine whether Nebraska should enact the Uniform Residential Mortgage Satisfaction Act			X

## Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
303	Interim study to examine issues relating to the salary structure of the Commission of Industrial Relations		X	
347	Interim study to examine requiring Nebraska contractors to register with the Department of Labor and provide a surety bond		X	
367	Interim study to examine the Workplace Safety Consultation Program			X
432	Interim study to determine whether providers of medical services should have standing in the workers' compensation court		X	
433	Interim study to examine overpayments made under the Employment Security Law		X	
434	Interim study to examine specific issues under the Nebraska Workers' Compensation Act			X
435	Interim study of the State Tort Claims Act and the State Miscellaneous Claims Act		X	
436	Interim study to examine issues relating to permitting out of state employees to collect Nebraska workers' compensation benefits		X	

## Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
308	Interim study to examine the			X

	funding mechanisms of Nebraska's two tribally-controlled community colleges			
336	Interim study of educational service units	X		
345	Interim study to review community college funding statutes			X
378	Interim study to examine issues within the jurisdiction of the Education Committee			X
395	Interim study to examine school district boundary issues, adequacy of financial resources, racial diversity, and other issues in the Douglas County metropolitan area			X
414	Interim study to review the status of public higher education			X

## Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
413	Interim study to examine creation of lump-sum staff salary budgets for state senators		X*	

\*Report may be issued later

## General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
353	Interim study of cemetery statutes			X
371	Interim study of issues relating to winemaking		X	
344	Interim study to examine matters relating to the licensing and regulating of electronic systems technicians	X		
352	Interim study to examine issues relevant to the Nebraska Liquor Control Act and whether additional license categories, such as a bed and breakfast category are needed		X	
354	Interim study of the process of		X	



	micro-distillation and to determine the necessity for legislation			
382	Interim study to evaluate implementation of a new rule regarding acceptable forms of payment between retail licensees and wholesale licensees for purchases of alcoholic beverages			X
349	Interim study to examine issues relating to the governance of municipal libraries especially those in cities of the second class and villages			X

## Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
318	Interim study to review the threat of voter fraud in Nebraska		X	
327	Interim study to examine the utilization by municipalities or counties of Transfer of Development Rights programs		X	
328	Interim study to examine procedures for inspection of public park buildings		X	
362	Interim study to examine statutes which require the completion of a cost-benefit analysis before state agencies may enter into a contract for services		X	
375	Interim study to examine the state's employee health insurance program		X	
398	Interim study to explore the issue of fees which are collected and retained by public officials and employees		X	
412	Interim study to examine whether the benefits of a unicameral system of government have been realized		X	
431	Interim study to examine reporting requirements under the Political Accountability and Disclosure Act of contributions,		X	

	expenditures, and services by businesses and organizations			
435	Interim study of the State Tort Claims Act and the State Miscellaneous Claims Act		X	
437	Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee		X	
442	Interim study to examine the legislative confirmation process of gubernatorial appointees	X		

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
313	Interim study to explore policy options to promote increased employer-provided health insurance benefits for Nebraska's workforce		X	
314	Interim study to explore policy options that help families succeed in the transition from public assistance to work		X	
321	Interim study to examine the impact of Area Health Education Center programs on the health of the citizens of Nebraska		X	
357	Interim study of construction and safety standards and enforcement regulations relating to modular housing		X	
379	Interim study to address issues surrounding long-term residential treatment resources for chemical dependency		X	
400	Interim study to examine and provide recommendations relating to the Welfare Reform Act and state-funded public assistance programs		X	
401	Interim study to examine development of a plan for coordinating and funding of publicly funded services and support on behalf of persons with		X	

	traumatic brain injury and their families			
402	Interim study to examine issues within the jurisdiction of the Health and Human Services Committee		X	
404	Interim study of the Nebraska Health and Human Services System and related issues		X	
406	Interim study to provide recommendations relating to development and funding of a statewide immunization registry		X	
428	Interim study to examine current safety requirements and to determine whether tornado shelters should be required in mobile home parks		X	

## Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
383	Interim study to examine issues surrounding the use of ignition interlock devices for people who have been convicted of driving under the influence		X	
332	Interim study to examine issues relating to statutory rape		X	
399	Interim study to compare and contrast Nebraska statutes pertaining to dissolution of marriage, child custody, visitation, and protection orders, with California statutes		Interim Study Hearing on Dec. 4th	
337	Interim study to examine LB 1153 (2006) which allows for the development of a health information technology network			X
348	Interim study to examine the administrative license revocation process as administered by the Department of Motor Vehicles		X	
355	Interim study of the issue of unlicensed and uninsured drivers		X	
403	Interim study to follow-up on recommendations made in the		X	

	report "Moving Past the Era of Good Intentions: Methamphetamine Treatment Study" conducted by the University of Nebraska at Omaha			
380	Interim study of parole issues		X	
439	Interim study to examine constitutional issues raised in LB 1249 relating to natural gas regulation			X
373	Interim study to determine whether to implement a court screening process statewide to determine eligibility for indigent defense			X
374	Interim study to examine the current coroner system in which county attorneys are designated as county coroners			X
438	Interim study to examine personnel issues surrounding a proposed merger of the offices of probation and parole administration under the executive branch or the Supreme Court		X	
421	Interim study to review child custody proceedings and determinations		Interim Study Hearing on Dec. 4th	
330	Interim study to examine statutory rape statutes and the deterrent effect of such statutes		X	
410	Interim study to evaluate the variables affecting the incidence of suicide in county and city jail facilities			X
426	Interim study to review action taken in other states and on the national level relating to identity theft			X
416	Interim study to reexamine the effects of changing the age of majority from 19 to 18 years of age			X
331	Interim study to examine the process by which determinations are made regarding custodial placement of children during divorce proceedings		Interim Study Hearing on Dec. 4th	

## Natural Resources Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
323	Interim study to evaluate the locations of the Game and Parks Commission offices and the location of commission headquarters		X	
361	Interim study to examine programs administered by the Dept. of Environmental Quality which use agricultural inspectors			X
363	Interim study to examine the recycling of electronic waste			X
365	Interim study to examine renewable energy development in Nebraska		X	
372	Interim study to examine policies to maximize new market opportunities to help Nebraska become competitive with other states that are pursuing renewable energy development		X	
386	Interim study to examine the economic impact of net metering on private renewable energy production		X	
389	Interim study to examine the possibility of interbasin transfers during water-short years to assist the state in complying with any interstate compact		X	
390	Interim study to examine the exemption of certain individuals from requirements of the Geologists Regulation Act			X
391	Interim study to examine the possibility for elimination of park entry permit fees and possible replacement dollars		X	
392	Interim study to examine permit		X	

	application rejection, disciplinary actions, and frivolous complaints under the Livestock Waste Management Act			
393	Interim study to examine the effects of conservation practices on water quantity in Nebraska's rivers and streams		X	
394	Interim study to review the Nebraska Resources Development Fund in the Department of Natural Resources		X	
409	Interim study to examine fines issued and other actions taken by the Department of Environmental Quality for violations of program statues and regulations			X
411	Interim study to determine how Nebraska can encourage private landowners to allow the general public to hunt, fish, and trap on their land		X	
429	Interim study to examine procedures utilized by the Nebraska Environmental Trust			X
430	Interim study to examine potential conflicts between and among the regulations governing livestock waste control and groundwater quality standards and use classifications		X	
450	Interim study to examine issues relating to the Nebraska Environmental Trust			X

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
338	Interim study to examine the employee retirement systems administered by the Public Employees Retirement Board	X		

339	Interim study to review and update the General Principles of Sound Retirement Planning	X		
340	Interim study to review actuarial assumptions used to perform the annual actuarial valuation for the retirement systems administered by the Public Employees Retirement Board		X	
341	Interim study to examine the treatment of compensation for purposes of calculating retirement benefits under the School Employees Retirement Act and the Class V School Employees Retirement Act		X	
342	Interim study to examine the minimum benefit for the purchasing power of the original benefit received upon retirement for members of the School Employees' Retirement System		X	
343	Interim study to examine the need for the state to make an additional contribution to the School Employees' Retirement System under the Class V School Employees' Retirement Act		X	
356	Interim study of the School Employees Retirement Act and determining whether to make participation in the system voluntary		X	
376	Interim study to examine the composition, qualifications, terms of service, and duties and responsibilities of the Public Employees Retirement Board	X		
417	Interim study to examine the retirement system in place for peace officers		X	

## Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
423	Interim study to continue examination of Nebraska's tax structure	website		
424	Interim study to examine negotiating a fuel tax agreement between the state and the Ponca Tribe of Nebraska	X		
425	Interim study to examine the tax sale certificate process			X
368	Interim study to develop legislation to encourage businesses to use recyclable materials in their manufacturing processes		X	
310	Interim study to review the fairness of the property tax valuation system			X
369	Interim study to examine valuation and taxation of mineral interests for property tax purposes			X
384	Interim study to examine use of tax-deferred exchanges, also known as Starker exchanges			X
359	Interim study to examine the merit of the creation of a process outside the scope of the current county board of equalization processes			X
422	Interim study to examine hospital districts' access to property tax revenue			X
360	Interim study to examine the sales tax structure relating to both self-serve and fully-automated car washes			X



## Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
322	Interim study to examine how the federal law, referred to as the REAL ID Act, may alter the business practices of the Department of Motor Vehicles		X	
324	Interim study to examine issues within the jurisdiction of the Transportation and Telecommunications Committee			X
325	Interim study to examine the legislative intent in enacting the Nebraska Public Transportation Act and the appropriation of funds		X	
355	Interim study of the issue of unlicensed and uninsured drivers			X
366	Interim study to examine issues relating to uninsured motorists			X
381	Interim study to examine procedures to be followed by the Department of Motor Vehicles when motor vehicle liability insurance is canceled or terminated			X
418	Interim study to examine ways to support and develop the vehicle service and towing industry			X
419	Interim study to examine issues involved with seeking a federal exemption extending the length of combination vehicles for purposes of hauling grain			X

## Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
407	Interim study review options available to cities and villages to conduct economic development activities on their own initiative		X	
439	Interim study to examine constitutional issues raised in LB		X	

	1249 relating to natural gas regulation			
408	Interim study to examine issues within the jurisdiction of the Urban Affairs Committee		X	

## Select Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
370	Interim study to continue examination of rural economic development issues in Nebraska			X

## ANNOUNCEMENT

The Rules Committee elected Senator Erdman as Vice Chairperson.

**MOTION - Withdraw LB 224**

Senator Kopplin renewed his motion, found on page 176, to withdraw LB 224.

The Kopplin motion to withdraw prevailed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 298.** Introduced by Burling, 33.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-618, Reissue Revised Statutes of Nebraska; to change the number of signatures required on nominating petitions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 299.** Introduced by Hudkins, 21; Engel, 17.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-406, 37-414, 37-449, 37-4,111, 37-527, 37-548, 37-803, 37-811, and 77-27,119.01, Reissue Revised Statutes of Nebraska, and sections 37-407, 37-426, 37-427, 37-431, 37-447, 37-450, 37-452, and 37-457, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to licenses, permits, stamps, and fees; to provide for a lifetime Nebraska migratory waterfowl stamp; to change and eliminate provisions relating to hunting wild turkey; to rename a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 300.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to state personnel; to create the State Work Incentive Program; to state intent; and to provide powers and duties.

**LEGISLATIVE BILL 301.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the state lottery; to amend section 9-812, Revised Statutes Cumulative Supplement, 2006; to extend the current distribution of the proceeds from lottery ticket sales until January 1, 2013; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 302.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to property; to amend sections 14-406, 19-904.01, 39-212, and 69-1701, Reissue Revised Statutes of Nebraska, and section 15-902, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to buildings, structures, and outdoor advertising signs, displays, and devices as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 303.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 81-2014 and 81-2014.01, Revised Statutes Cumulative Supplement, 2006; to authorize a deferred retirement option plan for Nebraska State Patrol officers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 304.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to the Long-Term Care Savings Plan Act; to amend section 77-6102, Revised Statutes Cumulative Supplement, 2006; to redefine the term qualified individual; and to repeal the original section.

**LEGISLATIVE BILL 305.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2006; to change distribution of certain sales tax proceeds; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 306.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to child support; to amend section 42-364.13, Revised Statutes Cumulative Supplement, 2006; to provide for the protection of social security numbers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 307.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to restrict operation of all-terrain vehicles as prescribed; and to repeal the original section.

### **MOTION - Escort Governor**

Senator Nelson moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Langemeier, Lathrop, Nantkes, Pankonin, and Wightman to serve on said committee.

### **STATE OF THE STATE ADDRESS**

*“We have the opportunity to make Nebraska an even better place for our sons and daughters, and their families. To accomplish this, we must act decisively and face the challenges that lie ahead.”*

Mr. President, Mr. Speaker, Members of the 100th Legislature, Tribal Chairmen, Distinguished Guests, Friends and Fellow Nebraskans:

This is a year of new beginnings. In the days and weeks ahead, we will work side-by-side in an effort to determine what sort of state the next generation of Nebraskans will inherit. Today, we embark on a journey that will reshape the future of Nebraska. I submit to you that we must act boldly with a vision of the future firmly in mind if we are to change our state for the better.

Our vision for the years ahead must be about preparing Nebraska to compete in the 21st Century, in an age of technological marvels, new educational challenges, international competition and entrepreneurial opportunity. That is the new reality facing the people of this state.

I want to first address the senators of this 100th Legislature.

To the returning senators, I appreciate the cooperation we have fostered, and I want to express the value I place on that relationship. The members of this distinguished institution have had an important impact on our state, and while there is no way to recognize all of you individually, let me say that I am pleased to be able to continue working with you.

To those Senators who are new to this body, I want to share with you that my door is always open. I look forward to hearing ideas from you and your colleagues on ways to continue improving our state.

One reason that I am so enthusiastic about this legislative session is because of the opportunity it presents to combine both the institutional knowledge of returning Senators and the fresh perspectives of our newest colleagues. We should capitalize on the opportunities that this combination presents, because our state is truly at a crossroads.

We have the opportunity to make Nebraska an even better place for our sons and daughters, and their families. To accomplish this, we must act decisively and face the challenges that lie ahead. Creating dynamic 21st Century jobs must be a priority.

We can no longer afford to ignore the fact that many talented young people are leaving our state to begin their careers in other states and other countries. That is why I believe so strongly that education and Nebraska's continued economic vitality go hand-in-hand.

We must act now to address the high tax burden on middle-class Nebraskans, small business owners, and would-be entrepreneurs. We must act now to address the need for a more reasonable and sustainable growth rate of government spending. We must act now to address the challenges of education, education funding, and student achievement. We must act now to address the statewide challenges of water, and we must act now to create a more logical and accountable organization for Health and Human Services.

Despite the scope of these challenges, I am optimistic that the ability to overcome each and every one of them is well within our reach. Together, we can and will address our state's greatest challenge, which is creating jobs for young people here in Nebraska.

We're already on the path to success thanks to the Nebraska Advantage, which in one year has encouraged 89 companies to consider Nebraska for locating or expanding their business. Over the next several years, these companies are planning to invest \$3.5 billion in Nebraska's economy and create nearly 9,000 new jobs.

The new chapter we've begun in ethanol and biofuels development has also helped put our state on the right path. Nebraska currently has more ethanol plants under construction than any other state, and communities of every size are poised to benefit from this latest wave of ethanol expansion. In the next two years, new ethanol plants will come online in communities such as: Adams, Albion, Cambridge, Fairmont, Jackson, Madrid, Mead, Ord, and Ravenna.

These communities will be the home of some of the most innovative and technologically advanced ethanol plants anywhere. Rural Nebraska has not seen an era of such sustained job growth in decades, and we can be very proud of the role our state has in helping provide cleaner, better fuels for our nation. These are just two areas where the hard work of lawmakers has paid dividends for the people of this state.

Therefore, I approach this session with optimism that we can find solutions to the challenges before us. But we must first address the disproportionate tax burden that has been placed on our citizens.

By any standard, Nebraska is a high-tax state, and while the results vary, studies show Nebraska with a tax burden as high as sixth in the nation. Our rankings have steadily declined over the past two decades, and look even worse when compared to neighboring states. I believe this is a situation we can change.

I believe we can compete, but in order to do so we must be committed to easing the tax burden on Nebraskans and their families. Stopping and reversing a decades-old trend toward a greater tax burden is essential to ensuring good job growth in the future.

Ensuring that businesses can create good jobs requires a determined and sustained commitment to lowering taxes and controlling state spending. Lower spending requires that we begin to make strategic investments in a new and vibrant future, rather than providing funding for every project with merit.

Making a fundamental change in the way we structure our income tax system is the first step in ensuring that our state continues on our journey toward becoming a more vibrant place for every Nebraskan. The tax relief package I'm proposing would provide more than \$475 million dollars in reductions over the next two years aimed at hard-working, middle-class families.

My interest in lowering taxes has two objectives; continuing to create the jobs our sons and daughters want, and in helping to protect the dreams and ambitions of Nebraska's middle-class families.

I want to thank Senator Ray Janssen for agreeing to introduce my proposal, which would: eliminate the marriage penalty, reduce the number of income tax brackets from four to three, widen the bracket that impacts the largest number of middle-class taxpayers, lower tax rates across-the-board, index the new brackets, repeal the remainder of the sales tax on construction labor, and eliminate the estate tax for family farmers and small business owners.

Under my plan, a family of four earning \$50,000 a year would receive a tax cut of \$227 dollars, or a 20 percent reduction in income taxes. A family of four earning \$75,000 dollars would receive a tax cut of \$504 dollars, a reduction of nearly 19 percent.

I encourage anyone with an interest in reducing taxes to also be committed to the need to rein in state spending. Our residents are willing to make difficult spending decisions, and we should be equally committed to that idea.

The two-year budget being introduced today is a conservative and responsible plan that restricts state spending growth to an average of 3.8 percent over the next two years. That is a far more reasonable and sustainable growth rate than the 5.4 percent average seen over the past decade.

My budget proposal provides significant tax relief, and yet it maintains the cash reserve at a robust level of nearly \$400 million dollars. We accomplished that by casting a critical eye on every budget request.

A recent newspaper editorial said it plainly: "It takes persistent frugality and priority-setting by taxpayers, as well as by elected officials in their spending, to hold down tax bills." I could not agree more.

We analyzed the baseline budget of every single agency in state government, from those in the Nebraska Health and Human Services System to cash-funded agencies such as the Nebraska Racing Commission, and in many cases we re-set the budgets of state agencies that had a history of spending less than their cash appropriation authority.

Our goal was to develop a budget that more closely reflects the needs of our state while achieving legitimate savings without impacting the quality of services.

This budget is also a realistic reflection of the competing interests for state funding. It very clearly shows the impact some of our largest expenditures have on funding for other programs.

Our obligations to fund Medicaid and the state aid to education formula represent more than 60 percent of the new money spent in this budget. However, the good news is that Nebraska's Medicaid Reform efforts are having some success in slowing the growth of that program. For this two-year budget Medicaid growth is less than 2.5 percent, yet more efforts to contain costs are needed for our state to thrive in the years to come.

My budget makes the education of our children a priority by providing an additional \$171 million dollars to fully fund the state aid to education formula. However, that commitment means that state aid to education will grow by more than 5 percent in the first year and by more than 12 percent in the second year of the biennium. That single investment represents 49 percent of the increased funding in this two-year budget.

This budget makes a significant investment in property tax assistance, providing more than \$2 billion dollars in relief to schools, cities, counties, and local units of government.

We must ensure that our citizens understand that any new state spending on state aid to schools and aid to local governments has the effect of increasing

state spending. Those efforts are a tax shift, not a tax cut. Real property tax relief comes from controlling spending at the local level.

If we are serious about achieving real property tax relief in this state, we need to engage our citizens in a discussion about local spending.

This budget is a concerted effort to control state spending, and I am going to share its message of restraint with local leaders and encourage them to follow our example. If we increase state spending for property tax assistance, we should do so with the honest understanding that the end result is a tax shift.

We need to be straightforward with the citizens we serve, and controlling spending is the only way to lower the amount of taxes we pay. The conversation we need to have as a state is whether we are willing to accept the status quo or whether we want to do something bold in order to prepare our state for the future. Nebraskans deserve better than the status quo.

Governing in the future will require state and local governments to work more closely together to restrain spending. I hope that here at the state level, we can lead by example and pass a budget that restricts spending to the amount I've proposed. While we may differ in the details of what this budget should include, I hope that we can agree on this number as our overall spending target.

Let us not forget that the voters who rejected the state spending lid in November did so not out of hopes for unrestrained state spending, but out of reverence for the Nebraska constitution and respect for the institutions we have been elected to lead. The voters of this state have given us the opportunity to show them that we can deliver on our promises, and I am confident that we can rise to the occasion.

A restrained budget has its priorities, and mine highlights education and the economic vitality of Nebraska. Approximately 17 percent of the state budget or more than \$580 million dollars will go to higher education, for the University of Nebraska, our community colleges, and state colleges. The University in particular will receive an additional \$20 million dollars in state spending over the next biennium.

We also need to do a better job of planning ahead for the challenges that await us. Despite our ethanol success story, Nebraska has a funding gap we need to address. In order to meet the expected shortfall in the Ethanol Production Incentive Cash Fund, I am proposing that we invest another \$15.5 million dollars in general funds, and extend the current corn check-off through 2012.

We must also address our water challenges. We cannot wait for a federal judge to decide our fate in the Republican River Basin, and we need to act now to plan for the challenges of implementing the Platte River Cooperative



Agreement and LB 962. My budget proposes the establishment of a new Water Resources Cash Fund to begin saving money for an issue that may well last longer than a decade. I am proposing that we set aside \$2.7 million dollars in general funds each year over the next 12 years, in addition to seeking \$300,000 each year from the Nebraska Environmental Trust and \$1 million dollars a year in federal funds for conservation programs.

This proposal would require natural resource districts to work with the state in providing regulation needed to help meet our obligations. I am also proposing that farmers be part of the solution by extending a half-cent of the current corn check-off, beginning in 2013 and channeling those funds into the Water Resources Cash Fund.

We also are continuing our work to make government more efficient and more effective. My priority is the restructuring of the Health and Human Services System, and I appreciate the leadership of Senator Joel Johnson for being willing to carry this proposal forward. I am seeking expedited approval from the Legislature so that we can be ready to implement the changes by July 1.

A key goal of that proposal is the creation of a separate Department of Children and Family Services, the prioritization of improvements to the Foster Care and Child Welfare Systems, and creating a more transparent, more accountable and more accessible Health and Human Services System led by a single CEO and six department directors.

The second agency in need of restructuring is the Nebraska Department of Revenue. We need to bring the Property Assessment and Taxation division back into the fold. We need the new structure to enable our leadership team the flexibility for additional change, and I would like to thank Senator Cap Dierks for agreeing to lead this initiative.

Another set of challenges we must confront involves both rural and urban education. I have confidence that we will confront these challenges with fairness and equality, as well as a respect and recognition that in education, one size does not fit all. We need to respect the will of the voters and create the opportunity for Class I school districts to exist, where Nebraskans want the option. We must also work together on improvements to LB 1024, with a focus on student achievement.

We need to ensure that our best teachers are placed in the most challenging schools, and we need to provide them with the training to help prepare them for the challenges of teaching in an environment that is increasingly diverse, both economically and ethnically. I want to applaud the efforts of the Omaha metropolitan area superintendents and the continuing work of Senator Ron Raikes and Senator Ernie Chambers on this issue. We need to resolve this issue during this legislative session.

In Omaha and across Nebraska, we also need K-12 schools to work

creatively to increase parental involvement and to foster a clearer sense of parental responsibility, neither of which require additional funding.

We need parents more involved in their children's education, and we need to dispel the myth that the need for parental involvement decreases as students get older. We also need to make sure parents understand their own personal responsibility to have their children prepared academically to attend and succeed in school at age five and every day thereafter.

A major challenge facing higher education centers on improving our college attendance rate, which is essential to a prosperous Nebraska, and I applaud University of Nebraska President J.B. Milliken for his willingness to join with me in attempting to address this issue.

A five percentage point increase in that rate would place Nebraska among the top five college attendance rates in the country. To that end, my budget proposes a \$1 million dollar annual increase in need-based aid for Nebraska college students, a general fund increase of more than 17 percent.

I am also proposing a dramatic increase in the tax deduction for parents using the Nebraska College Savings Plan to save for their children's college education. I am proposing that we increase the maximum annual tax-deductible savings to \$10,000, and I am very pleased that Senator Tim Gay has agreed to introduce that proposal.

Members of the Legislature, I have tried to address the major challenges confronting our state in this budget, and my focus is on results.

Today, I am asking all Nebraskans to join with me in putting an emphasis on lowering taxes and restraining government spending in order to secure a more prosperous future for the next generation of Nebraskans. I am asking all Nebraskans to sacrifice today for the long-term best interests of our state.

To Nebraska's business leaders, I would ask for your help in accomplishing this task. Over the past two years, we've passed a comprehensive tax incentive package that stimulates the economy, and we're proposing real tax relief for the middle class, along with fundamental tax reform, and the repeal of the estate tax. This is not the year for additional business incentives.

To Nebraska's teachers, school administrators, and school boards, I am seeking your assistance, too. Education is receiving a record \$1.9 billion dollars in state aid and special education funding in this biennium. This is not the year for new programs that require additional funds.

To Nebraska's elected officials at the local level, I need your help as well. Aid programs that offset local spending are receiving \$2.4 billion dollars in state funding for property tax relief, the most we've ever provided to local schools and local governments. I would like to ask you to follow my

budget's example and restrain spending.

If we act now and are successful in moving Nebraska down the road to a more vibrant and dynamic economy, all segments of our state will grow. We will need more teachers. We will have created a better climate for business owners and entrepreneurs, and working families will find better jobs.

Ladies and gentlemen, we need to transform our high-tax state into a place where more Nebraskans can afford to raise a family. We need to create new and expanding job opportunities. We need to provide a climate that encourages businesses to grow. We need to create a state government that reflects the innovations of the 21st Century, and provides real tax relief for middle-class Nebraskans.

This session is a new beginning in Nebraska. We have historic opportunities before us, and the time has come to act. I look forward to standing shoulder-to-shoulder with you to accomplish these goals. God bless this great State, God bless its citizens, and God bless America. Thank you.

The committee escorted Governor Dave Heineman from the Chamber.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 308.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to pharmacy; to amend section 71-1,143.03, Reissue Revised Statutes of Nebraska; to adopt the Automated Medication System Act; to provide a penalty; to harmonize provisions; to change and eliminate restrictions on drug vending machines; to repeal the original section; and to outright repeal sections 71-1,147.15 and 71-1,147.16, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 309.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to parking permits; to amend section 18-1740, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to permanently issued permits for handicapped or disabled parking; and to repeal the original section.

**LEGISLATIVE BILL 310.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-941, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to early voting; and to repeal the original section.

**LEGISLATIVE BILL 311.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-1409, Reissue Revised Statutes of Nebraska; to change provisions relating to petition signature verification; and to repeal the original section.

**LEGISLATIVE BILL 312.** Introduced by Aguilar, 35; McDonald, 41.

A BILL FOR AN ACT relating to government officials; to amend sections 32-562, 32-1205, and 32-1306, Reissue Revised Statutes of Nebraska, and section 32-571, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to resignations, vacancy appointments, recall election costs, and recall elections; and to repeal the original sections.

**LEGISLATIVE BILL 313.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2429, Revised Statutes Cumulative Supplement, 2006; to exempt certain animal feeding operations from the Engineers and Architects Regulation Act; and to repeal the original section.

**LEGISLATIVE BILL 314.** Introduced by Louden, 49; Carlson, 38; Christensen, 44; Erdman, 47; Kopplin, 3.

A BILL FOR AN ACT relating to water; to amend sections 46-601.01 and 46-1212, Reissue Revised Statutes of Nebraska; to redefine water well for purposes of registration of water wells; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 315.** Introduced by Janssen, 15; Burling, 33; Dierks, 40; Langemeier, 23; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2006; to update references to the Internal Revenue Code of 1986; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 316.** Introduced by Friend, 10; Raikes, 25.

A BILL FOR AN ACT relating to education; to create the Special Education Services Task Force; to provide powers and duties; to provide for termination; and to declare an emergency.

**LEGISLATIVE BILL 317.** Introduced by Speaker Flood, 19; at the request of the Governor.

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, 146, 161, and 239; Laws 2006, LB 454A, section 1; Laws 2006, LB 605A,

sections 1 and 2; and Laws 2006, LB 1060, sections 130, 186, 190, 192, 194, 197, 204, and 206; to define terms; to provide, change, and eliminate provisions relating to appropriations; to provide for transfers; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 318.** Introduced by Speaker Flood, 19; at the request of the Governor.

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.

**LEGISLATIVE BILL 319.** Introduced by Speaker Flood, 19; at the request of the Governor.

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.

**LEGISLATIVE BILL 320.** Introduced by Speaker Flood, 19; at the request of the Governor.

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.

**LEGISLATIVE BILL 321.** Introduced by Speaker Flood, 19; at the request of the Governor.

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.

**LEGISLATIVE BILL 322.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 47-633 and 66-1345.02, Reissue Revised Statutes of Nebraska, and sections 47-632, 48-162.02, 55-131, 60-1303, 60-1513, 61-210, 66-1345, 66-1345.01, 66-1345.04, 69-2436, 71-3532, 77-2602, 81-523, 81-5,153, 81-1108.22, and 81-1201.21, Revised Statutes Cumulative Supplement, 2006; to create, rename, and eliminate 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 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.

**LEGISLATIVE BILL 323.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2006; to provide for transfers of funds as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 324.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2017, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to retirement system contributions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 325.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3806, Reissue Revised Statutes of Nebraska, and sections 77-908, 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2006; to repeal the business child care credits; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-27,222, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 326.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1070, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to eligibility; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 327.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to child care; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement rates; to provide an operative date; to repeal the original section; and to declare an emergency.

**SENATOR LANGEMEIER PRESIDING**

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 328.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Heidemann, 1; Karpisek, 32; Louden, 49; White, 8.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2310.04, 23-2319.01, 23-2319.02, 23-2320, 84-1314, 84-1321.01, and 84-1322, Revised Statutes Cumulative Supplement, 2006; to rename and create funds; to change provisions relating to reemployment of county and state employees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 329.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Heidemann, 1; Karpisek, 32; Louden, 49; White, 8.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1503, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the qualifications of the director; and to repeal the original section.

**LEGISLATIVE BILL 330.** Introduced by Schimek, 27; Howard, 9; Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-101 and 86-103, Revised Statutes Cumulative Supplement, 2006; to define terms; to provide powers and duties to the Public Service Commission regarding wireless carriers as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 331.** Introduced by Janssen, 15; Dierks, 40; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 30-103.01, 77-381, 77-2039, 77-3307, 77-3310, and 77-3313, Reissue Revised Statutes of Nebraska, and sections 30-2209, 30-2352, 77-2701.10, 77-2701.16, 77-2701.34, 77-2703, 77-2703.01, 77-2704.33, 77-2704.55, 77-2715.02, 77-2716.01, and 77-2716.03, Revised Statutes Cumulative Supplement, 2006; to eliminate the estate tax and taxation of construction services; to change income tax calculations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 30-24,114, 77-2040, 77-2101, 77-2101.02, 77-2102, 77-2104, 77-2105, 77-2106, 77-2106.01, 77-2106.02, 77-2108, 77-2109, 77-2109.01, 77-2110, 77-2111, 77-2112, 77-2113, 77-2114, and 77-2116, Reissue Revised Statutes of Nebraska, and sections 77-2101.01, 77-2101.03, 77-2115, and 77-2701.45, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 332.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5016 and 77-5017, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to appeals to the Tax Equalization and Review Commission; and to repeal the original sections.

**LEGISLATIVE BILL 333.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act; to amend sections 81-15,237, 81-15,247, and 81-15,248, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to special and nonstandard private onsite wastewater treatment systems; to provide for fees and waivers of fees as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 334.** Introduced by Dierks, 40; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2713, 23-1611, 49-506, 49-617, 57-239, 72-258.03, 76-214, 77-115, 77-120, 77-202.01, 77-202.05, 77-202.09, 77-361, 77-370, 77-374, 77-377, 77-414, 77-420, 77-421, 77-601, 77-602, 77-603.01, 77-604, 77-605, 77-607, 77-609, 77-616, 77-621, 77-623, 77-680, 77-681, 77-682, 77-683, 77-685, 77-686, 77-687, 77-689, 77-690, 77-691, 77-693, 77-701, 77-702, 77-705, 77-706, 77-709, 77-801.02, 77-802.01, 77-803, 77-804, 77-1216, 77-1233.06, 77-1245, 77-1247, 77-1248, 77-1249.01, 77-1250, 77-1250.02, 77-1250.03, 77-1250.04, 77-1250.05, 77-1301.01, 77-1306.01, 77-1329, 77-1332, 77-1334, 77-1339, 77-1340.01, 77-1346, 77-1371, 77-1374, 77-1376, 77-1377, 77-1601, 77-1613.01, 77-1615.01, 77-1735, 77-1736.06, 77-1749, 77-1750, 77-1763, 77-1766, 77-1775.01, 77-27,137, 77-3523, 77-3902, 77-3903, 77-3904, 77-3905, 77-3906, 77-3907, 77-3908, 77-4105, 77-5008, 77-5014, 77-5030, 79-1031, 81-101, 81-102, and 81-15,102.01, Reissue Revised Statutes of Nebraska, sections 11-201, 13-2507, 18-2117.01, 18-2147, 23-3202, 60-147, 60-3,189, 60-3,202, 77-202.02, 77-202.03, 77-202.04, 77-202.12, 77-202.13, 77-366, 77-422, 77-603, 77-612, 77-684, 77-801, 77-802, 77-802.02, 77-1229, 77-1249, 77-1311, 77-1311.02, 77-1327, 77-1330, 77-1331, 77-1333, 77-1340, 77-1342, 77-1345, 77-1355, 77-1363, 77-1392, 77-1504.01, 77-1507, 77-1514, 77-1775, 77-5007, 77-5027, 77-5028, 77-5029, 77-5725, 77-6006, 79-1065.02, 79-2102, 81-1401, 81-15,113.01, and 86-570, Revised Statutes Cumulative Supplement, 2006, and sections 79-479 and 79-1016, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to merge the Department of Property Assessment and Taxation with the Department of Revenue; to provide an operative date; to repeal the original sections; to outright repeal sections 77-415, 77-417, 77-704, 77-707, 77-708, and 81-109, Reissue Revised Statutes of Nebraska, and



section 77-703, Revised Statutes Cumulative Supplement, 2006; and to declare an emergency.

**LEGISLATIVE BILL 335.** Introduced by Kruse, 13; Ashford, 20; Burling, 33; Dierks, 40; Howard, 9; McGill, 26; Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,121, Reissue Revised Statutes of Nebraska; to change provisions relating to civil protective custody; and to repeal the original section.

**LEGISLATIVE BILL 336.** Introduced by Kruse, 13; Burling, 33; Carlson, 38; Engel, 17; Hansen, 42; Hudkins, 21; Pahls, 31; Pedersen, 39; Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.05, Reissue Revised Statutes of Nebraska; to change a penalty relating to providing alcoholic liquor to a minor; and to repeal the original section.

**LEGISLATIVE BILL 337.** Introduced by Kruse, 13; Carlson, 38; Dubas, 34; Engel, 17; Hansen, 42; Pahls, 31; Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to attempted purchase by a minor; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 338.** Introduced by Gay, 14; Adams, 24; Avery, 28; Carlson, 38; Erdman, 47; Harms, 48; Karpisek, 32; Langemeier, 23; Nantkes, 46; Pankonin, 2; White, 8; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2006; to change income tax reduction amounts for participants in the Nebraska educational savings plan trust; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 339.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Lathrop, 12; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to amend sections 25-213, 81-8,210, 81-8,212, 81-8,213, 81-8,228, 81-8,294, 81-8,300, and 81-8,305, Reissue Revised Statutes of Nebraska, and sections 81-8,211 and 81-8,224, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Risk Manager, the State Claims Board, and claim procedures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 340.** Introduced by Wightman, 36; Avery, 28;

Carlson, 38; Christensen, 44; Fulton, 29; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-27,132, 79-1008.01, and 79-1018.01, Revised Statutes Cumulative Supplement, 2006; to authorize a local income tax for school capital construction purposes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 341.** Introduced by Schimek, 27; Flood, 19; Howard, 9; McGill, 26; Pedersen, 39.

A BILL FOR AN ACT relating to the Uniform Child Custody Jurisdiction Act; to amend section 43-1230, Reissue Revised Statutes of Nebraska; to change provisions relating to international jurisdiction under the act; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 342.** Introduced by Raikes, 25; Adams, 24; Aguilar, 35; Avery, 28; Burling, 33; Carlson, 38; Christensen, 44; Cornett, 45; Dierks, 40; Engel, 17; Flood, 19; Friend, 10; Gay, 14; Hansen, 42; Janssen, 15; Johnson, 37; Karpisek, 32; Kopplin, 3; Kruse, 13; Lathrop, 12; McDonald, 41; Mines, 18; Pahls, 31; Pankonin, 2; Pedersen, 39; Preister, 5; Rogert, 16; Schimek, 27; Stuthman, 22; Synowiecki, 7; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1536.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to state aid; to harmonize provisions; to repeal the original section; and to declare an emergency.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 152	Judiciary (rereferred)
LB 211	Business and Labor (rereferred)
LB 236	Health and Human Services
LB 237	Judiciary
LB 238	Education
LB 239	Transportation and Telecommunications
LB 240	Revenue
LB 241	Education
LB 242	Judiciary
LB 243	Judiciary
LB 244	Health and Human Services
LB 245	Health and Human Services
LB 246	Judiciary
LB 247	Health and Human Services
LB 248	Government, Military and Veterans Affairs

LB 249	Appropriations
LB 250	Health and Human Services
LB 251	General Affairs
LB 252	Government, Military and Veterans Affairs
LB 253	Transportation and Telecommunications
LB 254	Judiciary
LB 255	Business and Labor
LB 256	Government, Military and Veterans Affairs
LB 257	Judiciary
LB 258	Judiciary
LB 259	Judiciary
LB 260	Judiciary
LB 261	Judiciary
LB 262	Banking, Commerce and Insurance
LB 263	Natural Resources
LB 264	Revenue
LB 265	Business and Labor
LB 266	Transportation and Telecommunications
LB 267	Health and Human Services
LB 268	Government, Military and Veterans Affairs
LB 269	Government, Military and Veterans Affairs
LB 270	Revenue
LB 271	Business and Labor
LB 272	Revenue
LB 273	Agriculture
LB 274	Judiciary
LB 275	Appropriations
LB 276	Transportation and Telecommunications
LB 277	Transportation and Telecommunications
LB 278	Revenue
LB 279	Transportation and Telecommunications
LB 280	Judiciary
LB 281	Appropriations
LB 282	Revenue
LB 283	Health and Human Services
LB 284	Government, Military and Veterans Affairs
LB 285	Transportation and Telecommunications
LB 286	Transportation and Telecommunications
LB 287	Transportation and Telecommunications
LB 288	Transportation and Telecommunications
LB 289	Government, Military and Veterans Affairs
LB 290	Judiciary
LB 291	Natural Resources
LB 292	Health and Human Services
LB 293	Judiciary
LB 294	Revenue
LB 295	Natural Resources
LB 296	Health and Human Services
LB 297	Transportation and Telecommunications

LR 7CA Executive Board of the Legislative Council  
 LR 8CA Government, Military and Veterans Affairs

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

### NOTICE OF COMMITTEE HEARINGS

#### Revenue Room 1524

LB 98	Thursday, January 18, 2007	1:30 p.m.
LB 223	Thursday, January 18, 2007	1:30 p.m.
LB 177	Thursday, January 18, 2007	1:30 p.m.
LB 94	Thursday, January 18, 2007	1:30 p.m.
LB 3	Thursday, January 18, 2007	1:30 p.m.
LB 60	Thursday, January 18, 2007	1:30 p.m.

Thursday, January 18, 2007 1:30 p.m.  
 Doug Ewald - State Tax Commissioner

(Signed) Ray Janssen, Chairperson

#### Natural Resources Room 1525

LB 140	Thursday, January 18, 2007	1:30 p.m.
LB 184	Thursday, January 18, 2007	1:30 p.m.

(Signed) LeRoy Louden, Chairperson

#### Judiciary Room 1113

LB 154	Thursday, January 18, 2007	1:30 p.m.
LB 67	Thursday, January 18, 2007	1:30 p.m.
LB 99	Thursday, January 18, 2007	1:30 p.m.
LB 19	Thursday, January 18, 2007	1:30 p.m.
LB 213	Thursday, January 18, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

#### Health and Human Services Room 1510

LB 296	Thursday, January 18, 2007	1:30 p.m.
LB 185	Thursday, January 18, 2007	1:30 p.m.
LB 178	Thursday, January 18, 2007	1:30 p.m.

LB 203	Friday, January 19, 2007	1:30 p.m.
LB 86	Friday, January 19, 2007	1:30 p.m.
LB 103	Friday, January 19, 2007	1:30 p.m.

(Signed) Joel Johnson, Chairperson

### **ANNOUNCEMENT**

The Legislative Performance Audit Committee elected Senator Schimek as Chairperson and Senator McDonald as Vice Chairperson.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator McDonald asked unanimous consent to add her name as cointroducer to LB 6. No objections. So ordered.

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB 83. No objections. So ordered.

Senator Pankonin asked unanimous consent to add his name as cointroducer to LBs 62 and 144. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LB 190. No objections. So ordered.

Senators Fischer and Harms asked unanimous consent to add their names as cointroducers to LB 232. No objections. So ordered.

Senator Nelson asked unanimous consent to add his name as cointroducer to LB 340. No objections. So ordered.

### **WITHDRAW - Cointroducer**

Senator Aguilar withdrew his name as cointroducer to LB 86.

### **VISITORS**

Visitors to the Chamber were the Gretna Chamber of Commerce, Economic Development.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

### **ADJOURNMENT**

At 11:32 a.m., on a motion by Senator Preister, the Legislature adjourned until 9:00 a.m., Friday, January 12, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTH DAY - JANUARY 12, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 12, 2007

**PRAYER**

The prayer was offered by Senator Dierks.

**ROLL CALL**

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

The roll was called and all members were present except Senators Heidemann, Howard, Johnson, Loudon, Mines, and Preister who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**NOTICE OF COMMITTEE HEARINGS****Banking, Commerce and Insurance**

Room 1507

LB 115	Monday, January 22, 2007	1:30 p.m.
LB 118	Monday, January 22, 2007	1:30 p.m.
LB 120	Monday, January 22, 2007	1:30 p.m.
LB 186	Monday, January 22, 2007	1:30 p.m.
LB 117	Tuesday, January 23, 2007	1:30 p.m.
LB 119	Tuesday, January 23, 2007	1:30 p.m.
LB 121	Tuesday, January 23, 2007	1:30 p.m.
LB 191	Tuesday, January 23, 2007	1:30 p.m.

(Signed) Rich Pahls, Chairperson

**Revenue**  
Room 1524

LB 4	Friday, January 19, 2007	1:30 p.m.
LB 9	Friday, January 19, 2007	1:30 p.m.
LB 240	Friday, January 19, 2007	1:30 p.m.
LB 264	Friday, January 19, 2007	1:30 p.m.

(Signed) Ray Janssen, Chairperson

**Agriculture**  
Room 1524

LB 74	Tuesday, January 23, 2007	1:30 p.m.
LB 110	Tuesday, January 23, 2007	1:30 p.m.
LB 111	Tuesday, January 23, 2007	1:30 p.m.

(Signed) Philip Erdman, Chairperson

**Education**  
Room 1525

LB 95	Monday, January 22, 2007	1:30 p.m.
LB 101	Monday, January 22, 2007	1:30 p.m.
LB 150	Monday, January 22, 2007	1:30 p.m.
LB 231	Monday, January 22, 2007	1:30 p.m.
LB 241	Monday, January 22, 2007	1:30 p.m.

(Signed) Ron Raikes, Chairperson

**Transportation and Telecommunications**  
Room 1113

LB 59	Monday, January 22, 2007	1:30 p.m.
LB 84	Monday, January 22, 2007	1:30 p.m.
LB 148	Monday, January 22, 2007	1:30 p.m.
LB 165	Monday, January 22, 2007	1:30 p.m.

(Signed) Deb Fischer, Chairperson

**REPORTS**

The following reports were received by the Legislature:

**Child Support Commission**

Proposed revisions to the Nebraska Child Support Guidelines  
(Guidelines)

**Southeast Community College**



Financial Condition of the Center

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 11, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Bromm, Curt

Alliance for Cohesive and Coordinated K-12 Learning Communities  
Home Caregivers Association, Nebraska

Campbell, Mary M./Campbell & Associates

Community Health Endowment of Lincoln

Cederberg, John E.

Peetz & Company

Courtney, Robert

AARP

Crawford, Derek

Kraft Foods North America, Inc. - Altria Corporate Services, Inc.  
Philip Morris USA, Inc. - Altria Corporate Services, Inc.

Cutshall & Associates

Community Health Endowment of Lincoln

Evans, Eric A.

Advocacy Services, Inc., Nebraska

Hanson, John R.

Soybean Association, Nebraska

Jeffers, Thomas E.

Cooperative Council, Nebraska

Kamm, Richard D.

Adams Central Junior-Senior High  
Northwest High School

Larsen, Carlin L.

Qwest Communications

Meurrens, Bradley A.

Advocacy Services, Inc., Nebraska

O'Hara, Lindsay & Associates, Inc.  
 City of Omaha  
 Qwest Center Omaha

Petz, Natalie, Petz & Company  
 Pathologists, College of American  
 Pathologists, Nebraska Association of

Plucker, Julia  
 Credit Union League and Affiliates, Nebraska  
 N.H. Wright & Assoc., LLC

Ruth Mueller Robak LLC  
 Copic Companies

Schmit Industries, Inc.  
 Ag Processing, Inc.  
 Altra Inc.  
 Chiropractic Physicians Association, Nebraska  
 Husker Ag, LLC  
 KAPPA Ethanol, LLC  
 Mid-America Companies, LLC/Lundeen  
 NEDAK Ethanol LLC  
 Platte Valley Fuel Ethanol  
 Southwest Energy

Sedlacek, Ronald J.  
 MoneyGram International (MoneyGram Payment Systems, Inc.)

Sheard, James W., Jr.  
 Nebraska Change to Win Coalition c/o Teamsters Local 554

Troutman, Gary  
 City of Bellevue

### COMMUNICATION

Received communication from the Nebraska Supreme Court regarding the January 8, 2007, meeting of the Judicial Resources Commission.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 343.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to biodiesel; to amend sections 77-2701, 77-2715.07, and 77-2734.03, Revised Statutes Cumulative Supplement,

2006; to create an investment tax credit for biodiesel facilities; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 344.** Introduced by Burling, 33.

A BILL FOR AN ACT relating to the Tax Policy Reform Commission; to amend sections 77-6004 and 77-6007, Revised Statutes Cumulative Supplement, 2006; to change a termination date; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 345.** Introduced by Burling, 33.

A BILL FOR AN ACT relating to the state song; to amend section 90-111, Reissue Revised Statutes of Nebraska; to change the state song; and to repeal the original section.

**LEGISLATIVE BILL 346.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to liens; to amend sections 52-1301, 52-1302, 52-1307, 52-1308, 52-1313, 52-1314, 52-1315, 52-1317, 52-1318, and 52-1602, Reissue Revised Statutes of Nebraska, section 52-1312, Revised Statutes Cumulative Supplement, 2006, and sections 9-315, 9-320, 9-529, and 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to farm product security interests; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 347.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to bonds; to amend sections 11-104, 14-208, 14-551, 15-251, 15-307, 15-308, 15-317, 16-219, 16-304, and 17-604, Reissue Revised Statutes of Nebraska, and sections 16-318 and 17-541, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the giving of bonds by officials as prescribed; to provide for the acceptance of evidence of equivalent insurance; and to repeal the original sections.

### **MOTION - Adopt Permanent Rules**

Senator Hudkins moved to adopt the permanent rules for the One Hundredth Legislature, First Session.

The Rules Committee renewed their proposed rules change found on page 83 and referred to on page 181, of the Schimek proposed rules change, to Rule 3, Sec. 4(e).

The Rules Committee proposed rules change was adopted with 39 ayes, 1 nay, 2 present and not voting, and 7 excused and not voting.

The Rules Committee renewed their proposed rules change found on pages 19 and 20 and referred to on page 181, of the Hudkins proposed rules change, to Rule 4, Sec. 3.

The Rules Committee proposed rules change was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Hudkins renewed her motion, found in this day's Journal, to adopt the permanent rules for the One Hundredth Legislature, First Session, as amended.

The Hudkins motion to adopt permanent rules, as amended, prevailed with 39 ayes, 2 nays, 3 present and not voting, and 5 excused and not voting.

## **SENATOR ERDMAN PRESIDING**

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 348.** Introduced by Burling, 33; McDonald, 41; Wallman, 30.

A BILL FOR AN ACT relating to county government; to amend sections 23-148, 23-151, 23-293, 23-294, 23-295, 23-296, 23-297, and 23-299, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the discontinuance of township organization; to provide powers and duties; to harmonize provisions; to repeal the original sections; to outright repeal sections 23-287, 23-290, and 23-291, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 349.** Introduced by Stuthman, 22; Langemeier, 23.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-301, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to trailers; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 350.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to insurance; to provide for the partial payment of the proceeds of an insurance policy by city or village ordinance as prescribed; and to provide powers and duties to cities, villages, and the Department of Insurance.

**LEGISLATIVE BILL 351.** Introduced by Stuthman, 22; Erdman, 47.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend sections 43-512, 68-1709, 68-1710, 68-1718, 68-1722, 68-1723, and

68-1724, Reissue Revised Statutes of Nebraska, and sections 68-915, 68-1713, and 68-1721, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to time limits and transition payments as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 352.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to shooting ranges; to amend sections 15-258 and 16-226, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Shooting Range Protection Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 353.** Introduced by Legislative Performance Audit Committee: Schimek, 27, Chairperson; Engel, 17; Flood, 19; Heidemann, 1; McDonald, 41; Stuthman, 22.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend section 79-760, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the statewide assessment system; and to repeal the original section.

**LEGISLATIVE BILL 354.** Introduced by Cornett, 45; Christensen, 44; Gay, 14; Nantkes, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2006; to exclude military retirement benefits from income taxation; and to repeal the original section.

**LEGISLATIVE BILL 355.** Introduced by Cornett, 45; Gay, 14; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1248, Reissue Revised Statutes of Nebraska; to change provisions relating to taxation of air carriers; and to repeal the original section.

**LEGISLATIVE BILL 356.** Introduced by Cornett, 45; Christensen, 44; Gay, 14; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1344, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to special valuation of agricultural or horticultural land; and to repeal the original section.

**LEGISLATIVE BILL 357.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to schools; to amend section 79-1003, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum

2006, No. 422; to provide for community schools, operating councils, and elementary improvement grants; to prohibit closing certain elementary attendance centers as prescribed; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 358.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to interstate motor carriers; to amend section 75-390, Reissue Revised Statutes of Nebraska, and sections 60-3,137, 60-3,205, 66-1406.02, 75-307.01, 75-369.03, and 75-386, Revised Statutes Cumulative Supplement, 2006; to authorize participation in and enforcement of federal carrier registration provisions; to eliminate certain interstate motor carrier provisions; to change and provide penalties; to harmonize provisions; to provide operative dates; to repeal the original section; and to outright repeal sections 75-348, 75-349, 75-350, 75-351, 75-352, 75-353, 75-354, 75-355, 75-356, 75-357, and 75-358, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 359.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 39-2520, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to use of certain sales tax proceeds; and to repeal the original section.

**LEGISLATIVE BILL 360.** Introduced by Pedersen, 39; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,125, Revised Statutes Cumulative Supplement, 2006; to modify limitations on issuance of Purple Heart license plates; and to repeal the original section.

**LEGISLATIVE BILL 361.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to public funds; to amend sections 13-501 and 49-14,101.02, Revised Statutes Cumulative Supplement, 2006; to prohibit the use of public funds for paying dues or membership fees to certain organizations; to provide a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 362.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3446, Reissue Revised Statutes of Nebraska, sections 13-520 and 84-304, Revised Statutes Cumulative Supplement, 2006, and section 79-1028, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change budget limitation provisions; to require audits of joint entities; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 363.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to public service attorneys; to amend section 29-3927, Revised Statutes Cumulative Supplement, 2006; to adopt the Legal Education for Public Service Loan Repayment Act; to create a fund; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 364.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to inheritance tax; to amend section 77-2014, Reissue Revised Statutes of Nebraska; to change the apportionment of tax revenue; and to repeal the original section.

**LEGISLATIVE BILL 365.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-708, Revised Statutes Cumulative Supplement, 2006; to provide requirements for the reduction of payments for early retirement as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 366.** Introduced by Janssen, 15; Cornett, 45; Dierks, 40; Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2115, 77-3443, 77-3445, 77-3501, 77-3509.01, 77-3509.02, 77-3509.03, 77-3510, 77-3511, 77-3512, 77-3516, 77-3521, 77-3522, 77-3523, 77-3529, 85-933, 85-1418, 85-1511, 85-1515, 85-1526, 85-1535, and 85-1537, Reissue Revised Statutes of Nebraska, sections 13-503, 13-518, 13-519, 72-2302, 72-2303, 72-2304, 72-2306, 77-201, 77-1601.02, 77-3442, 77-3513, 77-3514, 77-5023, 85-1402, 85-1416, and 85-1503, Revised Statutes Cumulative Supplement, 2006, and section 79-1016, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to provide for state funding of community colleges; to eliminate property tax levy authority of community colleges; to change valuation of agricultural land and horticultural land; to create a homestead exemption; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 85-1501.01, 85-1516, 85-1518, and 85-1536, Reissue Revised Statutes of Nebraska, and sections 85-1517 and 85-1536.01, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 367.** Introduced by Janssen, 15; Cornett, 45; Dierks, 40; Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, and sections 60-3,187, 77-2701.10, 77-2701.16, 77-2701.34, 77-2703, 77-2703.01, and 77-2704.55, Revised Statutes Cumulative Supplement, 2006; to change motor vehicle tax calculations and the sales tax rate; to eliminate taxation of construction

services; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2701.45, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 368.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to cooperative associations; to amend section 77-5509, Reissue Revised Statutes of Nebraska, and sections 77-2716, 77-27,187.01, 77-27,194, 77-5719, 77-5728, and 77-5903, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Limited Cooperative Association Act; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 369.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-1,307, Reissue Revised Statutes of Nebraska; to redefine mental health practice; and to repeal the original section.

**LEGISLATIVE BILL 370.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to retirement; to adopt the Law Enforcement Officers Retirement Survey Act; and to declare an emergency.

**LEGISLATIVE BILL 371.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1014 and 84-1511, Reissue Revised Statutes of Nebraska, and sections 84-1301 and 84-1503, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Peace Officer Retirement Act; to create funds; to provide duties for the Public Employees Retirement Board; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 372.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1014 and 84-1511, Reissue Revised Statutes of Nebraska, and sections 84-1301 and 84-1503, Revised Statutes Cumulative Supplement, 2006; to adopt the Law Enforcement Officer Retirement Act; to create a fund; to provide duties for the Public Employees Retirement Board; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 373.** Introduced by Schimek, 27; Adams, 24; Johnson, 37; Nelson, 6; Pedersen, 39; Wightman, 36.

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.



**LEGISLATIVE BILL 374.** Introduced by Johnson, 37; Erdman, 47.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5667, Reissue Revised Statutes of Nebraska, and section 71-5666, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to student loans; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 375.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-9,177, 85-9,178, 85-9,179, 85-9,180, 85-9,181, and 85-9,182, Revised Statutes Cumulative Supplement, 2006; to rename and change provisions relating to the Minority Scholarship Program Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 376.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-504, Reissue Revised Statutes of Nebraska; to change procedures relating to felony complaints; and to repeal the original section.

**LEGISLATIVE BILL 377.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Cumulative Supplement, 2006; to reallocate district court judgeships; to provide an operative date; to repeal the original section; and to declare an emergency.

## NOTICE OF COMMITTEE HEARINGS

### General Affairs

Room 1510

LB 64	Monday, January 22, 2007	1:30 p.m.
LB 181	Monday, January 22, 2007	1:30 p.m.
LB 251	Monday, January 22, 2007	1:30 p.m.

(Signed) Vickie McDonald, Chairperson

### Natural Resources

Room 1525

LB 202	Friday, January 19, 2007	1:30 p.m.
LB 263	Friday, January 19, 2007	1:30 p.m.

(Signed) LeRoy Louden, Chairperson

**Judiciary**  
Room 1113

LB 227	Friday, January 19, 2007	1:30 p.m.
LB 176	Friday, January 19, 2007	1:30 p.m.
LB 180	Friday, January 19, 2007	1:30 p.m.
LB 216	Friday, January 19, 2007	1:30 p.m.
LB 217	Friday, January 19, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

**Business and Labor**  
Room 2102

LB 204	Monday, January 22, 2007	1:30 p.m.
LB 211	Monday, January 22, 2007	1:30 p.m.
LB 226	Monday, January 22, 2007	1:30 p.m.
LB 209	Monday, January 22, 2007	1:30 p.m.

(Signed) Kent Rogert, Vice Chairperson

**ANNOUNCEMENT**

The Building Maintenance Committee elected Senator Fulton as Vice Chairperson.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Nelson asked unanimous consent to add his name as cointroducer to LB 6. No objections. So ordered.

Senator Hansen asked unanimous consent to add his name as cointroducer to LB 62. No objections. So ordered.

Senators Christensen and Gay asked unanimous consent to add their names as cointroducers to LB 169. No objections. So ordered.

Senators Gay, Rogert, and Wallman asked unanimous consent to add their names as cointroducers to LB 235. No objections. So ordered.

Senator Mines asked unanimous consent to add his name as cointroducer to LB 330. No objections. So ordered.

Senator Burling asked unanimous consent to add his name as cointroducer to LB 331. No objections. So ordered.

**VISITOR**

The Doctor of the Day was Dr. James Shelton from Omaha.

**ADJOURNMENT**

At 10:18 a.m., on a motion by Senator Schimek, the Legislature adjourned until 11:00 a.m., Tuesday, January 16, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**NINTH DAY - JANUARY 16, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 16, 2007

**PRAYER**

The prayer was offered by Senator Kruse.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Christensen, Hudkins, and Mines who were excused; and Senators Dierks, Fischer, Heidemann, Kopplin, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 298	Government, Military and Veterans Affairs
LB 299	Natural Resources
LB 300	Government, Military and Veterans Affairs
LB 301	General Affairs
LB 302	Urban Affairs
LB 303	Nebraska Retirement Systems
LB 304	Revenue
LB 305	Revenue
LB 306	Judiciary
LB 307	Transportation and Telecommunications
LB 308	Health and Human Services
LB 309	Urban Affairs
LB 310	Government, Military and Veterans Affairs
LB 311	Government, Military and Veterans Affairs

LB 312	Government, Military and Veterans Affairs
LB 313	Natural Resources
LB 314	Natural Resources
LB 315	Revenue
LB 316	Education
LB 317	Appropriations
LB 318	Appropriations
LB 319	Appropriations
LB 320	Appropriations
LB 321	Appropriations
LB 322	Appropriations
LB 323	Appropriations
LB 324	Nebraska Retirement Systems
LB 325	Revenue
LB 326	Health and Human Services
LB 327	Appropriations
LB 328	Nebraska Retirement Systems
LB 329	Nebraska Retirement Systems
LB 330	Transportation and Telecommunications
LB 331	Revenue
LB 332	Revenue
LB 333	Natural Resources
LB 334	Revenue
LB 335	Judiciary
LB 336	Judiciary
LB 337	Judiciary
LB 338	Revenue
LB 339	Business and Labor
LB 340	Revenue
LB 341	Judiciary
LB 342	Education

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

**NOTICE OF COMMITTEE HEARING**  
**Transportation and Telecommunications**  
Room 1113

LB 239	Tuesday, January 23, 2007	1:30 p.m.
LB 286	Tuesday, January 23, 2007	1:30 p.m.
LB 287	Tuesday, January 23, 2007	1:30 p.m.

(Signed) Deb Fischer, Chairperson

**ATTORNEY GENERAL'S OPINION**Opinion 07001

DATE: January 16, 2007

SUBJECT: Constitutionality of audiovisual court appearances conducted without a written waiver.

REQUESTED BY: Senator Lavon Heidemann  
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General  
J. Kirk Brown, Solicitor General

You inquire whether the Sixth Amendment of our federal constitution would be violated if the mandatory written and oral waiver provisions of Neb. Rev. Stat. §§29-4203 (1) and (2) (2006 Cum.Supp.) were to be repealed. Section 49-4203 is a part of a series of statutes which authorize audiovisual court appearances under certain circumstances. See, §29-4201 et.seq. For the reasons set forth below, we conclude that repeal of the mandatory waiver provisions of §29-4203 (1) and (2) would not violate the Sixth Amendment or its state counterpart, Article I, Section 11 of the Nebraska Constitution.<sup>1</sup>

The Sixth Amendment to the United States Constitution provides: "In all criminal prosecutions, the accused shall enjoy the right...to be confronted with the witnesses against him...." This clause, known as the Confrontation Clause, guarantees the defendant a face-to-face meeting with witnesses appearing before the trier of fact." *United States v. Yates*, 438 F.3d 1307, 1312 (2006).

However, audiovisual court appearances are not authorized to occur for trials or any other form of evidentiary hearing in a criminal case. See, §29-4202. By its very definition a criminal defendant would not have the need or opportunity to "confront" witnesses in the course of an appropriate audiovisual court appearance. Therefore, we observe no Sixth Amendment Confrontation Clause issues raised by the audiovisual court appearance process generally. See, *Maryland v. Craig*, 497 U.S. 836 (1990). "We fail to see how Anderson's or Hochstein's absence at a time when their attorneys were arguing matters of law to the court could frustrate the fairness of the proceedings." *State v. Anderson and Hochstein*, 207 Neb. 51, 68-69, 296 N.W.2d 440, 451-452 (1980). In the instance of an audiovisual court appearance, the criminal defendant is not "absent", just not physically present at the same location as the court.

We certainly observe no Sixth Amendment basis for the current requirement of §29-4203(1) and (2) that a written and oral waiver must be obtained from a criminal defendant before conducting an audiovisual court appearance.

Even if a Sixth Amendment right were implicated by the audiovisual court appearance process, waivers of any such right are not required to be reduced to writing or specifically inquired into by the trial court before proceeding. *United States v. Gagnon*, 470 U.S. 522, 105 S.Ct. 1482, 84 L.Ed.2d 486 (1985) (holding that defendant must assert right of confrontation and right to be present at trial and cannot claim those rights for first time on appeal); *State v. Bjorklund* 258 Neb. 432, 469-470, 604 N.W.2d 169, 205 (2000); *State v. Bradley* 236 Neb. 371, 380-381, 461 N.W.2d 524, 533 - 534 (1990).

<sup>1</sup>The analysis for the Nebraska Constitution is the same as the analysis under the federal constitution. *State v. Hembertt*, 269 Neb. 840, 847, 696 N.W.2d 473, 480 (2005).

Sincerely,  
JON BRUNING  
Attorney General  
(Signed) J. Kirk Brown  
Solicitor General

cc: Patrick O'Donnell  
Clerk of the Legislature

### ANNOUNCEMENT

The Intergovernmental Cooperation Committee elected Senator Rogert as Vice Chairperson.

### MESSAGES FROM THE GOVERNOR

January 9, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as Director of the Public Employees Retirement Board:

Phyllis G. Chambers, 6021 South 74th Street, Lincoln NE 68516

The aforementioned appointee is respectfully submitted for your consideration. A copy of the appointment certificate and personal resume are attached for your review.

Sincerely,  
(Signed) Dave Heineman



Governor

Enclosures

January 9, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as a member of the Public Employees Retirement Board:

Don Pederson, 4501 Dryden Place, Lincoln NE 68516

The aforementioned appointee is respectfully submitted for your consideration. A copy of the appointment certificate and personal resume are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 10, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as a member of the Board of Educational Lands and Funds:

Tom Baker, HC 2, Box 140, Trenton NE 69044

The aforementioned appointee is respectfully submitted for your consideration. A copy of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 378.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Small Employer Health Insurance Availability Act; to amend sections 44-5223, 44-5225, and 44-5260, Reissue Revised Statutes of Nebraska; to define bona fide association; to provide an exemption; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 379.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to corporations; to amend sections 21-1302, 21-1403, 21-1921, 21-1934, 21-1935, 21-19,148, 21-19,152, 21-19,153, 21-19,161, 21-19,172, 21-2018, 21-2032, 21-20,170, 21-20,175, 21-20,181.01, 21-2304, and 21-2638, Reissue Revised Statutes of Nebraska, and sections 21-301, 21-302, 21-304, 21-305, 21-2216, 21-2601.01, 21-2606, 21-2610, and 21-2632.01, Revised Statutes Cumulative Supplement, 2006; to change certain reporting, notice, and filing provisions; to eliminate references to professional limited liability companies; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 380.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Mortgage Bankers Registration and Licensing Act; to amend sections 45-705 and 45-706, Revised Statutes Cumulative Supplement, 2006; to change a license application requirement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 381.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to farm product liens; to amend section 52-1316, Reissue Revised Statutes of Nebraska; to eliminate oral requests for information as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 382.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to notaries public; to amend section 64-210, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the ink stamp seal; and to repeal the original section.

**LEGISLATIVE BILL 383.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to partnerships; to amend sections 67-236, 67-240, 67-241, 67-281, 67-283, 67-344, and 67-415, Reissue Revised Statutes of Nebraska, and sections 67-454, 67-456, and 67-458, Revised Statutes Cumulative Supplement, 2006; to modify provisions relating to the

address of the agent for partnerships under the Nebraska Uniform Limited Partnership Act and the Uniform Partnership Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 384.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to executions against property; to prohibit certain executions on exempt property as prescribed; and to provide penalties.

**LEGISLATIVE BILL 385.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to advanced practice registered nurses; to amend sections 71-1734, 71-1748, 71-1752, 71-1756, 71-1764, and 71-1765, Reissue Revised Statutes of Nebraska, and sections 71-1707, 71-1722, 71-1723, 71-1723.01, 71-1723.02, 71-1724, 71-1724.01, 71-1726.01, 71-1726.02, 71-1729, 71-1730, 71-1731, 71-1735, 71-1737, 71-1749, 71-1755, 71-1757, 71-17,118, 71-17,119, 71-17,121, 71-17,122, 71-17,123, 71-17,124, 71-17,128, 71-17,129, 71-17,134, 71-17,135, 71-17,137, 71-17,138, 71-17,139, and 71-17,140, Revised Statutes Cumulative Supplement, 2006; to change licensure provisions for certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners; to eliminate provisions relating to certificates; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 71-1724.02, 71-1725, 71-1725.01, 71-1726, 71-1736.01, 71-1736.02, 71-1736.03, 71-1758, 71-1761, 71-1762, 71-17,125, 71-17,126, and 71-17,127, Revised Statutes Cumulative Supplement, 2006; and to declare an emergency.

**LEGISLATIVE BILL 386.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to real property; and to adopt the Nebraska Security Instrument Satisfaction Act.

**LEGISLATIVE BILL 387.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to building construction; to amend section 71-6401, Reissue Revised Statutes of Nebraska; to require plumbing and water meter installation for new construction as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 388.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1201.04, 81-1201.05, and 81-1201.14, Reissue Revised Statutes of Nebraska; to change membership and duties of the Economic Development Commission; to eliminate provisions relating to the Nebraska Industrial Competitiveness Alliance; and to repeal the original sections.

**LEGISLATIVE BILL 389.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to job application materials; and to repeal the original section.

**LEGISLATIVE BILL 390.** Introduced by Aguilar, 35.

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

**LEGISLATIVE BILL 391.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to public records and meetings; to amend sections 84-712, 84-1411, and 84-1412, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to copies of records and speaking at meetings; and to repeal the original sections.

**LEGISLATIVE BILL 392.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to municipal counties; to amend sections 13-520, 13-2801, 13-2802, 13-2803, 13-2804, 13-2805, 13-2806, 13-2808, 13-2809, 13-2810, 13-2813, 13-2814, 13-2818, and 13-2819, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to municipal counties including those created by merger or consolidation of a city of the metropolitan class; to provide for tax levies; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 393.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend sections 85-1903 and 85-1907, Revised Statutes Cumulative Supplement, 2006; to redefine award and eligible student; and to repeal the original sections.

**LEGISLATIVE BILL 394.** Introduced by Burling, 33.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-616, 32-617, 32-623, 32-627, and 32-710, Reissue Revised Statutes of Nebraska; to change provisions relating to nomination for office; and to repeal the original sections.

**LEGISLATIVE BILL 395.** Introduced by Johnson, 37; Aguilar, 35; Hansen, 42; Kruse, 13; Pankonin, 2; Preister, 5; Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to public health; to repeal the current

Nebraska Clean Indoor Air Act and adopt a new act; to create penalties; to provide severability; and to outright repeal sections 71-5701, 71-5702, 71-5703, 71-5704, 71-5706, 71-5708, 71-5709, 71-5710, 71-5711, 71-5712, and 71-5713, Reissue Revised Statutes of Nebraska, and sections 71-5705 and 71-5707, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 396.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the State Board of Landscape Architects; to amend section 81-8,194, Reissue Revised Statutes of Nebraska; to change fee amounts; and to repeal the original section.

**LEGISLATIVE BILL 397.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to public health and welfare; to adopt the In-home Personal Care Services Act.

**LEGISLATIVE BILL 398.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133, 71-1,134, 71-1,135, 71-1,135.02, 71-1,135.04, 71-1,135.06, 71-1,136, 71-1,136.01, and 71-1,136.04, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to credentialing for optometrists; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 71-1,135.03 and 71-1,135.05, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 399.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, 71-116, and 71-162, Revised Statutes Cumulative Supplement, 2006; to adopt the Perfusion Practice Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 400.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2006; to define terms; to require an audit of medicaid drug rebate payments and a report; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 401.** Introduced by Schimek, 27; Fulton, 29.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-493, 60-494, 60-4,117, 60-4,151, and 60-4,181, Reissue Revised Statutes of Nebraska, and sections 60-484 and 60-4,144, Revised Statutes Cumulative Supplement, 2006; to provide for notation of advance medical directives on motor vehicle operators' licenses and state

identification cards; to provide for distribution of brochures on advance medical directives; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 402.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to redistricting; to adopt the Redistricting Act.

**LEGISLATIVE BILL 403.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to streets and roads; to amend sections 39-2215, 66-4,100, and 77-27,132, Revised Statutes Cumulative Supplement, 2006; to change distribution of certain sales and use tax proceeds; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 404.** Introduced by Janssen, 15; Flood, 19; Karpisek, 32; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-112, Reissue Revised Statutes of Nebraska; to change provisions relating to salaries of commission members; and to repeal the original section.

**LEGISLATIVE BILL 405.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-201 and 32-536, Reissue Revised Statutes of Nebraska, and section 14-201.03, Revised Statutes Cumulative Supplement, 2006; to provide for additional city council members; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 406.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-170, Reissue Revised Statutes of Nebraska, and sections 83-192 and 83-1,115, Revised Statutes Cumulative Supplement, 2006; to provide for presumptive parole release dates and objective parole guidelines; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 407.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-498.02 and 60-4,118.06, Reissue Revised Statutes of Nebraska, and sections 60-6,197.01 and 60-6,211.05, Revised Statutes Cumulative Supplement, 2006; to change eligibility requirements for ignition interlock devices as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 408.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to public contracts for services; to amend sections 73-501, 73-502, 73-504, 73-506, 73-507, and 81-154.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to certain contracts for services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 73-301, 73-302, 73-303, 73-304, 73-305, 73-306, 73-307, and 73-509, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 409.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442 and 85-1517, Revised Statutes Cumulative Supplement, 2006; to change tax levy authority of community colleges; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 410.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to welfare services; to amend section 68-1207, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to child caseload standards; and to repeal the original section.

**LEGISLATIVE BILL 411.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to health and human services; to require certain training for new employees.

**LEGISLATIVE BILL 412.** Introduced by McGill, 26; Preister, 5.

A BILL FOR AN ACT relating to electricity; to amend section 79-1035.01, Reissue Revised Statutes of Nebraska; to provide for a renewable portfolio standard; to provide for renewable energy credits; to provide duties for the Nebraska Power Review Board; to provide for penalties and civil actions; to change provisions relating to the permanent school fund; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 413.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to children; to amend sections 28-316, 43-104.02, and 43-104.05, Reissue Revised Statutes of Nebraska; to change provisions governing children born out of wedlock and the offense of violation of custody; and to repeal the original sections.

**LEGISLATIVE BILL 414.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to appropriations; to provide for the transfer of funds for substance abuse services as prescribed.

**LEGISLATIVE BILL 415.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-463 and 60-4,118.05, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-4,120.01, 60-4,123, and 60-4,124, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to operator's licenses, provisional operator's permits, school permits, and learner's permits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 416.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2006; to exempt certain public retirement benefits from income taxation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 417.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to childhood immunizations; to amend section 71-1913.01, Revised Statutes Cumulative Supplement, 2006; to include invasive pneumococcal disease as an immunization requirement as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 418.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-101, Reissue Revised Statutes of Nebraska; to change provisions relating to membership and terms; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 419.** Introduced by Erdman, 47; Carlson, 38; Hansen, 42; Harms, 48; Langemeier, 23; McDonald, 41.

A BILL FOR AN ACT relating to license plates; to amend sections 60-301 and 60-3,104, Revised Statutes Cumulative Supplement, 2006; to authorize Nebraska Agriculture specialty and personalized message license plates; to create a fund; to direct certain funds as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 420.** Introduced by Erdman, 47; Harms, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Cumulative Supplement, 2006; to create funds; to provide duties for the Department of Agriculture; to change provisions relating to distribution of the cigarette tax; to harmonize provisions; and to repeal the original section.



**LEGISLATIVE BILL 421.** Introduced by Erdman, 47; Carlson, 38; Langemeier, 23.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,125, Revised Statutes Cumulative Supplement, 2006; to permit the issuance of multiple Purple Heart license plates owned by an applicant; and to repeal the original section.

**LEGISLATIVE BILL 422.** Introduced by Erdman, 47; Hansen, 42.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-191, 54-192, and 54-194, Reissue Revised Statutes of Nebraska; to change the chairperson of the Nebraska Brand Committee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 423.** Introduced by Burling, 33; Johnson, 37; Loudon, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2006; to change the sales and use tax collection fees; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 424.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-419, Reissue Revised Statutes of Nebraska; to prohibit the breathing, inhaling, or drinking of certain compounds as prescribed; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 425.** Introduced by Pankonin, 2; Pahls, 31.

A BILL FOR AN ACT relating to economic development; to create the Nebraska Operational Assistance Act; to create a statewide program to assist high-growth business enterprises to attract private equity; to prescribe duties; to provide funding; and to require reporting.

**LEGISLATIVE BILL 426.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-1,147, Reissue Revised Statutes of Nebraska; to adopt the Pharmacy Technician Act; to provide a penalty; to harmonize provisions; to eliminate provisions relating to pharmacy technicians; to repeal the original section; and to outright repeal section 71-1,147.34, Reissue Revised Statutes of Nebraska, and section 71-1,147.33, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 427.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to dental hygienists; to amend sections 71-193.15 and 71-193.17, Reissue Revised Statutes of Nebraska; to change provisions relating to authorized procedures; and to repeal the original sections.

**LEGISLATIVE BILL 428.** Introduced by Synowiecki, 7; Cornett, 45; McGill, 26; Nantkes, 46; Rogert, 16.

A BILL FOR AN ACT relating to labor; to adopt the Peace Officer Employer-Employee Relations Act; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 429.** Introduced by Synowiecki, 7; Cornett, 45; Johnson, 37; Nelson, 6; Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, and 77-2704.56, Revised Statutes Cumulative Supplement, 2006; to exempt purchases by museums and of items for live production of performing arts and museum memberships from sales and use taxes; to define a term; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 430.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Cumulative Supplement, 2006; to change property tax levies; and to repeal the original section.

**LEGISLATIVE BILL 431.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2006; to provide an income tax credit for certain educational expenses; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 432.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to labor and employment; to amend sections 20-113, 48-1001, 48-1002, 48-1003, 48-1004, 48-1005, 48-1007, 48-1008, 48-1009, and 48-1010, Reissue Revised Statutes of Nebraska; to rename and change and eliminate provisions of the Act Prohibiting Unjust Discrimination in Employment Because of Age; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-1006, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 433.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-710, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska; to

change provisions relating to selection and obligations of presidential electors; and to repeal the original sections.

**LEGISLATIVE BILL 434.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1478.01 and 49-1483.03, Reissue Revised Statutes of Nebraska, and sections 49-1458 and 49-1479.02, Revised Statutes Cumulative Supplement, 2006; to change late filing fees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 435.** Introduced by Raikes, 25; Avery, 28; Dierks, 40; Dubas, 34; Fulton, 29; Hudkins, 21; Karpisek, 32; McDonald, 41; McGill, 26; Nantkes, 46; Schimek, 27; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska State Fairgrounds; to amend sections 2-106 and 2-111, Revised Statutes Cumulative Supplement, 2006; to change funding provisions; to require a Nebraska State Fairgrounds Master Plan; and to repeal the original sections.

**LEGISLATIVE BILL 436.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715, Reissue Revised Statutes of Nebraska, and sections 77-2715.02, 77-2716.01, and 77-2717, Revised Statutes Cumulative Supplement, 2006; to change income tax calculations; to change income tax rates and schedules; to eliminate certain itemized deductions, the alternative minimum tax, and the added tax; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2716.03, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 437.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to license plates; to amend section 43-1906, Reissue Revised Statutes of Nebraska, and sections 39-2215, 60-301, 60-393, 60-395, 60-396, 60-3,101, 60-3,104, 60-3,118, 60-3,122, 60-3,123, 60-3,124, 60-3,125, 60-3,127, 60-3,128, and 60-3,141, Revised Statutes Cumulative Supplement, 2006; to authorize additional specialty and personalized license plates; to provide powers and duties to the Department of Motor Vehicles; to direct certain funds as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-5,157, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 438.** Introduced by McDonald, 41; Aguilar, 35; Carlson, 38; Flood, 19; Hansen, 42; Harms, 48; Howard, 9; Johnson, 37; Kruse, 13; Stuthman, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska.

**LEGISLATIVE BILL 439.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to highways and bridges; to create the Highway Finance Task Force; to provide duties; to require a report; and to provide a termination date.

**LEGISLATIVE BILL 440.** Introduced by Preister, 5; White, 8.

A BILL FOR AN ACT relating to schools; to amend sections 79-4,117, 79-4,121, 79-4,122, 79-4,123, 79-4,125, 79-4,126, and 79-4,128, Revised Statutes Cumulative Supplement, 2006, and section 79-102, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to learning communities; to eliminate provisions relating to division of Class V school districts; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-4,130, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 441.** Introduced by McDonald, 41; Dierks, 40; Heidemann, 1; Hudkins, 21; Rogert, 16; Wightman, 36.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-123.15 and 53-304, Reissue Revised Statutes of Nebraska; to change provisions relating to shippers' license fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 442.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.46, Reissue Revised Statutes of Nebraska; to redefine animal life for sales tax purposes; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 443.** Introduced by Stuthman, 22; Gay, 14; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703.04, 77-2704.31, 77-4105, and 77-4106, Reissue Revised Statutes of Nebraska, and sections 77-2703.01, 77-2711, 77-2712.05, 77-5725, and 77-5726, Revised Statutes Cumulative Supplement, 2006; to authorize creation of transportation development districts; to authorize a local sales tax; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 444.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-27,235, Revised Statutes Cumulative Supplement, 2006; to change

provisions relating to the renewable energy tax credit; to modify terms; and to repeal the original section.

**LEGISLATIVE BILL 445.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to the Commission for the Blind and Visually Impaired Act; to amend section 71-8601, Reissue Revised Statutes of Nebraska, and section 71-8603, Revised Statutes Cumulative Supplement, 2006; to define terms; to provide qualifications and certification requirements for vocational rehabilitation counselors for the blind as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 446.** Introduced by Stuthman, 22; Langemeier, 23.

A BILL FOR AN ACT relating to highways and bridges; to require the Department of Roads to let contracts for a bridge spanning the Platte River; to provide duties; and to require appropriations.

**LEGISLATIVE BILL 447.** Introduced by Stuthman, 22; Langemeier, 23.

A BILL FOR AN ACT relating to highways and bridges; to require the Department of Roads to conduct a feasibility study; and to require appropriations.

**LEGISLATIVE BILL 448.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

**LEGISLATIVE BILL 449.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 25-1285, Reissue Revised Statutes of Nebraska; to change provisions relating to how judicial records are proved; and to repeal the original section.

**LEGISLATIVE BILL 450.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to employment; to provide immunity for employer disclosure of employment information as prescribed.

**LEGISLATIVE BILL 451.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to pharmacists; to amend section 71-1,147.36, Reissue Revised Statutes of Nebraska; to change provisions relating to confidentiality; and to repeal the original section.

**LEGISLATIVE BILL 452.** Introduced by Burling, 33; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to develop and support drug abuse prevention and education programs through the Nebraska Commission on Law Enforcement and Criminal Justice.

**LEGISLATIVE BILL 453.** Introduced by White, 8; Aguilar, 35; Ashford, 20; Carlson, 38; Cornett, 45; Friend, 10; Gay, 14; Hansen, 42; Harms, 48; Howard, 9; Karpisek, 32; Kruse, 13; Langemeier, 23; Lathrop, 12; McDonald, 41; McGill, 26; Nantkes, 46; Nelson, 6; Pahls, 31; Pankonin, 2; Pedersen, 39; Preister, 5; Rogert, 16; Schimek, 27; Stuthman, 22; Synowiecki, 7; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2006; to provide for an income tax credit for property taxes paid; and to repeal the original section.

**LEGISLATIVE BILL 454.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3508 and 77-3513, Revised Statutes Cumulative Supplement, 2006; to change homestead exemption provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 455.** Introduced by White, 8.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1028, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to permit school districts to exceed the applicable allowable growth rate as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 456.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3807, Reissue Revised Statutes of Nebraska, and section 77-2715.07, Revised Statutes Cumulative Supplement, 2006; to provide an income tax credit to shareholders of subchapter S financial institutions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 457.** Introduced by Hansen, 42; Johnson, 37; Lathrop, 12; McDonald, 41; Pankonin, 2; Schimek, 27.

A BILL FOR AN ACT relating to foster care; to amend section 43-1314, Revised Statutes Cumulative Supplement, 2006; to require questioning of certain persons at a court review; and to repeal the original section.

**LEGISLATIVE BILL 458.** Introduced by Carlson, 38; Avery, 28; Burling,

33; Erdman, 47; Flood, 19; Hansen, 42; Harms, 48; Langemeier, 23; Loudon, 49; McDonald, 41; Pankonin, 2; Rogert, 16; Wallman, 30; White, 8; Wightman, 36.

A BILL FOR AN ACT relating to water; to amend section 46-701, Revised Statutes Cumulative Supplement, 2006; to require vegetation management in streams as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 459.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2006; to provide for a deduction of interest on education loans as allowed under the Internal Revenue Code; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 460.** Introduced by Lathrop, 12; Friend, 10.

A BILL FOR AN ACT relating to political parties; to amend sections 32-221, 32-231, 32-239, 32-401, 32-603, 32-607, 32-620, 32-703, 32-707, 32-709, 32-710, 32-711, 32-809, 32-811, 32-816, 32-912, and 32-1547, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to presidential preference primary elections, county, state, and national political party conventions, delegates to conventions, and political party caucuses; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-613, 32-614, 32-701, 32-704, 32-705, and 32-708, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 461.** Introduced by Dubas, 34; Erdman, 47; Nantkes, 46.

A BILL FOR AN ACT relating to foster care placements; to provide rights for foster parents; and to provide powers and duties for the Department of Health and Human Services.

**LEGISLATIVE BILL 462.** Introduced by Dubas, 34; McGill, 26; Nantkes, 46; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change provisions relating to disability payments during vocational rehabilitation; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 9.** Introduced by Fulton, 29; Flood, 19.

WHEREAS, the University of Nebraska Women's Volleyball Team won the 2006 NCAA Division I Women's Volleyball Championship; and

WHEREAS, the 2006 Championship is the third title for the Huskers and the second under head coach John Cook; and

WHEREAS, junior right side/opposite hitter Sarah Pavan was recognized as the 2006 Championship's Most Outstanding Player and the 2006 American Volleyball Coaches Association Division I National Player of the Year; and

WHEREAS, the Huskers lead all NCAA Division I teams in assists per game, kills per game, and win-loss percentage; and

WHEREAS, the outstanding teamwork, disciplined training, and inspirational play of the 2006 Championship Women's Volleyball Team embodies the finest ideals of collegiate athletics; and

WHEREAS, the members of the 2006 Championship Women's Volleyball Team, by their hard work on the court and in the classroom, provide an excellent example to the youth of Nebraska; and

WHEREAS, the level of excellence achieved by the 2006 Championship Women's Volleyball Team is a source of great pride for the State of Nebraska.

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

1. That the Legislature congratulates the University of Nebraska Women's Volleyball Team and Coach John Cook for their achievements.

2. That a copy of this resolution be delivered to the University of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 10.** Introduced by Johnson, 37; Gay, 14; Hansen, 42; Howard, 9; Pankonin, 2.

WHEREAS, the Legislature regards the health of our children to be of paramount importance to families in our state; and

WHEREAS, the Legislature regards poor child health as a threat to the educational achievement and social and psychological well-being of the children of our state; and

WHEREAS, the Legislature considers protecting the health of our children to be essential to their well-being and the quality of life in our state; and

WHEREAS, the Legislature considers "Kids Connection", the children's health insurance program of this state which has enrolled 111,919 uninsured children since its inception in 1998, to be an integral part of the arrangements for health benefits for the children of the State of Nebraska; and

WHEREAS, the Legislature recognizes the value of "Kids Connection" in preserving child wellness, preventing and treating childhood disease, improving health outcomes, and reducing overall health costs; and

WHEREAS, the Legislature considers the federal funding available for "Kids Connection" to be indispensable to providing health benefits for children of modest means.

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



1. The Legislature urges the members of Nebraska's congressional delegation to ensure that Congress timely reauthorizes the State Children Health Insurance Program (SCHIP) to assure federal funding for "Kids Connection".

2. The Legislature urges the Governor to use his best efforts to work with the Nebraska congressional delegation to ensure that SCHIP is reauthorized in a timely manner.

3. The Legislature proclaims that all components of state government should work together with educators, health care providers, social workers, and parents to ensure that all available public and private assistance for providing health benefits to uninsured children in this state be used to the maximum extent possible.

4. The Legislature urges the Governor to use his best efforts to provide meaningful assistance to help identify and enroll children who qualify for medicaid or the "Kids Connection".

Laid over.

**LEGISLATIVE RESOLUTION 11CA.** Introduced by Flood, 19.

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

Section 1. At the general election in November 2008 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 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) ~~Forty-four~~ Forty-one and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; ~~and~~

(v) Three percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to a fund to be established by the Legislature for purposes of providing funding to the Nebraska Commission on Law Enforcement and Criminal Justice for funding grants on the basis of local matching funds for local law enforcement efforts to enforce laws that deal with drug offenses, violent crime, and serious offenders; and

~~(v)~~ (vi) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

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 reduce the distribution of state lottery proceeds to the Nebraska Environmental Trust Fund and to provide for distribution of state lottery proceeds to fund local law enforcement.

For

Against.

Referred to the Reference Committee.

**NOTICE OF COMMITTEE HEARINGS****Education**  
Room 1525

LB 58	Tuesday, January 23, 2007	1:30 p.m.
LB 192	Tuesday, January 23, 2007	1:30 p.m.
LB 238	Tuesday, January 23, 2007	1:30 p.m.
LB 342	Tuesday, January 23, 2007	1:30 p.m.

(Signed) Ron Raikes, Chairperson

**Urban Affairs**  
Room 1510

LB 51	Tuesday, January 23, 2007	1:30 p.m.
LB 206	Tuesday, January 23, 2007	1:30 p.m.
LB 207	Tuesday, January 23, 2007	1:30 p.m.
LR 5CA	Tuesday, January 23, 2007	1:30 p.m.

(Signed) Mike Friend, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB 6. No objections. So ordered.

Senators Karpisek and Lathrop asked unanimous consent to add their names as cointroducers to LB 235. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 296. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LBs 335 and 341. No objections. So ordered.

Senator Rogert asked unanimous consent to add his name as cointroducer to LB 341. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Dubas withdrew her name as cointroducer to LB 261.

**VISITORS**

Visitors to the Chamber were Peter Martin Watt, General Secretary, Labour Party, from the United Kingdom and William Toney Seabolt from the U.S. Department of State; and 19 first- through eighth-grade students, teachers, and sponsors from St. Peter's Lutheran School, Davenport.

The Doctor of the Day was Dr. Al Halls from Lincoln.

**ADJOURNMENT**

At 12:07 p.m., on a motion by Senator Pedersen, the Legislature adjourned until 10:00 a.m., Wednesday, January 17, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**TENTH DAY - JANUARY 17, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 17, 2007

**PRAAYER**

The prayer was offered by Senator Burling.

**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 Stuthman who was excused; and Senators Chambers, Engel, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 343	Revenue
LB 344	Revenue
LB 345	General Affairs
LB 346	Banking, Commerce and Insurance
LB 347	Urban Affairs
LB 348	Government, Military and Veterans Affairs
LB 349	Transportation and Telecommunications
LB 351	Health and Human Services
LB 352	Judiciary
LB 353	Education
LB 354	Revenue
LB 355	Revenue
LB 356	Revenue
LB 357	Education
LB 358	Transportation and Telecommunications

LB 359	Revenue
LB 360	Transportation and Telecommunications
LB 361	Government, Military and Veterans Affairs
LB 362	Revenue
LB 363	Judiciary
LB 364	Revenue
LB 365	Nebraska Retirement Systems
LB 366	Revenue
LB 367	Revenue
LB 368	Banking, Commerce and Insurance
LB 369	Health and Human Services
LB 370	Nebraska Retirement Systems
LB 371	Nebraska Retirement Systems
LB 372	Nebraska Retirement Systems
LB 373	Judiciary
LB 374	Health and Human Services
LB 375	Education
LB 376	Judiciary
LB 377	Judiciary

Baker, Tom - Board of Educational Lands and Funds - Education

Chambers, Phyllis G. - Public Employees Retirement Board - Nebraska Retirement Systems

Pederson, Don - Public Employees Retirement Board - Nebraska Retirement Systems

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

**COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 26.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**Education**

**LEGISLATIVE BILL 21.** Placed on General File.

(Signed) Ron Raikes, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 24.** Placed on General File - Com AM4.  
AM4

1. 1. On page 4, line 4, strike "four" and insert "two".

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Government, Military and Veterans Affairs**  
Room 1507

LB 27	Wednesday, January 24, 2007	1:30 p.m.
LB 87	Wednesday, January 24, 2007	1:30 p.m.
LB 100	Wednesday, January 24, 2007	1:30 p.m.
LB 187	Wednesday, January 24, 2007	1:30 p.m.

(Signed) Ray Aguilar, Chairperson

**Judiciary**  
Room 1113

LB 92	Wednesday, January 24, 2007	1:30 p.m.
LB 132	Wednesday, January 24, 2007	1:30 p.m.
LB 237	Wednesday, January 24, 2007	1:30 p.m.
LB 259	Wednesday, January 24, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

**Natural Resources**  
Room 1525

LB 313	Wednesday, January 24, 2007	1:30 p.m.
LB 333	Wednesday, January 24, 2007	1:30 p.m.

(Signed) LeRoy Louden, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 463.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 25-12,123, 25-21,247, 27-504, 43-129, 43-146.03, 44-792, 44-2804, 44-2902, 44-32,170, 44-4110, 46-604, 46-1201, 46-1202, 46-1203, 46-1204.01, 46-1205, 46-1205.01, 46-1207.01, 46-1209, 46-1210, 46-1213, 46-1214, 46-1214.01, 46-1218, 46-1219, 46-1223, 46-1223.01, 46-1224, 46-1225, 46-1227, 46-1229, 46-1230, 46-1231, 46-1233, 46-1235, 46-1240, 46-1241, 54-311, 60-4,118.02, 60-6,261, 69-302, 71-103, 71-105, 71-108, 71-111, 71-112.03, 71-115.01, 71-117, 71-118, 71-120, 71-122, 71-124, 71-124.01, 71-125, 71-128, 71-129, 71-133, 71-138, 71-145, 71-147.01, 71-147.02, 71-148, 71-149, 71-150, 71-152, 71-153, 71-154, 71-155,

71-155.01, 71-155.03, 71-156, 71-157, 71-158, 71-159, 71-161.01, 71-161.02, 71-161.03, 71-161.04, 71-161.06, 71-161.09, 71-161.10, 71-161.11, 71-161.13, 71-161.14, 71-161.15, 71-161.16, 71-161.19, 71-162.01, 71-162.03, 71-162.04, 71-162.05, 71-164, 71-164.01, 71-166, 71-167, 71-168.01, 71-169, 71-170, 71-171, 71-171.01, 71-171.02, 71-172.01, 71-173, 71-174, 71-174.02, 71-175, 71-176, 71-176.01, 71-177, 71-178, 71-179, 71-180, 71-181, 71-182, 71-183, 71-183.02, 71-185, 71-185.01, 71-185.02, 71-189, 71-191, 71-193.04, 71-193.13, 71-193.14, 71-193.15, 71-193.17, 71-193.18, 71-193.19, 71-193.20, 71-193.23, 71-193.25, 71-193.26, 71-193.27, 71-193.28, 71-193.29, 71-193.30, 71-193.31, 71-193.32, 71-193.33, 71-193.34, 71-193.35, 71-1,104, 71-1,105, 71-1,107.01, 71-1,107.03, 71-1,107.06, 71-1,107.07, 71-1,107.08, 71-1,107.09, 71-1,107.11, 71-1,107.13, 71-1,107.14, 71-1,107.15, 71-1,107.16, 71-1,107.17, 71-1,107.18, 71-1,107.19, 71-1,107.20, 71-1,107.21, 71-1,107.23, 71-1,107.25, 71-1,107.28, 71-1,107.29, 71-1,132.01, 71-1,132.04, 71-1,132.06, 71-1,132.13, 71-1,132.14, 71-1,132.15, 71-1,132.16, 71-1,132.17, 71-1,132.19, 71-1,132.24, 71-1,132.25, 71-1,132.26, 71-1,132.27, 71-1,132.28, 71-1,132.30, 71-1,132.31, 71-1,132.37, 71-1,132.38, 71-1,132.41, 71-1,133, 71-1,134, 71-1,135, 71-1,135.01, 71-1,135.02, 71-1,135.03, 71-1,135.04, 71-1,135.05, 71-1,135.06, 71-1,135.07, 71-1,136, 71-1,136.01, 71-1,136.04, 71-1,136.05, 71-1,136.06, 71-1,136.07, 71-1,136.08, 71-1,137, 71-1,138, 71-1,139, 71-1,139.01, 71-1,140, 71-1,141, 71-1,143.02, 71-1,143.03, 71-1,146.02, 71-1,147, 71-1,147.13, 71-1,147.15, 71-1,147.18, 71-1,147.19, 71-1,147.20, 71-1,147.21, 71-1,147.22, 71-1,147.23, 71-1,147.24, 71-1,147.25, 71-1,147.26, 71-1,147.27, 71-1,147.28, 71-1,147.29, 71-1,147.30, 71-1,147.31, 71-1,147.32, 71-1,147.34, 71-1,147.36, 71-1,147.42, 71-1,147.43, 71-1,147.44, 71-1,147.45, 71-1,147.46, 71-1,147.47, 71-1,147.48, 71-1,147.50, 71-1,147.52, 71-1,147.53, 71-1,147.54, 71-1,147.55, 71-1,147.56, 71-1,147.57, 71-1,147.59, 71-1,147.62, 71-1,147.63, 71-1,147.64, 71-1,149, 71-1,152.01, 71-1,153, 71-1,157, 71-1,158, 71-1,163, 71-1,164, 71-1,165, 71-1,166, 71-1,186, 71-1,187, 71-1,188, 71-1,189, 71-1,190, 71-1,194, 71-1,195.01, 71-1,195.02, 71-1,195.04, 71-1,195.05, 71-1,195.06, 71-1,195.07, 71-1,195.08, 71-1,195.09, 71-1,196, 71-1,199, 71-1,200, 71-1,201, 71-1,202, 71-1,204, 71-1,205, 71-1,206.01, 71-1,206.02, 71-1,206.03, 71-1,206.04, 71-1,206.06, 71-1,206.07, 71-1,206.08, 71-1,206.09, 71-1,206.10, 71-1,206.15, 71-1,206.16, 71-1,206.20, 71-1,206.21, 71-1,206.22, 71-1,206.23, 71-1,206.24, 71-1,206.25, 71-1,206.26, 71-1,206.27, 71-1,206.29, 71-1,206.30, 71-1,206.32, 71-1,206.33, 71-1,206.35, 71-1,227, 71-1,229, 71-1,230, 71-1,231, 71-1,233, 71-1,235, 71-1,236, 71-1,238, 71-1,239.01, 71-1,240, 71-1,241, 71-1,278, 71-1,279, 71-1,280, 71-1,281, 71-1,281.01, 71-1,285, 71-1,286, 71-1,287, 71-1,289, 71-1,293, 71-1,295, 71-1,296, 71-1,297, 71-1,298, 71-1,299, 71-1,300, 71-1,301, 71-1,302, 71-1,303, 71-1,304, 71-1,305, 71-1,306, 71-1,307, 71-1,308, 71-1,309, 71-1,310, 71-1,311, 71-1,314, 71-1,314.01, 71-1,317, 71-1,318, 71-1,319, 71-1,319.01, 71-1,323, 71-1,325, 71-1,329, 71-1,332, 71-1,335, 71-1,336, 71-1,337, 71-1,343, 71-1,344, 71-1,345, 71-1,346, 71-1,347, 71-1,348, 71-344, 71-345, 71-346, 71-347, 71-348, 71-349, 71-350, 71-351, 71-352,



71-353, 71-356, 71-356.01, 71-356.02, 71-356.03, 71-356.05, 71-357, 71-357.01, 71-357.02, 71-357.03, 71-358, 71-359, 71-360, 71-360.01, 71-361.01, 71-361.02, 71-361.03, 71-361.04, 71-361.05, 71-361.06, 71-361.07, 71-361.08, 71-361.09, 71-362, 71-365, 71-365.02, 71-369, 71-370, 71-372, 71-385, 71-388, 71-390, 71-394, 71-395, 71-399, 71-3,101, 71-3,104, 71-3,117, 71-3,119, 71-3,119.01, 71-3,120, 71-3,121, 71-3,122, 71-3,123, 71-3,124, 71-3,125, 71-3,126, 71-3,127, 71-3,128, 71-3,129, 71-3,130, 71-3,131, 71-3,133, 71-3,134, 71-3,135, 71-3,136, 71-3,138, 71-3,138.02, 71-3,142, 71-3,143, 71-3,144, 71-3,146, 71-3,148, 71-3,149, 71-3,151, 71-3,152, 71-3,153, 71-3,154, 71-3,156, 71-3,157, 71-3,158, 71-3,159, 71-3,160, 71-3,161, 71-3,162, 71-3,163, 71-3,164, 71-3,180, 71-3,181, 71-3,183, 71-3,184, 71-3,186, 71-3,187, 71-3,191, 71-3,192, 71-3,193, 71-3,194, 71-3,195, 71-3,206, 71-3,208, 71-3,210, 71-3,211, 71-3,212, 71-3,213, 71-3,214, 71-3,215, 71-3,216, 71-3,217, 71-3,218, 71-3,219, 71-3,220, 71-3,221, 71-3,222, 71-3,223, 71-3,224, 71-3,225, 71-3,226, 71-3,227, 71-3,228, 71-3,229, 71-3,230, 71-3,231, 71-3,232, 71-3,233, 71-3,234, 71-3,235, 71-414, 71-425, 71-1301, 71-1302, 71-1303, 71-1304, 71-1305, 71-1306, 71-1327, 71-1327.01, 71-1331, 71-1333, 71-1339, 71-1340, 71-1341, 71-1346, 71-1356, 71-1357, 71-1361, 71-1363, 71-1373, 71-1708, 71-1709.01, 71-1712, 71-1716.01, 71-1734, 71-1739, 71-1740, 71-1746, 71-1748, 71-1751, 71-1752, 71-1756, 71-1763, 71-1765, 71-1772, 71-1773, 71-1775, 71-1776, 71-1777, 71-1778, 71-1779, 71-1780, 71-1781, 71-1783, 71-1785, 71-1789, 71-1790, 71-1792, 71-17,102, 71-2407, 71-2411, 71-2412, 71-2418, 71-2419, 71-2420, 71-2421, 71-2505, 71-2509, 71-2510, 71-3501, 71-3502, 71-3505, 71-3507, 71-3508.03, 71-3515, 71-3517, 71-3702, 71-3703, 71-3704, 71-3706, 71-3710, 71-3713, 71-3714, 71-4305, 71-4701, 71-4702, 71-4703, 71-4704, 71-4707, 71-4708, 71-4709, 71-4712, 71-4714.01, 71-4715, 71-4807, 71-4810, 71-4813, 71-5172, 71-5173, 71-5174, 71-5175, 71-5177, 71-5178, 71-5179, 71-5181.01, 71-5183, 71-5184, 71-5185, 71-5186, 71-5187, 71-5188, 71-5189, 71-5190, 71-5193, 71-5194, 71-5195, 71-5196, 71-5197, 71-5198, 71-5199, 71-51,103, 71-5303, 71-5305.02, 71-5307, 71-5308, 71-5309, 71-5311, 71-5313, 71-6055, 71-6056, 71-6058, 71-6060, 71-6062, 71-6063, 71-6065, 71-6102, 71-6105, 71-6106, 71-6107, 71-6108, 71-6114, 71-6211, 71-6218, 71-6301, 71-6303, 71-6304, 71-6305, 71-6306, 71-6307, 71-6309, 71-6310, 71-6310.01, 71-6310.02, 71-6310.03, 71-6312, 71-6313, 71-6314, 71-6317, 71-6318, 71-6318.01, 71-6319.01, 71-6319.02, 71-6319.04, 71-6319.05, 71-6319.06, 71-6319.07, 71-6319.08, 71-6319.09, 71-6319.10, 71-6319.29, 71-6319.40, 71-6320, 71-6321, 71-6322, 71-6323, 71-6326, 71-6327, 71-6328, 71-6328.01, 71-6329, 71-6330, 71-6331, 71-6331.01, 71-6726, 71-6727, 71-6728, 71-6732, 71-6734, 71-6742, 71-7001, 71-7702, 71-7901, 71-8228, 71-8231, 71-8253, 71-8402, 77-3504, 81-2,281, and 81-6,102, Reissue Revised Statutes of Nebraska, sections 12-1208, 25-21,188.02, 28-328, 28-401, 28-401.01, 28-409, 28-414, 28-1013, 28-1301, 29-2261, 29-4013, 43-1302, 44-526, 46-602, 46-602.01, 46-1217, 46-1238, 46-1239, 71-101, 71-102, 71-104.01, 71-107, 71-110, 71-110.01, 71-112, 71-113, 71-114, 71-116, 71-121, 71-121.01, 71-131, 71-147, 71-162, 71-162.02, 71-163, 71-168, 71-168.02, 71-183.01, 71-185.03, 71-190, 71-193.01, 71-193.02, 71-193.03, 71-1,102, 71-1,103, 71-1,104.01,

71-1,107.30, 71-1,132.07, 71-1,132.08, 71-1,132.11, 71-1,132.18, 71-1,143, 71-1,143.01, 71-1,144, 71-1,146, 71-1,146.01, 71-1,147.33, 71-1,147.35, 71-1,148, 71-1,155, 71-1,206.14, 71-1,206.18, 71-1,206.34, 71-1,312, 71-1,339, 71-1,351, 71-1,352, 71-1,353, 71-1,354, 71-1,355, 71-1,356, 71-1,357, 71-1,358, 71-1,359, 71-1,361, 71-1,362, 71-1,363, 71-1,364, 71-1,365, 71-1,366, 71-1,368, 71-1,369, 71-1,370, 71-1,371, 71-1,372, 71-1,373, 71-1,374, 71-1,375, 71-1,376, 71-1,377, 71-1,378, 71-1,379, 71-1,380, 71-1,381, 71-1,382, 71-1,383, 71-1,384, 71-1,385, 71-1,386, 71-1,387, 71-1,388, 71-340, 71-341, 71-342, 71-343, 71-346.01, 71-346.02, 71-346.03, 71-346.04, 71-356.04, 71-358.01, 71-362.01, 71-363.01, 71-364, 71-365.01, 71-368, 71-370.01, 71-370.02, 71-371, 71-374, 71-385.01, 71-385.02, 71-386, 71-387, 71-389, 71-396, 71-398, 71-3,100, 71-3,102, 71-3,105, 71-3,106, 71-3,106.01, 71-3,119.02, 71-3,119.03, 71-3,137, 71-3,139, 71-3,140, 71-3,141, 71-3,147, 71-3,150, 71-3,169, 71-3,170, 71-3,177, 71-3,236, 71-3,237, 71-3,238, 71-448, 71-507, 71-605, 71-906, 71-1704, 71-1706, 71-1707, 71-1709.02, 71-1714, 71-1716, 71-1716.02, 71-1716.03, 71-1716.05, 71-1717, 71-1721, 71-1722, 71-1723.01, 71-1723.02, 71-1723.03, 71-1723.04, 71-1724, 71-1724.01, 71-1726.01, 71-1728, 71-1729, 71-1730, 71-1731, 71-1735, 71-1738, 71-1743, 71-1747, 71-1749, 71-1750, 71-1753, 71-1754, 71-1755, 71-1757, 71-17,113, 71-17,117, 71-17,118, 71-17,119, 71-17,120, 71-17,121, 71-17,128, 71-17,131, 71-17,132, 71-17,133, 71-17,134, 71-17,135, 71-17,136, 71-17,137, 71-17,138, 71-17,140, 71-2423, 71-2431, 71-2437, 71-2610.01, 71-3503, 71-3512, 71-3515.01, 71-3515.02, 71-3519, 71-5176, 71-5191, 71-51,102, 71-5301, 71-5402, 71-5654, 71-5662, 71-6038, 71-6039, 71-6040, 71-6041, 71-6042, 71-6054, 71-6101, 71-6103, 71-6104, 71-6113, 71-6115, 71-6117, 71-6118, 71-6119, 71-6120, 71-6121, 71-6122, 71-6123, 71-6721, 71-7427, 71-7436, 71-7454, 71-7457, 71-8709, 77-2704.09, 80-325, 81-657, and 81-3201, Revised Statutes Cumulative Supplement, 2006, and section 71-1,190, Reissue Revised Statutes of Nebraska, as amended by section 1177 of this legislative bill; to transfer, rename, and change and eliminate provisions of the Uniform Licensing Law; to transfer, rename, and change and eliminate provisions relating to the State Board of Health, advanced practice registered nurses, alcohol and drug counseling, asbestos, athletic training, audiology and speech-language pathology, certified nurse midwifery, certified registered nurse anesthetists, chiropractic, clinical nurse specialists, cosmetology, electrology, esthetics, nail technology, and body art, dentistry, emergency medical services, environmental health specialists, funeral directing and embalming, hearing aid instrument dispensers and fitters, licensed practical nurses-certified, massage therapy, medical nutrition therapy, medical radiographers and limited radiographers, medication aides, medicine and surgery, mental health practice, nurse assistants and paid dining assistants, nurse practice, nurse practitioners, nursing home administrators, occupational therapy, optometry, pharmacy, physical therapy, podiatry, psychology, radiation control, residential lead-based paint, respiratory care, veterinary medicine and surgery, water operators, and water wells; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 46-1219.01, 46-1220, 46-1222, 46-1226, 46-1232,

46-1235.01, 46-1235.02, 46-1236, 46-1237, 46-1237.01, 46-1237.02, 46-1237.03, 46-1240.02, 46-1240.03, 46-1240.04, 46-1240.05, 71-101.01, 71-104, 71-106, 71-112.01, 71-119, 71-123, 71-132, 71-139, 71-139.01, 71-140, 71-141, 71-142, 71-143, 71-144, 71-151, 71-160, 71-161.05, 71-161.07, 71-161.12, 71-161.17, 71-161.18, 71-161.20, 71-165, 71-172, 71-172.02, 71-174.01, 71-175.01, 71-176.03, 71-179.01, 71-184, 71-186, 71-188, 71-193.05, 71-193.16, 71-193.21, 71-193.22, 71-193.24, 71-1,104.06, 71-1,106, 71-1,107, 71-1,107.02, 71-1,107.04, 71-1,107.05, 71-1,107.10, 71-1,107.12, 71-1,107.24, 71-1,107.26, 71-1,107.27, 71-1,132.09, 71-1,132.10, 71-1,132.12, 71-1,132.20, 71-1,132.21, 71-1,132.29, 71-1,132.35, 71-1,132.36, 71-1,132.48, 71-1,132.53, 71-1,136.03, 71-1,136.09, 71-1,144.01, 71-1,147.16, 71-1,147.17, 71-1,151, 71-1,154, 71-1,160, 71-1,162, 71-1,186.01, 71-1,190.01, 71-1,191, 71-1,192, 71-1,193, 71-1,195.03, 71-1,203, 71-1,206.05, 71-1,206.11, 71-1,206.12, 71-1,206.17, 71-1,206.19, 71-1,206.28, 71-1,206.31, 71-1,288, 71-1,234, 71-1,242, 71-1,282, 71-1,290, 71-1,291, 71-1,291.01, 71-1,292, 71-1,294, 71-1,313, 71-1,315, 71-1,316, 71-1,320, 71-1,321, 71-1,322, 71-1,324, 71-1,326, 71-1,327, 71-1,328, 71-1,330, 71-1,331, 71-1,333, 71-1,338, 71-1,340, 71-1,341, 71-1,342, 71-1,349, 71-354, 71-355, 71-363, 71-373, 71-378, 71-379, 71-380, 71-391, 71-392, 71-393, 71-394.01, 71-3,103, 71-3,107, 71-3,108, 71-3,112, 71-3,115, 71-3,132, 71-3,155, 71-3,165, 71-3,166, 71-3,167, 71-3,168, 71-3,171, 71-3,172, 71-3,173, 71-3,175, 71-3,176, 71-3,178, 71-3,182, 71-3,185, 71-3,188, 71-3,189, 71-3,190, 71-3,196, 71-3,197, 71-3,198, 71-3,202, 71-3,205, 71-3,209, 71-1326, 71-1329, 71-1332, 71-1333.01, 71-1333.02, 71-1333.03, 71-1345, 71-1354, 71-1710, 71-1745, 71-1761, 71-1762, 71-1764, 71-1774, 71-1782, 71-1784, 71-1787, 71-1788, 71-1791, 71-1793, 71-1794, 71-3705, 71-3705.01, 71-3707, 71-3708, 71-3708.01, 71-3709, 71-3711, 71-3712, 71-3715, 71-4702.01, 71-4706, 71-4709.01, 71-4710, 71-4711, 71-4714, 71-4715.01, 71-4716, 71-4717, 71-4719, 71-5180, 71-5181, 71-5182, 71-5192, 71-51,100, 71-6053, 71-6057, 71-6059, 71-6061, 71-6064, 71-6066, 71-6067, 71-6068, 71-6109, 71-6110, 71-6111, and 71-6112, Reissue Revised Statutes of Nebraska, and sections 46-1233.01, 71-139.02, 71-1,132.05, 71-1,142, 71-1,198, 71-1,360, 71-1,367, 71-1,389, 71-375, 71-376, 71-377, 71-397, 71-3,145, 71-3,174, 71-3,179, 71-1721.07, 71-1723, 71-1724.02, 71-1725, 71-1725.01, 71-1726, 71-1726.02, 71-1736.01, 71-1736.02, 71-1736.03, 71-1737, 71-1758, 71-17,122, 71-17,123, 71-17,124, 71-17,125, 71-17,126, 71-17,127, 71-17,129, 71-17,130, 71-17,139, and 71-17,141, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 464.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 28-915.01 and 49-14,133, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-14,123, and 49-14,126, Revised Statutes Cumulative Supplement, 2006; to change enforcement provisions relating to the Campaign Finance Limitation Act and the Nebraska Political Accountability and Disclosure Act; to harmonize provisions; and to repeal

the original sections.

**LEGISLATIVE BILL 465.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1928 and 29-1929, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to jailhouse informants; and to repeal the original sections.

**LEGISLATIVE BILL 466.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-376, Revised Statutes Cumulative Supplement, 2006; to provide for private party In Transit stickers; and to repeal the original section.

**LEGISLATIVE BILL 467.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Public Counsel; to amend sections 81-8,240 and 81-8,244, Reissue Revised Statutes of Nebraska; to grant authority relating to county correctional and jail facilities; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 468.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to state funds; to amend section 72-1239.01, Reissue Revised Statutes of Nebraska; to provide duties and responsibilities relating to public funds invested in Sudan-related companies; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 469.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Health Care Funding Act; to amend section 71-7606, Reissue Revised Statutes of Nebraska; to change restrictions on use of funds; and to repeal the original section.

**LEGISLATIVE BILL 470.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal history records; to amend section 29-3523, Revised Statutes Cumulative Supplement, 2006; to change a provision relating to dissemination of information; and to repeal the original section.

**LEGISLATIVE BILL 471.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,134, 81-8,135, 81-8,138, and 81-8,139, Reissue Revised Statutes of Nebraska, and section 81-8,139.01, Revised Statutes Cumulative Supplement, 2006; to authorize the regulation of mixed martial arts; to

change membership of the Athletic Advisory Committee; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 472.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend sections 48-801, 48-804, 48-804.01, 48-805, 48-806, 48-816.01, 48-838, and 49-617, Reissue Revised Statutes of Nebraska; to change statutory references to members of the commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 473.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to education; to amend sections 32-545, 32-552, 32-601, 32-604, 79-552, and 79-567, Reissue Revised Statutes of Nebraska, and sections 79-4,117, 79-4,122, 79-4,125, 79-4,129, and 79-4,130, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to Class V school district elections and to orders issued by the State Committee for the Reorganization of School Districts relating to learning communities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 474.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to public records; to amend sections 48-233, 79-824, 79-828, 79-829, 79-831, 79-833, 79-837, 79-838, 79-839, 79-840, 79-846, 79-847, 79-851, 79-8,109, 79-1215, 79-1234, 79-1235, 79-1236, 79-1237, and 79-1238, Reissue Revised Statutes of Nebraska; to provide for certain misconduct by school teachers, school nurses, and police officers to be a public record; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 475.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to discrimination; to amend sections 13-1102, 18-1724, 20-113, 20-131, 23-2541, 48-215, 48-1101, 48-1102, 48-1103, 48-1104, 48-1105, 48-1106, 48-1107, 48-1107.02, 48-1108, 48-1110, 48-1111, 48-1112, 48-1113, 48-1114, 48-1115, 48-1116, 48-1117, 48-1118, 48-1119, 48-1120, 48-1121, 48-1122, 48-1123, 48-1124, 48-1125, 48-1126, 79-2,123, 81-1355, 81-1356, and 85-9,175, Reissue Revised Statutes of Nebraska, and sections 20-139, 23-2525, 23-2531, and 25-2602.01, Revised Statutes Cumulative Supplement, 2006; to rename the Nebraska Fair Employment Practice Act; to prohibit discrimination based upon sexual orientation or marital status as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-1109, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 476.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 23-3406, 24-1106, 27-609, 28-104, 29-1822, 29-2005, 29-2006, 29-2020, 29-2282, 29-2407, 29-2801, 29-3205, 29-3928, and 55-480, Reissue Revised Statutes of Nebraska, and sections 25-1140.09, 27-803, 28-105, 28-303, 29-1603, 29-2004, 29-2027, 29-2204, 29-2520, 29-2521, 29-2522, 29-2523, 29-3920, 29-3922, 29-3929, 29-3930, 83-1,105.01, 83-1,110.02, and 83-4,143, Revised Statutes Cumulative Supplement, 2006; to change a penalty from death to life imprisonment without possibility of parole as prescribed; to provide for restitution; to eliminate capital punishment provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 29-2521.01, 29-2521.03, 29-2521.04, 29-2524.01, 29-2524.02, 29-2527, 29-2528, 29-2532, 29-2533, 29-2534, 29-2535, 29-2536, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2544, 29-2545, 29-2546, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, and sections 28-105.01, 29-2519, 29-2521.02, 29-2524, and 29-2525, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 477.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to government; to amend section 84-1611, Reissue Revised Statutes of Nebraska; to change state contributions to employee health benefit plans as prescribed; to state intent regarding political subdivision contributions; to provide for reduction of state aid; and to repeal the original section.

**LEGISLATIVE BILL 478.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to adoption procedures; to amend sections 43-102, 43-104, 43-104.01, 43-104.02, 43-104.03, 43-104.04, 43-104.05, 43-104.09, 43-104.11, 43-104.12, 43-104.13, 43-104.14, 43-104.15, 43-104.17, 43-104.21, 43-104.22, and 43-1411, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to claims for paternity, petitions for custody, consent for adoption, the biological father registry, children born out of wedlock, notice and hearing, and relinquishment of parental rights; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 479.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to audiology and speech-language pathology; to amend sections 71-1,186, 71-1,187, 71-1,188, 71-1,189, 71-1,190, 71-1,191, 71-1,193, 71-1,194, 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, 71-1,196, and 81-651, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to licensure, registration, and communication assistants; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-1,186.01, 71-1,190.01, and 71-1,192, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 480.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to health care; to amend section 71-7605, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to credit and transfers of funds, legislative intent, certain federal actions, reports on health care access and expenditures, funds, and a council; to provide an operative date; to repeal the original sections; to outright repeal sections 71-7601, 71-7602, 71-7603, 71-7604, 71-7609, and 71-7614, Reissue Revised Statutes of Nebraska, and section 71-7610, Revised Statutes Cumulative Supplement, 2006; and to declare an emergency.

**LEGISLATIVE BILL 481.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-104.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to criminal background checks as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 482.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2006; to provide for the coverage of qualifying autism services under the act as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 483.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the Nebraska Health Care Cash Fund as prescribed; and to state intent.

**LEGISLATIVE BILL 484.** Introduced by McDonald, 41.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 2-257 and 35-509, Reissue Revised Statutes of Nebraska, and section 23-1601, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to payment of tax proceeds to county agricultural societies and fire protection districts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 485.** Introduced by Loudon, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 35-508, 35-509, 35-514.02, 77-3443, and 77-3444, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2006; to change levy provisions for rural and suburban fire protection districts; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 486.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to railroads; to amend sections 75-401 and 75-402, Reissue Revised Statutes of Nebraska, and section 75-109.01, Revised Statutes Cumulative Supplement, 2006; to provide powers and duties for the Public Service Commission; to require railroad carriers to provide security personnel as prescribed; to adopt the Local Community Rail Security and Employee Education Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 487.** Introduced by Wallman, 30; Dubas, 34.

A BILL FOR AN ACT relating to schools; to amend sections 77-2715, 77-3444, and 79-1029, Reissue Revised Statutes of Nebraska, and sections 77-27,132, 79-1008.01, and 79-1008.02, Revised Statutes Cumulative Supplement, 2006; to authorize an income tax for support of schools; to provide for distribution of tax proceeds; to change levy limitations; to provide duties for the Tax Commissioner and the State Treasurer; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 488.** Introduced by Wallman, 30; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2715.07, Revised Statutes Cumulative Supplement, 2006; to allow an income tax credit for perpetual conservation easement donations as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 489.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,266 and 79-609, Reissue Revised Statutes of Nebraska, and section 60-6,265, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to occupant protection systems; to require occupant protection systems for school buses as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 490.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to public schools; to repeal the Seamless Delivery System Pilot Project; and to outright repeal sections 79-11,136, 79-11,137, 79-11,138, 79-11,139, 79-11,140, and 79-11,141, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 491.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to guns; to amend sections 69-2441 and 69-2443, Revised Statutes Cumulative Supplement, 2006; to change



provisions relating to the Concealed Handgun Permit Act; and to repeal the original sections.

**LEGISLATIVE BILL 492.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to public schools; to adopt the Education Facilities State Aid Act; to define terms; to prescribe duties; to provide for procedures; to create the Education Facilities Review Board; to require the adoption of standards; to prescribe a calculation; and to authorize rules and regulations.

**LEGISLATIVE BILL 493.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to irrigation; to amend sections 46-2,131, 46-2,134, and 46-2,135, Reissue Revised Statutes of Nebraska; to change provisions relating to the Water Policy Task Force; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 494.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.47 and 77-2704.22, Revised Statutes Cumulative Supplement, 2006; to change the sales and use tax exemption on manufacturing machinery and equipment; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 495.** Introduced by White, 8.

A BILL FOR AN ACT relating to labor; to prohibit employer from requiring use of compensated leave as prescribed; and to provide a penalty.

**LEGISLATIVE BILL 496.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.08 and 77-2715.09, Reissue Revised Statutes of Nebraska; to provide an adjustment to income for extraordinary dividends; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 497.** Introduced by White, 8.

A BILL FOR AN ACT relating to labor and employment; to adopt the Family Military Leave Act.

**LEGISLATIVE BILL 498.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Business Partnership in Rural Education Program Act.

**LEGISLATIVE BILL 499.** Introduced by White, 8.

A BILL FOR AN ACT relating to schools; to amend section 79-9,113, Reissue Revised Statutes of Nebraska, and section 79-966, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the School Retirement Fund and required contributions as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 500.** Introduced by White, 8.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-628, Revised Statutes Cumulative Supplement, 2006; to exclude apprenticeship training programs as a condition disqualifying an applicant for benefits; and to repeal the original section.

**LEGISLATIVE BILL 501.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to cigarette tax; to amend sections 59-1520, 59-1523, 77-2601, 77-2602.01, 77-2602.03, 77-2603, 77-2604, 77-2605, 77-2607, 77-2608, 77-2610, 77-2612, 77-2613, 77-2614, 77-2615, 77-2615.01, 77-2620, and 77-2621, Reissue Revised Statutes of Nebraska; to name the act; to provide for reporting and collection of tax by direct sellers; to prohibit delivery of cigarettes as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 502.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2004, 77-2005, 77-2006, and 77-2040, Reissue Revised Statutes of Nebraska; to change inheritance tax rates; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 503.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3215, Reissue Revised Statutes of Nebraska; to change and provide requirements for board of directors vacancies; and to repeal the original section.

**LEGISLATIVE BILL 504.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Revised Statutes Cumulative Supplement, 2006; to prohibit hunting through the Internet; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 505.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to labor; to amend sections 48-1228, 48-1229, 48-1230, and 48-1232, Reissue Revised Statutes of Nebraska; to

change provisions of the Nebraska Wage Payment and Collection Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 506.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1110 and 79-1128, Reissue Revised Statutes of Nebraska; to provide an alternative method of reimbursement for special education and related services; to eliminate a restriction on programs eligible for reimbursement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 507.** Introduced by Burling, 33.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1344, Revised Statutes Cumulative Supplement, 2006; to change a provision relating to use of tax credits; and to repeal the original section.

**LEGISLATIVE BILL 508.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to retirement; to amend section 79-956, Reissue Revised Statutes of Nebraska, and sections 24-707, 24-709.02, and 79-951, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the payment of disability and death benefits under the Judges Retirement Act and the School Employees Retirement Act; and to repeal the original sections.

**LEGISLATIVE BILL 509.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to education; to create the Scholarship Trust Fund; to provide for appropriations to the fund; and to provide powers and duties for the Coordinating Commission for Postsecondary Education.

**LEGISLATIVE BILL 510.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3506.03, 77-3509.01, 77-3509.02, 77-3509.03, 77-3510, 77-3511, 77-3512, 77-3516, 77-3521, 77-3522, 77-3523, and 77-3529, Reissue Revised Statutes of Nebraska, sections 77-201, 77-3506.02, 77-3513, 77-3514, and 77-5023, Revised Statutes Cumulative Supplement, 2006, and section 79-1016, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change valuation of agricultural land and horticultural land; to create a homestead exemption; to create the Scholarship Trust Fund; to provide powers and duties for the Coordinating Commission on Postsecondary Education; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 511.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3506.03, 77-3509.01, 77-3509.02, 77-3509.03, 77-3510, 77-3511, 77-3512, 77-3516, 77-3521, 77-3522, 77-3523, and 77-3529, Reissue Revised Statutes of Nebraska, sections 77-201, 77-3506.02, 77-3513, 77-3514, and 77-5023, Revised Statutes Cumulative Supplement, 2006, and section 79-1016, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change valuation of agricultural land and horticultural land; to create a homestead exemption; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 512.** Introduced by Fulton, 29; Avery, 28; Burling, 33; Erdman, 47; Friend, 10; Schimek, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2006; to provide income tax credits as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 513.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-148, Reissue Revised Statutes of Nebraska; to provide requirements for billing for anatomic pathology services; to provide that violation of such requirement constitutes unprofessional conduct under the Uniform Licensing Law; and to repeal the original section.

**LEGISLATIVE BILL 514.** Introduced by Fulton, 29; Avery, 28; Erdman, 47; Friend, 10; Lathrop, 12; Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3806, Reissue Revised Statutes of Nebraska, and sections 77-908, 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2006; to provide an income tax credit for employer contributions to employee long-term care insurance; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 515.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to counties; to amend section 23-114.01, Revised Statutes Cumulative Supplement, 2006; to change county planning commission's provisions relating to livestock operations; and to repeal the original section.

**LEGISLATIVE BILL 516.** Introduced by Agriculture Committee: Erdman, 47, Chairperson; Dierks, 40; Dubas, 34; Karpisek, 32; McDonald, 41; Preister, 5; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to adopt the Corporate Farming Policy Advisory Act; and to declare an emergency.

**LEGISLATIVE BILL 517.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to cities of the first class; to provide for the consolidation of one or more cities of the first class; and to provide powers and duties.

**LEGISLATIVE BILL 518.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-915, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to eligibility of certain children as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 519.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to revenue and taxation; to require county assessors to review real property valuations as prescribed.

**LEGISLATIVE BILL 520.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to early childhood education; to create an Early Childhood Education Legislative Study Group; to require the appointment of certain members; to prescribe duties; and to require a report.

**LEGISLATIVE BILL 521.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to education; to amend section 79-528, Revised Statutes Cumulative Supplement, 2006, and section 79-1003, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to prescribe certain report contents; to modify terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 522.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1801, Reissue Revised Statutes of Nebraska; to change provisions relating to costs and attorney's fees; and to repeal the original section.

**LEGISLATIVE BILL 523.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to home care; to adopt the Quality Home Care Act.

**LEGISLATIVE BILL 524.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to schools; to amend section 79-473, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to annexed school district

territory; and to repeal the original section.

**LEGISLATIVE BILL 525.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to government; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to modify provisions of the Political Subdivisions Tort Claims Act and the State Tort Claims Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 526.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1708, Reissue Revised Statutes of Nebraska; to change provisions relating to plaintiff's costs; and to repeal the original section.

**LEGISLATIVE BILL 527.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1449, 49-1463.02, and 49-14,140, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Cumulative Supplement, 2006; to provide registration fees for committees; to provide for waiver of interest as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 528.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to elections; to amend sections 32-230, 32-232, 32-235, 32-612, 32-904, 32-906, 32-909, 32-1001, 32-1004, 32-1010, 32-1012, and 32-1049, Reissue Revised Statutes of Nebraska, and sections 32-808, 32-1002, and 32-1041, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to changing political parties and issuing ballots for early voting; to change and eliminate provisions relating to counting ballots; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-224, 32-234, 32-1011, 32-1019, 32-1020, 32-1021, 32-1022, 32-1023, 32-1024, 32-1025, and 32-1026, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 529.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Attracting Excellence to Teaching Program Act; to amend sections 79-8,133, 79-8,135, 79-8,136, and 79-8,137, Reissue Revised Statutes of Nebraska, and section 79-1018.01, Revised Statutes Cumulative Supplement, 2006; to define a term; to establish a mentor teacher supplemental compensation pilot program; to prescribe eligibility; to prescribe duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 530.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to water; to amend section 46-2,139, Revised Statutes Cumulative Supplement, 2006; to change Storm Water Management Plan Program provisions; and to repeal the original section.

**LEGISLATIVE BILL 531.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3806, Reissue Revised Statutes of Nebraska, and sections 77-908, 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2006; to provide an income tax credit for certain small employers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 532.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1407, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Police Standards Advisory Council; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 533.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to audiovisual court appearances; to amend section 29-4206, Revised Statutes Cumulative Supplement, 2006; to remove a requirement of consent and waiver of physical appearance as prescribed; to repeal the original section; and to outright repeal section 29-4203, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 534.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-501, 18-502, 18-503, 18-504, 18-505, 18-507, 18-508, 18-509, and 18-510, Reissue Revised Statutes of Nebraska, and section 16-6,109, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to urban storm water drainage; to provide powers and duties for county boards; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 535.** Introduced by Schimek, 27; Chambers, 11; McDonald, 41; Pedersen, 39.

A BILL FOR AN ACT relating to the County Revenue Assistance Act; to amend sections 29-3923, 43-272, and 43-273, Reissue Revised Statutes of Nebraska, and sections 13-518, 29-3919, 29-3920, 29-3922, 29-3924, 29-3927, 29-3929, and 29-3930, Revised Statutes Cumulative Supplement, 2006; to provide for a juvenile legal services division and duties; to eliminate a council and certain reimbursement provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 29-3932 and 29-3933, Revised Statutes

Cumulative Supplement, 2006.

**LEGISLATIVE BILL 536.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support.

**LEGISLATIVE BILL 537.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to motor fuels; to amend section 66-741, Reissue Revised Statutes of Nebraska; to authorize the collection and dissemination of motor fuel tax on land held in trust for a federally recognized Indian tribe; and to repeal the original section.

**LEGISLATIVE BILL 538.** Introduced by Schimek, 27; Avery, 28; Dierks, 40; Friend, 10; Howard, 9; Preister, 5; Wallman, 30.

A BILL FOR AN ACT relating to dental hygienists; to amend sections 71-193.15 and 71-193.17, Reissue Revised Statutes of Nebraska; to change provisions relating to authorized procedures; and to repeal the original sections.

**LEGISLATIVE BILL 539.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to elections; to amend section 32-620, Reissue Revised Statutes of Nebraska; to change provisions relating to ballot status for candidates for President and Vice President of the United States; and to repeal the original section.

**LEGISLATIVE BILL 540.** Introduced by Synowiecki, 7; Cornett, 45; Howard, 9; Kopplin, 3; Kruse, 13; Mines, 18; Pahls, 31; Pedersen, 39; Preister, 5; Rogert, 16; Stuthman, 22.

A BILL FOR AN ACT relating to probation and parole; to adopt the Probation and Parole Services Merger Act.

**LEGISLATIVE BILL 541.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Community Corrections Act; to amend section 47-624, Revised Statutes Cumulative Supplement, 2006; to provide a duty for the Community Corrections Council; and to repeal the original section.

**LEGISLATIVE BILL 542.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds; to create the Enhanced Services and Capacity Expansion Fund for Juveniles; and to provide duties.



**LEGISLATIVE BILL 543.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to safety regulations; to amend sections 48-418, 48-2501, 48-2503, 48-2506, 48-2507, 48-2508, and 48-2512, Revised Statutes Cumulative Supplement, 2006; to repeal conveyance regulation for certain counties; to eliminate a fund and penalties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 48-418.01, 48-418.02, 48-418.03, 48-418.05, 48-418.06, 48-418.07, 48-418.08, 48-418.10, 48-418.11, 48-418.12, and 48-418.14, Reissue Revised Statutes of Nebraska, and sections 48-418.04, 48-418.09, and 48-2505, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 544.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168, Reissue Revised Statutes of Nebraska; to eliminate a prohibition on certain licensees receiving credit from a manufacturer or wholesaler; and to repeal the original section.

**LEGISLATIVE BILL 545.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 546.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1203.01, Reissue Revised Statutes of Nebraska; to provide for parimutuel wagering on historic horseraces; and to repeal the original section.

**LEGISLATIVE BILL 547.** Introduced by Kopplin, 3; Kruse, 13; Pedersen, 39.

A BILL FOR AN ACT relating to schools; to amend sections 9-812, 13-503, 13-508, 13-511, 77-1601.02, 77-1614, 77-1624, 77-1702, 77-1704.01, 77-1708, 77-1772, 77-2201, 77-2202, 77-3442, 79-233, 79-238, 79-458, 79-458.01, 79-467, 79-468, 79-527, 79-528, 79-760, 79-979, 79-1002, 79-1007.01, 79-1007.02, 79-1007.05, 79-1008.01, 79-1008.02, 79-1024, 79-1033, 79-1074, 79-1075, 79-1083, 79-1084, 79-1086, 79-10,120, 79-10,126, and 79-11,150, Revised Statutes Cumulative Supplement, 2006, and sections 79-102, 79-407, 79-408, 79-413, 79-415, 79-416, 79-433, 79-452, 79-473, 79-479, 79-549, 79-611, 79-850, 79-1003, 79-1022, 79-1026, and 79-1028, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to adopt the Nebraska Student Advantage Act; to change provisions relating to calculation of state aid; to eliminate provisions relating to learning communities and the Learning Community Reorganization Act; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal

sections 79-4,117, 79-4,118, 79-4,119, 79-4,120, 79-4,121, 79-4,122, 79-4,123, 79-4,124, 79-4,125, 79-4,126, 79-4,127, 79-4,128, 79-4,129, 79-4,130, 79-769, 79-1007.03, 79-1007.04, 79-1007.06, 79-1007.07, 79-1007.08, 79-1007.09, 79-1007.10, 79-1026.01, 79-1073, 79-1073.01, 79-10,126.01, 79-2101, 79-2102, 79-2103, 79-2104, 79-2105, 79-2106, 79-2107, 79-2108, 79-2109, and 79-2110, Revised Statutes Cumulative Supplement, 2006; and to declare an emergency.

**LEGISLATIVE BILL 548.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 549.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-116.02, 53-117.07, 53-123, 53-124, 53-129, 53-131, 53-133, 53-134, 53-134.03, 53-169, 53-171, 53-188, and 53-1,115, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-124.11, 53-124.12, 53-132, and 53-164.01, Revised Statutes Cumulative Supplement, 2006; to provide for a microdistillery license; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 550.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Wholesale Drug Distributor Licensing Act; to amend section 71-7427, Revised Statutes Cumulative Supplement, 2006; to provide for sale or delivery of prescription drugs to persons responsible for the control of an animal; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 551.** Introduced by Flood, 19; Ashford, 20.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend sections 13-2601, 13-2602, 13-2603, 13-2605, 13-2607, 13-2609, and 13-2610, Revised Statutes Cumulative Supplement, 2006; to provide for 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; to define terms; to harmonize provisions; to repeal the original sections; and to outright repeal sections 13-2608 and 13-2612, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 552.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2006; to increase the salaries of Supreme Court judges as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 553.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 29-901.01, 60-498.01, 60-498.02, 60-6,197, 60-6,197.05, and 60-6,211.04, Reissue Revised Statutes of Nebraska, and sections 29-901, 60-6,197.09, and 60-6,211.05, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to bail; to eliminate certain administrative license revocation provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 554.** Introduced by Flood, 19; Ashford, 20.

A BILL FOR AN ACT relating to children; to amend sections 25-2911, 25-2914, 25-2916, 33-106.03, 33-107.02, 42-347, 42-351, 42-353, 42-358.01, 42-358.03, 42-358.04, 42-358.05, 42-358.06, 42-358.07, 42-358.08, 42-359, 42-364.14, 42-364.15, 42-369, 42-934, 43-104.13, 43-158, 43-2,113, 43-512.03, 43-512.04, 43-512.08, 43-1407, 43-1720, 43-3342.01, and 70-101, Reissue Revised Statutes of Nebraska, and sections 42-358, 42-358.02, 42-364, 42-371, 60-484, 77-27,119, 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 harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 42-349.01, 42-364.01, 42-364.02, 42-364.03, 42-364.04, 42-364.05, 42-364.06, 42-364.07, 42-364.08, 42-364.09, 42-364.10, 42-364.11, 42-364.12, 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.

**LEGISLATIVE BILL 555.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to home and community-based services; to amend section 68-901, Revised Statutes Cumulative Supplement, 2006; to provide for payments as prescribed; to provide for a pilot program; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 556.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-272, Reissue Revised Statutes of Nebraska; to change provisions relating to counsel and guardian ad litem; and to repeal the original section.

**LEGISLATIVE BILL 557.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2006; to create the

Tutoring and Summer School Fund; to provide for grants; to create an income tax credit; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 558.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to public schools; to amend section 79-2109, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the contents of the integration plan developed for a learning community; and to repeal the original section.

**LEGISLATIVE BILL 559.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support.

**LEGISLATIVE BILL 560.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to telecommunications regulation; to amend sections 86-125 and 86-140, Revised Statutes Cumulative Supplement, 2006; to provide for the regulation of communications providers as prescribed; to define a term; to change provisions relating to access charge regulation; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 561.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6.164, Reissue Revised Statutes of Nebraska, and section 60-696, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the removal of disabled or immobilized vehicles; and to repeal the original sections.

**LEGISLATIVE BILL 562.** Introduced by Adams, 24; Carlson, 38; Flood, 19; Friend, 10; Mines, 18.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2101, 18-2103, 18-2107, 18-2111, 18-2116, 18-2119, and 18-2130, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to authorities, redevelopment plans, redevelopment contract proposals, bonds, occupation tax, and eminent domain as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 563.** Introduced by Adams, 24; Carlson, 38.

A BILL FOR AN ACT relating to education; to amend section 79-1108.02, Reissue Revised Statutes of Nebraska; to change provisions relating to learners with high ability; and to repeal the original section.

**LEGISLATIVE BILL 564.** Introduced by Friend, 10; Adams, 24; Fulton, 29; Gay, 14; Pankonin, 2.

A BILL FOR AN ACT relating to recreational activities; to amend sections 37-729, 37-730, 37-735, and 37-736, Reissue Revised Statutes of Nebraska, and section 37-734, Revised Statutes Cumulative Supplement, 2006; to name the Recreational Liability Act; to redefine a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 565.** Introduced by Avery, 28; Adams, 24; Carlson, 38; Friend, 10; Fulton, 29; Kopplin, 3; McGill, 26; Nantkes, 46.

A BILL FOR AN ACT relating to economic development; to amend sections 25-2501 and 77-2703.01, Revised Statutes Cumulative Supplement, 2006; to adopt the Entertainment and Tourism Development Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 566.** Introduced by Louden, 49; Adams, 24; Burling, 33; Carlson, 38; Christensen, 44; Hansen, 42; Harms, 48; Pankonin, 2; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to recreational activities; to adopt the Public Recreational Liability Act.

**LEGISLATIVE BILL 567.** Introduced by Louden, 49; Burling, 33; Carlson, 38; Christensen, 44; Hansen, 42; Harms, 48; Wallman, 30.

A BILL FOR AN ACT relating to recreational activities; to amend sections 37-729, 37-730, 37-732, 37-735, and 37-736, Reissue Revised Statutes of Nebraska, and section 37-734, Revised Statutes Cumulative Supplement, 2006; to name the Recreational Liability Act; to redefine a term; to change owner liability provisions; and to repeal the original sections.

**LEGISLATIVE BILL 568.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Kopplin, 3; Wallman, 30; and Adams, 24; Burling, 33; Hansen, 42; Harms, 48; Pankonin, 2; Preister, 5; Wightman, 36.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,160, Revised Statutes Cumulative Supplement, 2006; to extend a scrap tire grant program; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 569.** Introduced by Louden, 49; Carlson, 38; Hansen, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

23-3552 and 77-3443, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2006; to change tax levy authority of hospital districts; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 570.** Introduced by Louden, 49; Christensen, 44; Dubas, 34; Hansen, 42.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, and 60-3,104, Revised Statutes Cumulative Supplement, 2006; to provide for Gold Star plates; to change provisions for message plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 571.** Introduced by Kruse, 13; Cornett, 45; Schimek, 27.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, and 43-111, Reissue Revised Statutes of Nebraska; to provide for adoption by two adult persons jointly; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 572.** Introduced by Kruse, 13; Kopplin, 3.

A BILL FOR AN ACT relating to the Nebraska State Insurance Program; to amend section 84-1604, Reissue Revised Statutes of Nebraska; to provide for the inclusion of certain library employees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 573.** Introduced by Kruse, 13; Aguilar, 35; Burling, 33; Carlson, 38; Hansen, 42; Harms, 48.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Alcoholic Liquor Liability Act.

**LEGISLATIVE BILL 574.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services.

**LEGISLATIVE BILL 575.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2006; to exempt assisted-living facilities from sales and use taxes; and to repeal the original section.

**LEGISLATIVE BILL 576.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to behavioral health care services; to define terms; to provide for rate increases for payments to adult and child behavioral health providers; to create and provide duties for the Provider Reimbursement Rate Commission; and to declare an emergency.

**LEGISLATIVE BILL 577.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2006; to provide for reimbursements for generic prescriptions as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 578.** Introduced by McDonald, 41.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-134, Reissue Revised Statutes of Nebraska, and section 53-123.11, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to licenses; and to repeal the original sections.

**LEGISLATIVE BILL 579.** Introduced by Louden, 49; Carlson, 38; Christensen, 44; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to renewable energy; to amend section 70-1012, Reissue Revised Statutes of Nebraska; to permit small customer-generators to generate power for their own use from alternative energy sources; to require utilities to accommodate customer-generators; to define terms; to create an exemption for approval by the Nebraska Power Review Board; and to repeal the original section.

**LEGISLATIVE BILL 580.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to tobacco; to amend sections 69-2706, 69-2707, and 69-2709, Reissue Revised Statutes of Nebraska; to change provisions relating to tobacco product manufacturers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 581.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to electricity; to adopt the Energy Conservation and Self-Reliance Act.

**LEGISLATIVE BILL 582.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to education; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2006; to create the Nebraska Educational Trust and provide for its use; to change distribution of sales tax proceeds; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 583.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to recycling; to adopt the Electronics Recycling System Act; to provide for termination of the act; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 584.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to cigarettes; to adopt the Reduced Cigarette Ignition Propensity Act; to create funds; and to provide an operative date.

**LEGISLATIVE BILL 585.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to crime and punishments; to amend sections 28-1429.01 and 28-1429.02, Reissue Revised Statutes of Nebraska; to change provisions relating to the dispensing of cigarettes or other tobacco products; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 586.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to change medical lien provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 587.** Introduced by Cornett, 45; Dubas, 34; Gay, 14; Hansen, 42; Synowiecki, 7.

A BILL FOR AN ACT relating to county jails; to amend section 47-119.01, Reissue Revised Statutes of Nebraska; to change provisions relating to state prisoner reimbursement; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 588.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Lathrop, 12; McGill, 26; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-120, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the hospital fee schedule and payment of providers; and to repeal the original section.

**LEGISLATIVE BILL 589.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to motorcycles; to amend sections 60-4,127 and 60-4,128, Reissue Revised Statutes of Nebraska, and sections 60-480 and 60-4,115, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to motorcycle licenses; to provide for learners' permits



and motorcycle safety courses; to provide fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 590.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1202, 79-1206, 79-1209, 79-1210, 79-1212, and 79-1217, Reissue Revised Statutes of Nebraska; to change provisions relating to reorganization; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 591.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-901, Revised Statutes Cumulative Supplement, 2006; to provide for a change in zoning regulations to include government installations as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 592.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-766, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 593.** Introduced by Loudon, 49.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend section 66-1501, Revised Statutes Cumulative Supplement, 2006; to eliminate a private insurance requirement; to harmonize provisions; to repeal the original section; and to outright repeal section 66-1532, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 594.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to water wells; to state findings; to limit the granting of water well permits as prescribed.

**LEGISLATIVE BILL 595.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to school finance; to amend section 79-1001, Revised Statutes Cumulative Supplement, 2006; to create the Task Force on School Funding for Economic Growth; to prescribe duties; to require reporting; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 596.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to retirement; to amend section 79-9,103, Reissue Revised Statutes of Nebraska, and section 79-947.01, Revised

Statutes Cumulative Supplement, 2006; to change provisions relating to benefits and annuity payments for school employees as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 597.** Introduced by Kopplin, 3; Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-901 and 16-902, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to zoning and jurisdiction designation; and to repeal the original sections.

**LEGISLATIVE BILL 598.** Introduced by Karpisek, 32; Gay, 14; Pahls, 31; Rogert, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, and 60-3,104, Revised Statutes Cumulative Supplement, 2006; to provide for Shriners license plates; to change provisions for message plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 599.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to infants and juveniles; to permit the establishment of a parent and child relationship by consent of the parties in the event of gestational surrogacy; to authorize procedures; and to create a presumption.

**LEGISLATIVE BILL 600.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1201 and 79-1211, Reissue Revised Statutes of Nebraska; to provide for boundary changes as prescribed; to change provisions relating to reorganization petitions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 601.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1201, 79-1201.01, and 79-1241, Reissue Revised Statutes of Nebraska, sections 79-1018.01, 79-1223, 79-1233, 79-1304, 79-1334, 79-1335, 79-1336, 79-1337, 86-515, and 86-5,100, Revised Statutes Cumulative Supplement, 2006, and section 79-1028, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to create and provide duties for the Educational Service Unit Coordinating Council; to eliminate provisions relating to the Distance Education Council; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-1332 and 79-1333, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 602.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to educational service units; to amend sections 32-515, 32-607, 79-1201, 79-1208, 79-1212, and 79-1217, Reissue Revised Statutes of Nebraska; to establish election districts for educational service unit boards; to change provisions relating to the election of board members; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 603.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1201 and 79-1241, Reissue Revised Statutes of Nebraska, and sections 79-1241.01, 79-1241.02, and 79-1243, Revised Statutes Cumulative Supplement, 2006; to provide a formula and change provisions relating to core services and technology infrastructure funding; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 604.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to educational service units; to amend sections 77-3445, 79-318, 79-1213, 79-1217, 79-1224, 79-1225, 79-1227, 79-1242, and 79-1244, Reissue Revised Statutes of Nebraska, and sections 13-518, 77-1601.02, 77-3442, and 79-1241.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to a tax levy; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 605.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1225 and 79-1241, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 79-1243, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to authority to levy a tax as prescribed; to change provisions relating to distribution of funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 606.** Introduced by Ashford, 20; Flood, 19.

A BILL FOR AN ACT relating to courts; to provide for court referral to mediation or another form of alternative dispute resolution.

**LEGISLATIVE BILL 607.** Introduced by Ashford, 20; Howard, 9; Pankonin, 2; Preister, 5; Rogert, 16; Synowiecki, 7.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-222, Reissue Revised Statutes of Nebraska; to provide a requirement for full-time fire personnel in certain cities as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 608.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska; to change the sales tax rate; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 609.** Introduced by Carlson, 38; Adams, 24; Dubas, 34; Flood, 19; Hansen, 42; Harms, 48; Johnson, 37; Karpisek, 32; Nelson, 6; Pankonin, 2; Wallman, 30.

A BILL FOR AN ACT relating to political subdivisions; to adopt the Nebraska Recruitment Promotion Act.

**LEGISLATIVE BILL 610.** Introduced by Legislative Performance Audit Committee: Schimek, 27, Chairperson; Engel, 17; Flood, 19; Heidemann, 1; McDonald, 41; Preister, 5.

A BILL FOR AN ACT relating to public health and welfare; to provide documentation and recordkeeping requirements for the Department of Health and Human Services regarding the treatment, transfer, and discharge of sex offenders.

**LEGISLATIVE BILL 611.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Heidemann, 1; Karpisek, 32; Loudon, 49; White, 8.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2017, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to retirement contributions and payments; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 612.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Karpisek, 32; Loudon, 49; White, 8.

A BILL FOR AN ACT relating to school employees retirement systems; to amend section 79-902, Revised Statutes Cumulative Supplement, 2006; to redefine compensation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 613.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Karpisek, 32; Loudon, 49; White, 8.

A BILL FOR AN ACT relating to school employees retirement systems; to amend section 79-958, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to required deposits of employers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 614.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to adjusted valuation; and to repeal the original section.

**LEGISLATIVE BILL 615.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend section 79-757, Reissue Revised Statutes of Nebraska; to provide for a system of tracking student achievement; to require reports; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 616.** Introduced by Pedersen, 39; Johnson, 37.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-809, Revised Statutes Cumulative Supplement, 2006; to eliminate language relating to regional behavioral health authorities; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 617.** Introduced by Pedersen, 39; Johnson, 37.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend sections 71-801 and 71-805, Revised Statutes Cumulative Supplement, 2006; to provide for appointment of coordinators as prescribed; to provide for a children's behavioral health implementation plan; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 618.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the State Treasurer; to authorize the State Treasurer to collect certain bad debt fees electronically; and to authorize a bad debt data base.

**LEGISLATIVE BILL 619.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the State Treasurer; to amend section 84-617, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to bad debt charges; and to repeal the original section.

**LEGISLATIVE BILL 620.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to child support; to amend section 43-3342.03, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the State Disbursement Unit; to create a fund; and to repeal the original section.

**LEGISLATIVE BILL 621.** Introduced by Pirsch, 4; Fulton, 29.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-682.01, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to points and fines for speeding; and to repeal the original sections.

**LEGISLATIVE BILL 622.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to public records and the Open Meetings Act; to amend section 84-1407, Revised Statutes Cumulative Supplement, 2006; to require training courses for all members of a public body, public officers, and public employees; to provide powers and duties for the Attorney General and the Department of Justice; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 623.** Introduced by Pirsch, 4; Pedersen, 39.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1207, Reissue Revised Statutes of Nebraska; to change provisions relating to speedy trial; and to repeal the original section.

**LEGISLATIVE BILL 624.** Introduced by Pirsch, 4; Fulton, 29.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-905, Revised Statutes Cumulative Supplement, 2006; to modify provisions relating to operation of a motor vehicle to avoid arrest; and to repeal the original section.

**LEGISLATIVE BILL 625.** Introduced by Engel, 17; Erdman, 47; Heidemann, 1; Karpisek, 32; Kruse, 13; Pedersen, 39; Synowiecki, 7.

A BILL FOR AN ACT relating to civil procedure; to adopt the Commonsense Consumption Act; to prohibit civil actions based upon weight gain or obesity as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 626.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to biodiesel fuel; to create a production incentive for biodiesel fuel.

**LEGISLATIVE BILL 627.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-103 and 77-105, Reissue Revised Statutes of Nebraska; to redefine the terms real property and tangible personal property; and to repeal the original sections.

**LEGISLATIVE BILL 628.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-518 and 77-3442, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Nebraska Budget Act; to change levy limitations for cities, villages, and counties; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 629.** Introduced by Dierks, 40; Dubas, 34; Erdman, 47; Karpisek, 32; McDonald, 41; Preister, 5; Wallman, 30.

A BILL FOR AN ACT relating to rural economic development and energy; and to adopt the Rural Community-Based Energy Development Act.

**LEGISLATIVE BILL 630.** Introduced by Dierks, 40; Dubas, 34.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to freeholder petitions; and to repeal the original section.

**LEGISLATIVE BILL 631.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Drug Product Selection Act; to amend section 71-5401.01, Reissue Revised Statutes of Nebraska, and sections 71-5402 and 71-5403, Revised Statutes Cumulative Supplement, 2006; to prohibit interchange of anti-epileptic drugs; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 632.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-702 and 54-702.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the national uniform system of animal identification; and to repeal the original sections.

**LEGISLATIVE BILL 633.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-2602, 54-2606, 54-2607, 54-2610, 54-2611, 54-2612, 54-2613, 54-2615, 54-2616, 54-2627, 54-2628, and 54-2629, Reissue Revised Statutes of Nebraska, and section 54-2627.01, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions of the Competitive Livestock Markets Act; to eliminate penalties and certain Attorney General duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 54-2608, 54-2609, 54-2617, 54-2618, 54-2619, 54-2620, 54-2621, 54-2622, 54-2623, 54-2624, 54-2625, and 54-2626, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 634.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt the Feedlot Statutory Trust Act.

**LEGISLATIVE BILL 635.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Disabled Persons and Family Support Act; to amend sections 68-1502, 68-1504, 68-1505, 68-1506, 68-1508, 68-1510, 68-1511, 68-1512, 68-1513, 68-1515, 68-1516, 68-1518, and 68-1519, Reissue Revised Statutes of Nebraska, and section 68-1509, Revised Statutes Cumulative Supplement, 2006; to provide financial compensation for care given by families at home as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 636.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to public power districts; to amend section 70-637, Revised Statutes Cumulative Supplement, 2006; to exempt specified contracts with electric utilities or electric utility alliances from certain bidding requirements; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 637.** Introduced by General Affairs Committee: McDonald, 41, Chairperson; Dierks, 40; Dubas, 34; Erdman, 47; Janssen, 15; Karpisek, 32; Preister, 5.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 9-833 and 9-835, Reissue Revised Statutes of Nebraska, and section 9-803, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to procurements; and to repeal the original sections.

**LEGISLATIVE BILL 638.** Introduced by General Affairs Committee: McDonald, 41, Chairperson; Dierks, 40; Dubas, 34; Erdman, 47; Janssen, 15; Preister, 5.

A BILL FOR AN ACT relating to charitable gaming; to amend sections 9-239, 9-266, 9-356, and 9-424, Reissue Revised Statutes of Nebraska, and sections 9-1,101, 9-232.01, 9-232.02, 9-233, 9-241.03, 9-255.06, 9-328, 9-329, 9-329.02, 9-425, and 77-366, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to bingo, lotteries, and raffles; to provide for enforcement relating to possession of gambling devices; to harmonize provisions; to repeal the original sections; and to outright repeal sections 9-236 and 9-322.03, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 639.** Introduced by Raikes, 25.



A BILL FOR AN ACT relating to county attorneys; to amend section 23-1203, Reissue Revised Statutes of Nebraska; to change powers and duties of county attorneys; and to repeal the original section.

**LEGISLATIVE BILL 640.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to public schools; to amend section 77-3442, Revised Statutes Cumulative Supplement, 2006; to authorize learning community levies for capital projects for certain purposes; to prescribe procedures; to provide for repayment; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 641.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 32-545, 32-552, 32-601, 32-604, 79-552, and 79-567, Reissue Revised Statutes of Nebraska, and sections 79-4,122, 79-4,129, 79-4,130, 79-2101, and 79-2110, Revised Statutes Cumulative Supplement, 2006; to provide for the creation of education centers; to prescribe elections; to prescribe powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 642.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Educational Service Units Act; to amend sections 79-1201, 79-1202, 79-1215, 79-1217, and 79-1232, Reissue Revised Statutes of Nebraska, and section 79-1204, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to role and mission; to provide for mergers and transfers as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 643.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1017.01, Reissue Revised Statutes of Nebraska, sections 79-1008.02 and 79-1009, Revised Statutes Cumulative Supplement, 2006, and section 79-1003, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change and eliminate provisions relating to allocated income tax; to repeal the original sections; and to outright repeal section 79-1005.01, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 644.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 and 79-1007.03, Revised Statutes Cumulative Supplement, 2006; to provide for summer school student units; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 645.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-132, Revised Statutes Cumulative Supplement, 2006; to proscribe the imposition of an occupation tax on a bed and breakfast establishment; to define a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 646.** Introduced by Nelson, 6; Ashford, 20; Burling, 33; Carlson, 38; Cornett, 45; Dubas, 34; Erdman, 47; Fischer, 43; Friend, 10; Fulton, 29; Gay, 14; Nantkes, 46; Pahls, 31; Pankonin, 2; Pirsch, 4; Rogert, 16; Synowiecki, 7; White, 8.

A BILL FOR AN ACT relating to elections; to amend section 32-1049, Reissue Revised Statutes of Nebraska, and section 32-1027, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to counting ballots; and to repeal the original sections.

**LEGISLATIVE BILL 647.** Introduced by Johnson, 37; Aguilar, 35; Kruse, 13; Pedersen, 39; Schimek, 27; Synowiecki, 7.

A BILL FOR AN ACT relating to insurance; to amend sections 44-791, 44-792, 44-793, and 44-794, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to insurance coverage of mental health and physical health conditions; to state intent; to redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 648.** Introduced by Preister, 5; Dierks, 40; Dubas, 34; Karpisek, 32; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, and 77-27,235, Revised Statutes Cumulative Supplement, 2006; to provide a sales tax exemption for community-based wind energy projects; to change a tax credit provision; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 649.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-1001, 79-1007.02, 79-1007.10, 79-1008.01, and 79-1009, Revised Statutes Cumulative Supplement, 2006, and sections 79-1003, 79-1022, and 79-1083.03, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to the state aid formula under the Tax Equity and Educational Opportunities Support Act; to define terms; to provide for allowances and comparison groups; to provide for local choice, averaging, teacher education, and student growth adjustments; to provide for a student growth correction; to provide for

calculating net option students and net option funding; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1007.03, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 650.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education; to amend sections 79-1148, 79-1149, and 79-1150, Reissue Revised Statutes of Nebraska; to change provisions relating to early childhood programs; to provide for statewide regional networks under the Special Education Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 651.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 43-2007, 60-658, 79-234, 79-239, 79-240, 79-2,104, 79-2,105, 79-313, 79-318, 79-569, 79-598, 79-606, 79-608, 79-809, 79-810, 79-10,110, 79-1110, 79-1162, 79-1212, 79-1601, 79-1606, and 85-607, Reissue Revised Statutes of Nebraska, sections 79-215, 79-233, 79-237, 79-238, 79-528, 79-1084, and 79-1086, Revised Statutes Cumulative Supplement, 2006, and sections 79-611, 79-1003, and 79-1028, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to exempt schools and students, residency, the enrollment option program, student files, qualifications of members of the State Board of Education, transportation, reports, contracts for instruction, certificate fees, the Tax Equity and Educational Opportunities Support Act, school tax levies, modifications, the Special Education Act, educational service units, and certain college admissions as prescribed; to harmonize provisions; to eliminate the Nebraska Equal Opportunity for Displaced Homemakers Act and provisions relating to the Diagnostic Resources Center at Cozad; to repeal the original sections; and to outright repeal sections 48-1301, 48-1302, 48-1303, 48-1304, 48-1305 48-1306, 48-1309, 79-1168, 79-1169, 79-1170, 79-1171, 79-1172, 79-1173, 79-1174, 79-1175, 79-1176, 79-1177, and 79-1178, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 652.** Introduced by White, 8; Preister, 5.

A BILL FOR AN ACT relating to energy audits; to state intent; to require the state and its political subdivisions to conduct and report an energy audit.

**LEGISLATIVE BILL 653.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend sections 79-757, Reissue Revised Statutes of Nebraska, and section 79-760, Revised Statutes Cumulative Supplement, 2006; to require the implementation of a statewide assessment and reporting system; to state purposes; to prescribe duties; to require contents; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 654.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education; to amend section 79-319, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to veterans' training; to repeal the original section; and to outright repeal section 80-401.04, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 655.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to state aid to schools; to amend section 79-1065, Reissue Revised Statutes of Nebraska, and section 79-1022, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to adjustments to aid as shown on budget statements as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 656.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-1012, Revised Statutes Cumulative Supplement, 2006; to provide for temporary funding for aggregation routing equipment and network transport costs for Network Nebraska; to change provisions relating to the School District Reorganization Fund; and to repeal the original section.

**LEGISLATIVE BILL 657.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to school technology and telecommunications; to amend sections 79-1332, 79-1336, and 79-1337, Revised Statutes Cumulative Supplement, 2006; to define a term; to add provisions relating to distance education classrooms; to provide for per hour incentives; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 658.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 32-570, 79-498, 79-4,100, 79-4,103, 79-501, 79-502, 79-524, 79-525, 79-526, 79-559, 79-569, 79-570, 79-572, 79-576, 79-577, 79-578, 79-579, 79-580, 79-581, 79-587, 79-588, 79-594, 79-5,107, 79-716, 79-828, 79-1023, 79-1029, 79-1036, 79-1072, 79-1077, 79-10,103, 79-10,110, 79-10,114, 79-10,117, 79-10,118, 79-1217, and 79-1504, Reissue Revised Statutes of Nebraska, sections 23-3302, 72-2304, 79-528, 79-554, 79-586, 79-1030, 79-1065.02, and 79-10,120, Revised Statutes Cumulative Supplement, 2006, and sections 79-102, 79-401, 79-402, 79-403, 79-413, 79-415, 79-416, 79-418, 79-419, 79-423, 79-431, 79-433, 79-434, 79-443, 79-447, 79-452, 79-454, 79-455, 79-470, 79-472, 79-473, 79-479, 79-494, 79-495, 79-4,101, 79-611, 79-850, 79-1003, 79-1026, 79-1028, 79-1083.02, and 79-1083.03, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to provide for creation and affiliation of Class I school districts as prescribed; to eliminate provisions relating to Class VI school

districts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-546, 79-523, 79-553, 79-563, 79-568, 79-585, 79-5,108, 79-717, and 79-1078, Reissue Revised Statutes of Nebraska, and sections 79-404, 79-410, 79-411, 79-417, 79-424, 79-425, 79-426, 79-477, 79-478, 79-4,109, 79-4,110, and 79-4,111, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422.

**LEGISLATIVE BILL 659.** Introduced by Pedersen, 39; Lathrop, 12.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2006; to increase the salaries of Supreme Court judges as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 660.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Louden, 49; Pedersen, 39; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Universal Service Fund Act; to amend sections 86-316, 86-318, 86-322, and 86-323, Revised Statutes Cumulative Supplement, 2006; to define telecommunications and to redefine telecommunications company; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 661.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Louden, 49; Pedersen, 39; Schimek, 27.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-313, 86-420, 86-422, 86-433, 86-434, 86-435, 86-436, 86-442, 86-443, 86-457, 86-459, and 86-461, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to surcharges, the Emergency Telephone Communications Systems Act, the Enhanced Wireless 911 Services Act, and the Enhanced Wireless 911 Advisory Board; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal sections 86-427, 86-443.01, and 86-450.01, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 662.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2006; to change distribution of certain sales tax proceeds; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 663.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 13-518, 39-2401, 60-3,202, 77-1342, and 79-1018.01, Revised Statutes

Cumulative Supplement, 2006; to change distribution and allocation of certain motor vehicle registration fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 664.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Geologists Regulation Act; to amend section 81-3541, Reissue Revised Statutes of Nebraska; to eliminate an exemption from licensure as a geologist; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 665.** Introduced by Karpisek, 32; Carlson, 38; Heidemann, 1; White, 8.

A BILL FOR AN ACT relating to cash balance benefit elections; to amend sections 23-2308.01, 23-2317, 84-1309.02, and 84-1319, Revised Statutes Cumulative Supplement, 2006; to provide for the retirement election for state and county employees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 666.** Introduced by Pedersen, 39; Johnson, 37.

A BILL FOR AN ACT relating to inmates; to state findings; to define terms; to provide for eligibility for certain federal assistance programs upon release from incarceration; and to provide duties for the Department of Health and Human Services Finance and Support and correctional agencies.

**LEGISLATIVE BILL 667.** Introduced by Pedersen, 39; Pirsch, 4.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,157, Reissue Revised Statutes of Nebraska; to permit municipalities to allow pedestrians to solicit contributions on roadways as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 668.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to personal property; to amend section 69-1305.03, Revised Statutes Cumulative Supplement, 2006; to eliminate provisions relating to gift cards and gift certificates as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 669.** Introduced by Hudkins, 21; Avery, 28; Pedersen, 39.

A BILL FOR AN ACT relating to jails and corrections facilities; to amend sections 47-101 and 47-201, Reissue Revised Statutes of Nebraska, and sections 47-627, 71-806, and 71-810, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Behavioral Health Jail Diversion

Planning and Coordination Advisory Council Act; to provide requirements relating to behavioral health jail diversion programs; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 670.** Introduced by Hudkins, 21; Avery, 28; Pedersen, 39.

A BILL FOR AN ACT relating to public health and welfare; to create the Council on the Management and Treatment of Sex Offenders; to state intent; and to provide duties.

**LEGISLATIVE BILL 671.** Introduced by Pedersen, 39; Cornett, 45; Howard, 9; Kopplin, 3; Kruse, 13; Mines, 18; Pahls, 31; Preister, 5; Rogert, 16; Stuthman, 22; Synowiecki, 7.

A BILL FOR AN ACT relating to probation and parole; to amend sections 29-2256, 29-2262.03, 29-2262.04, 29-2262.05, 29-2265, 29-2270, 33-107.03, 33-154, 43-250, 43-253, 43-260, 43-260.05, 43-274, 43-286, 43-294, 43-2,108, 43-2,113, 43-707, 43-2411, 43-3505, 43-3507, 47-628, 47-629, 68-1729, 68-1732, 83-170, 83-171, 83-188, 83-195, 83-197, 83-1,101, 83-1,116, 83-1,119, 83-1,120, 83-1,128, and 83-901, Reissue Revised Statutes of Nebraska, and sections 20-150, 20-151, 24-205, 24-227.01, 25-2407, 28-322, 28-929, 28-930, 28-931, 28-931.01, 29-2246, 29-2248, 29-2252.01, 29-2254, 29-2255, 29-2257, 29-2258, 29-2259, 29-2259.01, 29-2259.02, 29-2260.01, 29-2261, 29-2262, 29-2262.06, 29-2262.07, 29-2263, 29-2266, 29-2272, 29-2935, 29-4009, 29-4019, 43-271, 43-3001, 47-623, 47-624, 47-627, 60-6,211.05, 60-6,211.09, 71-961, 71-1228, 81-1401, 81-1848, 83-174.03, 83-174.04, 83-174.05, 83-1,100, 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,107, 83-1,107.01, 83-1,107.02, and 83-933, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to probation and parole; to combine the administration of probation and parole; to create funds and change provisions relating to funds; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 29-2249, 29-2251, 29-2253, 83-1,100.01, and 83-1,104, Reissue Revised Statutes of Nebraska, and sections 29-2250 and 29-2252, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 672.** Introduced by Lathrop, 12; Dierks, 40; Dubas, 34; Erdman, 47; Karpisek, 32; Preister, 5; Wallman, 30.

A BILL FOR AN ACT relating to electric utilities; to amend sections 14-2116 and 70-667, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the exercise of the power of eminent domain; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 673.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability

Act; to amend section 44-2810, Reissue Revised Statutes of Nebraska; to change provisions relating to malpractice as professional negligence; and to repeal the original section.

## **SPEAKER FLOOD PRESIDING**

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 674.** Introduced by Lathrop, 12; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to labor; to define terms; to prohibit use of social security numbers by employers as prescribed; and to provide a penalty.

**LEGISLATIVE BILL 675.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to pharmaceutical manufacturing companies; to require certain disclosures; to provide for enforcement; and to provide powers and duties.

**LEGISLATIVE BILL 676.** Introduced by Dubas, 34; Burling, 33; Christensen, 44; Hudkins, 21; Louden, 49; Schimek, 27; Wallman, 30.

A BILL FOR AN ACT relating to railroad crossings; to prohibit the obstruction of highways in certain classes of cities and villages and other areas; to provide penalties; to provide exemptions; to provide an affirmative defense; to define terms; and to outright repeal section 17-225, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 677.** Introduced by Dubas, 34; Carlson, 38; Dierks, 40; Erdman, 47; Fischer, 43; Hansen, 42; Hudkins, 21; Langemeier, 23; Louden, 49; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend section 54-2423, Revised Statutes Cumulative Supplement, 2006; to change inspection late fees under the Livestock Waste Management Act; and to repeal the original section.

**LEGISLATIVE BILL 678.** Introduced by Dubas, 34; Burling, 33; McDonald, 41.

A BILL FOR AN ACT relating to schools; to amend sections 79-407 and 79-473, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to school districts in annexed territory; to harmonize provisions; to repeal the original sections; and to declare an emergency.



**LEGISLATIVE BILL 679.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-106, Reissue Revised Statutes of Nebraska; to eliminate the cap on retirement contributions for university employees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 680.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to cities of the metropolitan class; to provide for contracts for keeping prisoners.

**LEGISLATIVE BILL 681.** Introduced by Pedersen, 39; Fischer, 43.

A BILL FOR AN ACT relating to motor vehicle dealers; to amend section 60-1411.01, Reissue Revised Statutes of Nebraska, and section 60-1419, Revised Statutes Cumulative Supplement, 2006; to increase licensing fees and a bond; and to repeal the original sections.

**LEGISLATIVE BILL 682.** Introduced by Wightman, 36; Ashford, 20; Burling, 33; Nelson, 6.

A BILL FOR AN ACT relating to assistance for certain children; to amend section 43-512.15, Reissue Revised Statutes of Nebraska; to change support order modification provisions; and to repeal the original section.

**LEGISLATIVE BILL 683.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2006; to increase the earned income tax credit; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 684.** Introduced by Dubas, 34; Carlson, 38; Christensen, 44; Dierks, 40; Hudkins, 21; Karpisek, 32; Loudon, 49; McDonald, 41; Nelson, 6; Pankonin, 2; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2006; to provide for an income tax credit based upon certain property taxes as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 685.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-168.06 and 53-180.02, Reissue Revised Statutes of Nebraska; to change provisions relating to the possession of alcoholic liquor by minors; to harmonize provisions; to repeal the original sections; and to declare an

emergency.

**LEGISLATIVE BILL 686.** Introduced by Karpisek, 32; Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend section 32-912, Reissue Revised Statutes of Nebraska, and section 32-312, Revised Statutes Cumulative Supplement, 2006; to provide for partisan ballots for unaffiliated voters at primary elections; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 687.** Introduced by Karpisek, 32; Fulton, 29; Howard, 9.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3504, Reissue Revised Statutes of Nebraska; to redefine household income for homestead exemption purposes; and to repeal the original section.

**LEGISLATIVE BILL 688.** Introduced by Karpisek, 32; Christensen, 44; Dubas, 34; Heidemann, 1.

A BILL FOR AN ACT relating to revenue and taxation; to state intent; to provide duties for the Property Tax Administrator regarding the method of agricultural land and horticultural land valuation; and to create a task force and provide for its termination.

**LEGISLATIVE BILL 689.** Introduced by Karpisek, 32; Nantkes, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123, 53-124, 53-129, 53-131, 53-133, 53-134, 53-134.03, 53-169, 53-171, 53-188, and 53-1,115, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-124.11, 53-124.12, 53-132, and 53-164.01, Revised Statutes Cumulative Supplement, 2006; to provide for a limited winery license; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 690.** Introduced by Fischer, 43; Adams, 24; Avery, 28; Burling, 33; Carlson, 38; Christensen, 44; Cornett, 45; Dierks, 40; Dubas, 34; Engel, 17; Erdman, 47; Flood, 19; Friend, 10; Fulton, 29; Gay, 14; Hansen, 42; Harms, 48; Heidemann, 1; Hudkins, 21; Janssen, 15; Johnson, 37; Karpisek, 32; Kopplin, 3; Lathrop, 12; Loudon, 49; McDonald, 41; Nantkes, 46; Nelson, 6; Pahls, 31; Pankonin, 2; Pedersen, 39; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-413 and 37-414, Reissue Revised Statutes of Nebraska, and section 37-452, Revised Statutes Cumulative Supplement, 2006; to provide for apprentice hunter education exemptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 691.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.01 and 79-1007.03, Revised Statutes Cumulative Supplement, 2006, and section 79-1028, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to weighting factors in calculating adjusted formula students as prescribed; to change provisions relating to applicable allowable growth rates; and to repeal the original sections.

**LEGISLATIVE BILL 692.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1212.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2006; to prohibit the intentional discharge of a firearm within two hundred yards of an inhabited dwelling house or occupied building as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 693.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to jury selection; to amend section 25-1628, Revised Statutes Cumulative Supplement, 2006; to provide for the use of driver's license numbers; and to repeal the original section.

**LEGISLATIVE BILL 694.** Introduced by Christensen, 44; Fischer, 43; Karpisek, 32; Louden, 49; Pedersen, 39; Wallman, 30.

A BILL FOR AN ACT relating to state government; to authorize planning for a parking facility near the State Capitol.

**LEGISLATIVE BILL 695.** Introduced by Christensen, 44; Burling, 33; Erdman, 47; Friend, 10; Langemeier, 23; Pedersen, 39; Wallman, 30.

A BILL FOR AN ACT relating to cities; to amend sections 15-255, 16-227, and 17-556, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Cumulative Supplement 2006; to limit the power of cities to regulate the carrying of concealed handguns as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 696.** Introduced by Christensen, 44; Burling, 33; Fulton, 29; Hansen, 42; Karpisek, 32; Louden, 49; Pedersen, 39.

A BILL FOR AN ACT relating to marriage licenses; to amend section 33-110, Reissue Revised Statutes of Nebraska; to provide an increase in a fee and a waiting period if marriage education requirements are not met as prescribed; to provide powers and duties to county clerks; to provide an

operative date; and to repeal the original section.

**LEGISLATIVE BILL 697.** Introduced by Nelson, 6; Friend, 10; Mines, 18; Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 25-2501, Revised Statutes Cumulative Supplement, 2006; to adopt the Entertainment and Tourism Development Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 698.** Introduced by Fulton, 29; Ashford, 20; Carlson, 38; Christensen, 44; Dierks, 40; Engel, 17; Fischer, 43; Flood, 19; Friend, 10; Gay, 14; Hansen, 42; Harms, 48; Hudkins, 21; Karpisek, 32; Loudon, 49; Nelson, 6; Pirsch, 4; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to require local tax rate reports by the Department of Revenue.

**LEGISLATIVE BILL 699.** Introduced by Lathrop, 12; Flood, 19; Howard, 9; McGill, 26; Preister, 5.

A BILL FOR AN ACT relating to prescriptions; to amend section 68-901, Revised Statutes Cumulative Supplement, 2006; to adopt the Healthy Nebraska Rx Card Program Act; to state intent regarding appropriations; to provide a duty for the Department of Health and Human Services Finance and Support; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 700.** Introduced by Christensen, 44; Burling, 33; Carlson, 38; Dierks, 40; Dubas, 34; Engel, 17; Erdman, 47; Flood, 19; Friend, 10; Fulton, 29; Hansen, 42; Harms, 48; Heidemann, 1; Hudkins, 21; Langemeier, 23; Lathrop, 12; Nelson, 6; Pedersen, 39; Pirsch, 4; Preister, 5; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2006; to adopt the Human Cloning Prohibition Act; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 701.** Introduced by Christensen, 44; Carlson, 38.

A BILL FOR AN ACT relating to water; to amend section 46-205, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2006; to state intent; to provide for a basin administration committee; to define terms; to provide powers and duties; to provide for a tax levy; to add provisions relating to interbasin transfers; to provide for compensation as prescribed; to change provisions relating to priority; to provide duties for the Governor, natural resources districts, and the

Department of Natural Resources; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 702.** Introduced by White, 8.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1142, Reissue Revised Statutes of Nebraska; to prohibit discrimination in reimbursements as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 703.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to assessment of property; to amend section 77-1333, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to assessment of certain rent-restricted housing projects; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 704.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to environmental quality; to adopt the Fishable and Swimmable Waters Act.

**LEGISLATIVE BILL 705.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to power districts; to amend section 70-1014.01, Reissue Revised Statutes of Nebraska; to change special generation application provisions; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 12CA.** Introduced by Fischer, 43.

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

Section 1. At the general election in November 2008 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 VII, section 6:

VII-6 No lands now owned or hereafter acquired by the state for educational purposes shall be sold except at public auction under such conditions as the Legislature shall provide. The general management of all lands set apart for educational purposes shall be vested, under the direction of the Legislature, in a board of five members to be known as the Board of Educational Lands and Funds. The members shall be appointed by the Governor, subject to the approval of the Legislature, with such qualifications and for such terms and compensation as the Legislature may provide.

By January 1, 2012, the Board of Educational Lands and Funds shall provide for the sale of enough of the total of the educational lands managed by the board to result in one-fourth of the value of the school trust permanent portfolio being invested by the board in real property located in Nebraska and three-fourths of the value of the school trust permanent portfolio being invested by the state investment officer.

For purposes of this section, value of the school trust permanent portfolio means the total fair market value of the educational lands and of all stocks, bonds, and other assets comprising the perpetual fund for common school purposes described in Article VII, section 7, of this constitution.

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 require the Board of Educational Lands and Funds to sell, by January 1, 2012, enough of the total of the educational lands managed by the board to result in one-fourth of the value of the school trust permanent portfolio being invested by the board in real property located in Nebraska and three-fourths of the value of the school trust permanent portfolio being invested by the state investment officer and to define school trust permanent portfolio.

For

Against.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 13.** Introduced by White, 8.

WHEREAS, professional firefighters protect the safety of Nebraska families and communities; and

WHEREAS, adequate staffing during fire suppression operations is necessary for the safety of those who risk their lives to protect ours; and

WHEREAS, every paid, professional fire department in the State of Nebraska should follow Guideline Number 1710 of the National Fire Protection Association.

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

1. The Legislature encourages public fire departments to read and implement national fire safety guidelines, including those of the National Fire Protection Association.

2. The Clerk of the Legislature shall send a copy of this resolution to the State Fire Marshal.

Laid over.

**LEGISLATIVE RESOLUTION 14.** Introduced by Engel, 17; Aguilar, 35; Dierks, 40.

WHEREAS, the State of Nebraska and Taiwan have enjoyed cordial bonds for many years, and both have benefited very much from this friendship; and

WHEREAS, trade between Taiwan and the United States has increased significantly during the past decade, with the United States being Taiwan's second largest source of imports, and Taiwan being the eighth largest trading partner of the United States; and

WHEREAS, Taiwan ranks as the fifth largest overseas market for United States agricultural products in general, including the third largest buyer of United States beef and corn products; the fifth largest buyer of United States soybean products; the eighth largest buyer of United States wheat; and the second largest customer of United States agricultural products worldwide in terms of per capita consumption; and

WHEREAS, streamlined foreign investment procedures developed under a Taiwan-United States Free Trade Agreement would lead to further investment by firms in both Taiwan and the United States and would create new business opportunities and new jobs; and

WHEREAS, a Taiwan-United States Free Trade Agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications, and new cooperative ventures; and

WHEREAS, the United States International Trade Commission found that, with a Taiwan-United States Free Trade Agreement in place, United States exports to Taiwan would increase by sixteen percent annually, or roughly \$3.4 billion annually, and the broader interests of the United States in the Asia-Pacific region would be served.

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

1. The Legislature supports the negotiation of a Taiwan-United States Free Trade Agreement.

2. The Clerk of the Legislature shall forward copies of this resolution to the United States Trade Representative, to each member of the Nebraska congressional delegation, and to the Taipei Economic and Cultural Office in Kansas City.

Laid over.

**LEGISLATIVE RESOLUTION 15.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; McGill, 26; Rogert, 16; Wallman, 30.

**PURPOSE:** To examine the impact of a waiver filed by Union Pacific before the Federal Railroad Administration on public safety in the State of Nebraska. Such waiver, if granted, would exempt Union Pacific from compliance with safety and inspection requirements for trains entering the United States from Mexico. Such trains may travel up to 1,500 miles in the United States prior to being inspected by skilled United States railroad inspectors or regulators. Union Pacific claims that the trains, after being inspected in Mexico, will travel only twelve miles into the United States

from the border and then be available for a United States safety inspection. But existing federal safety regulations do not require a second test until the train travels 1,500 miles.

Specifically, Union Pacific is seeking a waiver from existing federal safety regulations which require a brake system check and other mechanical safety checks on trains originating in Mexico and interchanged with Union Pacific at Laredo, Texas. Currently, such mechanical safety checks must be performed on United States soil by American workers who have been trained with United States Government Standards under the observation of the Federal Railroad Administration.

A similar waiver application by Union Pacific was filed in 2004, and subsequently denied by the Federal Railroad Administration, but a subsequent application for the same waiver leniency has been filed, again, with the Federal Railroad Administration, by Union Pacific.

Issues to be considered as part of this study include, but are not limited to:

(1) The government of Mexico has not adopted inspection and testing regulations that are compatible with United States standards. Furthermore, the Federal Railroad Administration cannot impose sanctions on the Mexican railroad for violations of safety regulations because there is no enforcement agreement between Mexico and the administration;

(2) Available data and analysis regarding the nature and extent of implications on security vulnerabilities of the rail system of the United States if a waiver is granted that will weaken border inspections;

(3) A review of the safety record of the company requesting the waiver regarding derailments and fatalities;

(4) An examination of trains carrying rail cars of deadly hazardous material, many of which originate in Mexico, and allegedly have content inspections at the United States border with Mexico; and

(5) The political unrest in Mexico and the likelihood that the unrest may cause Mexico to become a sanctuary for terrorists.

Union Pacific is a Nebraska-based corporation which operates thousands of trains per year through the State of Nebraska. It is critically important to national security, the safety of Nebraskans, and all Americans that such trains which travel on the United States rail infrastructure are inspected by American professionals following United States Inspection Standards.

**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.



**NOTICE OF COMMITTEE HEARINGS**  
**Government, Military and Veterans Affairs**  
 Room 1507

LB 248	Thursday, January 25, 2007	1:30 p.m.
LB 298	Thursday, January 25, 2007	1:30 p.m.
LB 311	Thursday, January 25, 2007	1:30 p.m.
LR 8CA	Thursday, January 25, 2007	1:30 p.m.
LB 172	Friday, January 26, 2007	1:30 p.m.
LB 195	Friday, January 26, 2007	1:30 p.m.
LB 208	Friday, January 26, 2007	1:30 p.m.
LB 212	Friday, January 26, 2007	1:30 p.m.

(Signed) Ray Aguilar, Chairperson

**Health and Human Services**  
 Room 1510

LB 244	Wednesday, January 24, 2007	1:30 p.m.
LB 245	Wednesday, January 24, 2007	1:30 p.m.
LB 283	Wednesday, January 24, 2007	1:30 p.m.
LB 374	Wednesday, January 24, 2007	1:30 p.m.
LB 250	Thursday, January 25, 2007	1:30 p.m.
LB 267	Thursday, January 25, 2007	1:30 p.m.
LB 308	Thursday, January 25, 2007	1:30 p.m.
LB 326	Thursday, January 25, 2007	1:30 p.m.
LB 351	Thursday, January 25, 2007	1:30 p.m.
LB 49	Friday, January 26, 2007	1:30 p.m.

(Signed) Joel Johnson, Chairperson

**Revenue**  
 Room 1524

LB 315	Wednesday, January 24, 2007	1:30 p.m.
LB 344	Wednesday, January 24, 2007	1:30 p.m.
LB 305	Wednesday, January 24, 2007	1:30 p.m.
LB 359	Wednesday, January 24, 2007	1:30 p.m.
LB 41	Wednesday, January 24, 2007	1:30 p.m.

(Signed) Ray Janssen, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 350	Banking, Commerce and Insurance
LB 378	Banking, Commerce and Insurance
LB 379	Banking, Commerce and Insurance
LB 380	Banking, Commerce and Insurance
LB 381	Banking, Commerce and Insurance
LB 382	Judiciary
LB 383	Banking, Commerce and Insurance
LB 384	Judiciary
LB 385	Health and Human Services
LB 386	Banking, Commerce and Insurance
LB 387	Health and Human Services
LB 388	Government, Military and Veterans Affairs
LB 389	Government, Military and Veterans Affairs
LB 390	Natural Resources
LB 391	Government, Military and Veterans Affairs
LB 392	Government, Military and Veterans Affairs
LB 393	Education
LB 394	Government, Military and Veterans Affairs
LB 395	Health and Human Services
LB 396	Government, Military and Veterans Affairs
LB 397	Health and Human Services
LB 398	Health and Human Services
LB 399	Health and Human Services
LB 400	Health and Human Services
LB 401	Transportation and Telecommunications
LB 402	Executive Board
LB 403	Revenue
LB 404	General Affairs
LB 405	Urban Affairs
LB 406	Judiciary
LB 407	Judiciary
LB 408	Government, Military and Veterans Affairs
LB 409	Revenue
LB 410	Health and Human Services
LB 411	Health and Human Services
LB 412	Natural Resources
LB 413	Judiciary
LB 414	Appropriations
LB 415	Transportation and Telecommunications
LB 416	Revenue
LB 417	Health and Human Services
LB 418	Natural Resources
LB 419	Transportation and Telecommunications
LB 420	Appropriations

LB 421	Transportation and Telecommunications
LB 422	Agriculture
LB 423	Revenue
LB 424	Judiciary
LB 425	Banking, Commerce and Insurance
LB 426	Health and Human Services
LB 427	Health and Human Services
LB 428	Judiciary
LB 429	Revenue
LB 430	Revenue
LB 431	Revenue
LB 432	Business and Labor
LB 433	Government, Military and Veterans Affairs
LB 434	Government, Military and Veterans Affairs
LB 435	Agriculture
LB 436	Revenue
LB 437	Transportation and Telecommunications
LB 438	Appropriations
LB 439	Transportation and Telecommunications
LB 440	Education
LB 441	General Affairs
LB 442	Revenue
LB 443	Revenue
LB 444	Revenue
LB 445	Health and Human Services
LB 446	Appropriations
LB 447	Transportation and Telecommunications
LB 448	Judiciary
LB 449	Judiciary
LB 450	Judiciary
LB 451	Health and Human Services
LB 452	Appropriations
LB 453	Revenue
LB 454	Revenue
LB 455	Education
LB 456	Revenue
LB 457	Judiciary
LB 458	Natural Resources
LB 459	Revenue
LB 460	Government, Military and Veterans Affairs
LB 461	Health and Human Services
LB 462	Business and Labor
LR 11CA	General Affairs

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

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR 10 was referred to the Reference Committee.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Howard asked unanimous consent to add her name as cointroducer to LBs 73, 105, 160, and 395. No objections. So ordered.

Senator Pedersen asked unanimous consent to add his name as cointroducer to LBs 101 and 506. No objections. So ordered.

Senator Nantkes asked unanimous consent to add her name as cointroducer to LB 177. No objections. So ordered.

Senator White asked unanimous consent to add his name as cointroducer to LB 253. No objections. So ordered.

Senator Gay asked unanimous consent to add his name as cointroducer to LB 268. No objections. So ordered.

Senator Pankonin asked unanimous consent to add his name as cointroducer to LB 352. No objections. So ordered.

Senator Preister asked unanimous consent to add his name as cointroducer to LB 353. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Dubas withdrew her name as cointroducer to LB 153.

**VISITORS**

Visitors to the Chamber were 3 kindergarten, third-grade, and fifth-grade students and teacher from Nebraska Christian Home Educators Association, Omaha.

**ADJOURNMENT**

At 1:07 p.m., on a motion by Senator Preister, the Legislature adjourned until 11:00 a.m., Thursday, January 18, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**ELEVENTH DAY - JANUARY 18, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 18, 2007

**PRAYER**

The prayer was offered by Pastor Sharon Stevens, Madison Trinity United Methodist Church, Madison.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Sheehy presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the tenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 352	Government, Military and Veterans Affairs (rereferred)
LB 387	Urban Affairs (rereferred)
LB 463	Health and Human Services
LB 464	Government, Military and Veterans Affairs
LB 465	Judiciary
LB 466	Transportation and Telecommunications
LB 467	Judiciary
LB 468	Nebraska Retirement Systems
LB 469	Health and Human Services
LB 470	Judiciary
LB 471	Government, Military and Veterans Affairs
LB 472	Business and Labor
LB 473	Education
LB 474	Judiciary
LB 475	Judiciary

LB 476	Judiciary
LB 477	Government, Military and Veterans Affairs
LB 478	Judiciary
LB 479	Health and Human Services
LB 480	Health and Human Services
LB 481	Health and Human Services
LB 482	Health and Human Services
LB 483	Appropriations; Health and Human Services (joint)
LB 484	Revenue
LB 485	Revenue
LB 486	Transportation and Telecommunications
LB 487	Revenue
LB 488	Revenue
LB 489	Transportation and Telecommunications
LB 490	Education
LB 491	Judiciary
LB 492	Education
LB 493	Natural Resources
LB 494	Revenue
LB 495	Business and Labor
LB 496	Revenue
LB 497	Government, Military and Veterans Affairs
LB 498	Education
LB 499	Nebraska Retirement Systems
LB 500	Business and Labor
LB 501	Revenue
LB 502	Revenue
LB 503	Natural Resources
LB 504	Natural Resources
LB 505	Business and Labor
LB 506	Education
LB 507	Revenue
LB 508	Nebraska Retirement Systems
LB 509	Education
LB 510	Revenue
LB 511	Revenue
LB 512	Revenue
LB 513	Health and Human Services
LB 514	Revenue
LB 516	Agriculture
LB 517	Urban Affairs
LB 518	Health and Human Services
LB 519	Revenue
LB 520	Education
LB 521	Education
LB 522	Judiciary
LB 523	Health and Human Services
LB 524	Education
LB 525	Judiciary

LB 526	Judiciary
LB 527	Government, Military and Veterans Affairs
LB 528	Government, Military and Veterans Affairs
LB 529	Education
LB 530	Natural Resources
LB 531	Revenue
LB 532	Judiciary
LB 533	Judiciary
LB 534	Urban Affairs
LB 535	Judiciary
LB 536	Appropriations
LB 537	Revenue
LB 538	Health and Human Services
LB 539	Government, Military and Veterans Affairs
LB 540	Judiciary
LB 541	Judiciary
LB 542	Appropriations
LB 543	Business and Labor
LB 544	General Affairs
LB 545	Appropriations
LB 546	General Affairs
LB 547	Education
LB 548	Appropriations
LB 549	General Affairs
LB 550	Health and Human Services
LB 551	Revenue
LB 552	Judiciary
LB 553	Judiciary
LB 554	Judiciary
LB 555	Health and Human Services
LB 556	Judiciary
LB 557	Revenue
LB 558	Education
LB 559	Appropriations
LB 560	Transportation and Telecommunications
LB 561	Transportation and Telecommunications
LB 562	Urban Affairs
LB 563	Education
LB 564	Judiciary
LB 565	Revenue
LB 566	Judiciary
LB 567	Judiciary
LB 568	Natural Resources
LB 569	Revenue
LB 570	Transportation and Telecommunications
LB 571	Judiciary
LB 572	Government, Military and Veterans Affairs
LB 573	Judiciary
LB 574	Appropriations

LB 575	Revenue
LB 576	Appropriations
LB 577	Health and Human Services
LB 578	General Affairs
LB 579	Natural Resources
LB 580	Judiciary

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

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR 13 and LR 14 were referred to the Reference Committee.

### **GENERAL FILE**

**LEGISLATIVE BILL 1.** Title read. Considered.

Advanced to E & R for review with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 2.** Title read. Considered.

Advanced to E & R for review with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

### **NOTICE OF COMMITTEE HEARINGS**

#### **Revenue** Room 1524

LB 444	Thursday, January 25, 2007	1:30 p.m.
LB 23	Thursday, January 25, 2007	1:30 p.m.
LB 270	Thursday, January 25, 2007	1:30 p.m.
LB 459	Thursday, January 25, 2007	1:30 p.m.
LB 304	Thursday, January 25, 2007	1:30 p.m.
LB 456	Thursday, January 25, 2007	1:30 p.m.

(Signed) Ray Janssen, Chairperson

#### **Natural Resources** Room 1525

LB 291	Thursday, January 25, 2007	1:30 p.m.
LB 299	Thursday, January 25, 2007	1:30 p.m.

Thursday, January 25, 2007 1:30 p.m.  
Mark McColley - Nebraska Ethanol Board  
Michael S. Thede - Nebraska Ethanol Board



(Signed) LeRoy Louden, Chairperson

**COMMITTEE REPORTS**  
**Agriculture**

**LEGISLATIVE BILL 25.** Placed on General File - Com AM23.  
AM23

- 1 1. On page 2, line 19, strike "(a)"; and strike beginning
- 2 with "or" in line 19 through "breed" in line 21.

(Signed) Philip Erdman, Chairperson

**Health and Human Services**

**LEGISLATIVE BILL 90.** Indefinitely postponed.

(Signed) Joel Johnson, Chairperson

**Natural Resources**

**LEGISLATIVE BILL 79.** Placed on General File.

**LEGISLATIVE BILL 161.** Placed on General File.

The Natural Resources 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.

John C. Turnbull - Environmental Quality Council

VOTE: Aye: Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Louden, Wallman. Nay: None. Absent: None.

(Signed) LeRoy Louden, Chairperson

**Urban Affairs**

**LEGISLATIVE BILL 11.** Placed on General File.

**LEGISLATIVE BILL 28.** Placed on General File.

(Signed) Mike Friend, Chairperson

**NOTICE OF COMMITTEE HEARING**  
**Judiciary**  
Room 1113

LB 335 Thursday, January 25, 2007

1:30 p.m.

LB 341 Thursday, January 25, 2007

1:30 p.m.

LB 201	Thursday, January 25, 2007	1:30 p.m.
LB 83	Thursday, January 25, 2007	1:30 p.m.
LB 96	Thursday, January 25, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Mines asked unanimous consent to add his name as cointroducer to LB 35. No objections. So ordered.

Senator Schimek asked unanimous consent to add her name as cointroducer to LB 227. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LBs 258 and 545. No objections. So ordered.

Senators Kruse and Nantkes asked unanimous consent to add their names as cointroducers to LB 536. No objections. So ordered.

### **WITHDRAW - Cointroducer**

Senator McDonald withdrew her name as cointroducer to LB 182.

### **VISITORS**

Visitors to the Chamber were Senator Wightman's granddaughter, Emalie from Omaha; Senator Cornett's husband and daughter, Mark and Cameron Stranglen, from Bellevue; and students and teachers from Cathedral Grade School, Lincoln.

The Doctor of the Day was Dr. Anthony Montegut from Omaha.

### **ADJOURNMENT**

At 11:35 a.m., on a motion by Senator Pirsch, the Legislature adjourned until 11:00 a.m., Friday, January 19, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWELFTH DAY - JANUARY 19, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 19, 2007

**PRAYER**

The prayer was offered by Pastor Brenda Pfeifly, Beautiful Savior Lutheran Church, Palmyra.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Cornett who was excused; and Senator Schimek who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eleventh day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 483	Appropriations (rereferred)
LB 515	Agriculture
LB 581	Natural Resources
LB 582	Revenue
LB 583	Natural Resources
LB 584	Health and Human Services
LB 585	Judiciary
LB 586	Judiciary
LB 587	Appropriations
LB 588	Business and Labor
LB 589	Transportation and Telecommunications
LB 590	Education
LB 591	Urban Affairs
LB 592	Urban Affairs
LB 593	Natural Resources

LB 594	Natural Resources
LB 595	Education
LB 596	Nebraska Retirement Systems
LB 597	Urban Affairs
LB 598	Transportation and Telecommunications
LB 599	Judiciary
LB 600	Education
LB 601	Education
LB 602	Education
LB 603	Education
LB 604	Revenue
LB 605	Revenue
LB 606	Judiciary
LB 607	Urban Affairs
LB 608	Revenue
LB 609	Business and Labor
LB 610	Health and Human Services
LB 611	Nebraska Retirement Systems
LB 612	Nebraska Retirement Systems
LB 613	Nebraska Retirement Systems
LB 614	Education
LB 615	Education
LB 616	Health and Human Services
LB 617	Health and Human Services
LB 618	Judiciary
LB 619	Judiciary
LB 620	Judiciary
LB 621	Transportation and Telecommunications
LB 622	Government, Military and Veterans Affairs
LB 623	Judiciary
LB 624	Judiciary
LB 625	Judiciary
LB 626	Agriculture
LB 627	Revenue
LB 628	Revenue
LB 629	Agriculture
LB 630	Education
LB 631	Health and Human Services
LB 632	Agriculture
LB 633	Agriculture
LB 634	Agriculture
LB 635	Health and Human Services
LB 636	Natural Resources
LB 637	General Affairs
LB 638	General Affairs
LB 639	Judiciary
LB 640	Revenue
LB 641	Education
LB 642	Education

LB 643	Education
LB 644	Education
LB 645	General Affairs
LB 646	Government, Military and Veterans Affairs
LB 647	Banking, Commerce and Insurance
LB 648	Revenue
LB 649	Education
LB 650	Education
LB 651	Education
LB 652	Natural Resources
LB 653	Education
LB 654	Education
LB 655	Education
LB 656	Education
LB 657	Education
LB 658	Education
LB 659	Judiciary
LB 660	Transportation and Telecommunications
LB 661	Transportation and Telecommunications
LB 662	Revenue
LB 663	Transportation and Telecommunications
LB 664	Natural Resources
LB 665	Nebraska Retirement Systems
LB 666	Health and Human Services
LB 667	Transportation and Telecommunications
LB 668	Judiciary
LB 669	Judiciary
LB 670	Health and Human Services
LB 671	Judiciary
LB 672	Judiciary
LB 673	Judiciary
LB 674	Judiciary
LB 675	Health and Human Services
LB 676	Transportation and Telecommunications
LB 677	Natural Resources
LB 678	Education
LB 679	Nebraska Retirement Systems
LB 680	Judiciary
LB 681	Transportation and Telecommunications
LB 682	Judiciary
LB 683	Revenue
LB 684	Revenue
LB 685	Judiciary
LB 686	Government, Military and Veterans Affairs
LB 687	Revenue
LB 688	Revenue
LB 689	General Affairs
LB 690	Natural Resources
LB 691	Education

LB 692	Judiciary
LB 693	Judiciary
LB 694	Government, Military and Veterans Affairs
LB 696	Judiciary
LB 697	Revenue
LB 698	Revenue
LB 699	Health and Human Services
LB 700	Judiciary
LB 701	Natural Resources
LB 702	Education
LB 703	Revenue
LB 704	Natural Resources
LB 705	Natural Resources
LR 10	Health and Human Services
LR 12CA	Education
LR 13	Urban Affairs
LR 14	Government, Military and Veterans Affairs

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

### **COMMITTEE REPORTS** **Enrollment and Review**

**LEGISLATIVE BILL 1.** Placed on Select File.

**LEGISLATIVE BILL 2.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### **MESSAGES FROM THE GOVERNOR**

January 18, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as Director of the Department of Administrative Services:

Carlos Castillo, 5143 Decatur Street, Omaha NE 68104

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 12, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Board of Trustees of the Nebraska State Colleges:

Larry Teahon, 930 Morehead Street, Chadron NE 69337

The following individual is being appointed to the Board of Trustees of the Nebraska State Colleges:

Floyd Vrtiska, 706 Wyoming Street, Table Rock NE 68847

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 12, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as State Fire Marshal:

John E. Falgione, 5820 Wilshire Blvd, Lincoln NE 68505

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 12, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as Director of the Department of Natural Resources:

Ann Bleed, 1315 North 37th Street, Lincoln NE 68503

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 18, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Affirmative Public Policy Solutions  
Millard Business Association  
Omaha Tribe of Nebraska

Anderson, Robert L.  
Agri-Business Association, Nebraska  
Anderson Management Services, Inc.  
Lamson, Dugan and Murray, LLP



- Carmody, Patrick L.  
Land America Financial Group
- DeMay, James  
Citigroup Management Corp.
- Goc, John J.  
Validation Services, Inc
- Johnson, Maurice  
Affirmative Public Policy Solutions
- Licht, Alice L.  
Agri-Business Association, Nebraska  
Anderson Management Services, Inc.  
Auctioneers Association, Nebraska  
Automotive Recycling Industry of Nebraska  
Aviation Trade Association, Nebraska  
Hotel & Motel Association, Inc., Nebraska  
Pest Control Association, Nebraska State
- Licht, Andrew W.  
Anderson Management Services, Inc.
- McClymont, Pete  
Cattlemen, Inc., Nebraska
- Mourad, Greg W.  
National Right to Work Committee
- O'Hara, Lindsay & Associates, Inc.  
Nebraskans Against the Death Penalty
- Seacrest, Kent  
2015 Vision
- Thompson, Ben (Affirmative Public Policy Solutions)  
Affirmative Public Policy Solutions
- Weak, Jeffrey John  
Metro Omaha Theme Park

## REPORTS

The following reports were received by the Legislature:

**Administrative Services, Department of**  
Bonding of State Employees, Officers, and Public Officials Report

**Investment Finance Authority**

2006 Series A, B, C, D, E and F Community Development Loan Notes  
(City of Lincoln Program-2006) Report

Drinking Water State Revolving Fund Revenue Bonds Series 2006 A,  
Quarterly Reports

Single Family Housing Revenue Bonds Series 2006 C and General  
Obligation Bonds Series 2006 G.O.-21 Quarterly Report

Single Family Housing Revenue Bonds Series 2006 D and General  
Obligation Bonds Series 2006 G.O.-22 Quarterly Report

Single Family Housing Revenue Bonds Series 2006 E Quarterly Report

Single Family Housing Revenue Bonds Series 2006 FG Quarterly Report

**Treasurer, State**

State of Nebraska Annual Budgetary Report for the year ended June 30,  
2005

State of Nebraska Comprehensive Annual Financial Report for the year  
ended June 30, 2006

**Roads, Department of**

Board of Public Roads Classifications and Standards Minutes for October  
2006

**COMMUNICATION**

Received communication from the Nebraska Supreme Court regarding the  
January 8, 2007, meeting of the Judicial Resources Commission.

**NOTICE OF COMMITTEE HEARINGS****Banking, Commerce and Insurance**

Room 1507

LB 122	Monday, January 29, 2007	1:30 p.m.
LB 124	Monday, January 29, 2007	1:30 p.m.
LB 125	Monday, January 29, 2007	1:30 p.m.
LB 126	Monday, January 29, 2007	1:30 p.m.
LB 156	Monday, January 29, 2007	1:30 p.m.
LB 127	Tuesday, January 30, 2007	1:30 p.m.
LB 128	Tuesday, January 30, 2007	1:30 p.m.
LB 130	Tuesday, January 30, 2007	1:30 p.m.
LB 149	Tuesday, January 30, 2007	1:30 p.m.
LB 129	Monday, February 5, 2007	1:30 p.m.
LB 380	Monday, February 5, 2007	1:30 p.m.
LB 346	Monday, February 5, 2007	1:30 p.m.
LB 381	Monday, February 5, 2007	1:30 p.m.
LB 136	Tuesday, February 6, 2007	1:30 p.m.
LB 114	Tuesday, February 6, 2007	1:30 p.m.
LB 189	Tuesday, February 6, 2007	1:30 p.m.

LB 116 Tuesday, February 6, 2007 1:30 p.m.

(Signed) Rich Pahls, Chairperson

**Agriculture**  
Room 1524

LB 200 Tuesday, January 30, 2007 1:30 p.m.  
LB 273 Tuesday, January 30, 2007 1:30 p.m.  
LB 108 Tuesday, January 30, 2007 1:30 p.m.  
LB 422 Tuesday, January 30, 2007 1:30 p.m.

(Signed) Philip Erdman, Chairperson

**Judiciary**  
Room 1113

LB 29 Friday, January 26, 2007 1:30 p.m.  
LB 306 Friday, January 26, 2007 1:30 p.m.  
LB 102 Friday, January 26, 2007 1:30 p.m.  
LB 97 Friday, January 26, 2007 1:30 p.m.  
LB 290 Friday, January 26, 2007 1:30 p.m.

(Signed) Brad Ashford, Chairperson

**Revenue**  
Room 1524

LB 106 Friday, January 26, 2007 1:30 p.m.  
LB 537 Friday, January 26, 2007 1:30 p.m.  
LB 403 Friday, January 26, 2007 1:30 p.m.  
LB 22 Friday, January 26, 2007 1:30 p.m.  
LB 364 Friday, January 26, 2007 1:30 p.m.

(Signed) Ray Janssen, Chairperson

**COMMITTEE REPORTS**  
**Natural Resources**

**LEGISLATIVE BILL 80.** Placed on General File - Com AM30.  
AM30

- 1 1. On page 7, line 24; and page 8, lines 4 and 17, strike
- 2 "schools or".

(Signed) LeRoy Louden, Chairperson

**Revenue**

**LEGISLATIVE BILL 94.** Placed on General File.

**LEGISLATIVE BILL 98.** Placed on General File.

**LEGISLATIVE BILL 167.** Placed on General File - Com AM31.  
AM31

- 1 1. Strike original section 9.
- 2 2. On page 13, lines 8 and 9, strike the new matter and
- 3 reinstate the stricken matter.
- 4 3. On page 15, line 8, strike "77-5022,".
- 5 4. Renumber the remaining sections accordingly.

The Revenue 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.

Doug Ewald, State Tax Commissioner

VOTE: Aye: Senators Burling, Dierks, Janssen, Langemeier, Raikes and White. Nay: None. Absent: Senators Cornett and Preister.

(Signed) Ray Janssen, Chairperson

**AMENDMENT - Print in Journal**

Senator Erdman filed the following amendment to LB 25:  
AM29

(Amendments to Standing Committee amendments, AM23)

- 1 1. Insert the following new amendments:
- 2 1. Insert the following new section:
- 3 Sec. 8. Section 71-4406, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-4406 (1) Any animal which is owned by a person and has
- 6 bitten any person or caused an abrasion of the skin of any person
- 7 shall be seized by the rabies control authority for a period of not
- 8 less than ten days if:
- 9 (a) The animal is suspected of having rabies, regardless
- 10 of the species and whether or not the animal has been vaccinated;
- 11 (b) The animal is not vaccinated and is of a species
- 12 determined by the department to be a rabid species; or
- 13 (c) The animal is of a species which has been determined
- 14 by the department to be a rabid species not amenable to rabies
- 15 protection by immunization, whether or not such animal has been
- 16 vaccinated.
- 17 If, after observation and examination by a veterinarian,
- 18 at the end of the ten-day period the animal shows no clinical signs
- 19 of rabies, the animal may be released to its owner.

20 (2)(a) Except as provided in subdivision (b) of this  
 21 subsection, whenever any person has been bitten or has an abrasion  
 22 of the skin caused by an animal owned by another person, which  
 1 animal has been vaccinated in accordance with section 71-4402 and  
 2 section 3 of this act, or if such injury to a person is caused by  
 3 an owned animal determined by the department to be a rabid species  
 4 amenable to rabies protection by immunization which has been  
 5 vaccinated, such animal shall be confined by the owner or other  
 6 responsible person as required by the rabies control authority for  
 7 a period of at least ten days and shall be observed and examined by  
 8 a veterinarian at the end of such ten-day period. If no clinical  
 9 signs of rabies are found by the veterinarian, such animal may be  
 10 released from confinement.

11 (b) A vaccinated animal owned by a law enforcement or  
 12 governmental military agency which bites or causes an abrasion of  
 13 the skin of any person during training or the performance of the  
 14 animal's duties may be confined as provided in subdivision (a) of  
 15 this subsection. Such agency shall maintain ownership of and shall  
 16 control and supervise the actions of such animal for a period of  
 17 fifteen days following such injury. If during such period the death  
 18 of the animal occurs for any reason, a veterinarian shall within  
 19 twenty-four hours of the death examine the tissues of the animal  
 20 for clinical signs of rabies.

21 (3) Any animal of a rabid species which has bitten a  
 22 person or caused an abrasion of the skin of a person and which  
 23 is unowned or the ownership of which cannot be determined within  
 24 seventy-two hours of the time of the bite or abrasion shall be  
 25 immediately subject to any tests which the department believes are  
 26 necessary to determine whether the animal is afflicted with rabies.  
 27 The seventy-two-hour period shall include holidays and weekends  
 1 and shall not be extended for any reason. The tests required by  
 2 this subsection may include tests which require the animal to be  
 3 destroyed.

4 3. On page 7, lines 5 and 11, after "71-4402" insert "and  
 5 section 3 of this act".

6 4. On page 10, line 17, after "71-4405," insert  
 7 "71-4406,".

8 5. Renumber the remaining sections accordingly.

9 2. Renumber the remaining amendment accordingly.

### UNANIMOUS CONSENT - Add Cointroducers

Senator Friend asked unanimous consent to add his name as cointroducer to LB 457 and LR 14. No objections. So ordered.

Senator Preister asked unanimous consent to add his name as cointroducer to LB 496. No objections. So ordered.

Senator Burling asked unanimous consent to add his name as cointroducer to LB 688. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 42 twelfth-grade students and teachers from David City.

The Doctor of the Day was Dr. Sandra Ogata from Omaha.

### **ADJOURNMENT**

At 11:31 a.m., on a motion by Senator Stuthman, the Legislature adjourned until 10:00 a.m., Monday, January 22, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTEENTH DAY - JANUARY 22, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 22, 2007

**PRAYER**

The prayer was offered by Pastor Doyle Karst, St. John's Lutheran Church, Sterling.

**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 Wallman who was excused; and Senator Stuthman who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

**NOTICE OF COMMITTEE HEARINGS****Transportation and Telecommunications**

Room 1113

LB 70	Monday, January 29, 2007	1:30 p.m.
LB 288	Monday, January 29, 2007	1:30 p.m.
LB 307	Monday, January 29, 2007	1:30 p.m.
LB 163	Monday, January 29, 2007	1:30 p.m.
LB 297	Tuesday, January 30, 2007	1:30 p.m.
LB 661	Tuesday, January 30, 2007	1:30 p.m.
LB 660	Tuesday, January 30, 2007	1:30 p.m.
LB 560	Tuesday, January 30, 2007	1:30 p.m.
LB 330	Tuesday, January 30, 2007	1:30 p.m.

(Signed) Deb Fischer, Chairperson

**Education**  
Room 1525

LB 590	Monday, January 29, 2007	1:30 p.m.
LB 600	Monday, January 29, 2007	1:30 p.m.
LB 601	Monday, January 29, 2007	1:30 p.m.
LB 602	Monday, January 29, 2007	1:30 p.m.
LB 603	Monday, January 29, 2007	1:30 p.m.

(Signed) Ron Raikes, Chairperson

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

**LEGISLATIVE BILL 17.** Placed on General File.

**LEGISLATIVE BILL 44.** Placed on General File - Com AM42.  
AM42

1 1. On page 2, line 13, strike "shall" and insert "may".

(Signed) Ray Aguilar, Chairperson

**MOTION - Approve Appointment**

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 313:

Environmental Quality Council  
John C. Turnbull

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Janssen	Schimek
Hudkins	Kruse	Synowiecki



Excused and not voting, 2:

Stuthman      Wallman

The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

### **GENERAL FILE**

**LEGISLATIVE BILL 26.** Title read. Considered.

Advanced to E & R for review with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 21.** Title read. Considered.

Advanced to E & R for review with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 24.** Title read. Considered.

Committee AM4, found on page 254, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 25.** Title read. Considered.

Committee AM23, found on page 313, was considered.

Senator Erdman renewed his amendment, AM29, found on page 324, to the committee amendment.

The Erdman amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 79.** Title read. Considered.

Advanced to E & R for review with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 161.** Title read. Considered.

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

**LEGISLATIVE BILL 11.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 4 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 28.** Title read. Considered.

Advanced to E & R for review with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**NOTICE OF COMMITTEE HEARINGS**  
**Nebraska Retirement Systems**  
 Room 1510

Monday, January 29, 2007

12:15 p.m.

Richard DeFusco - Nebraska Investment Council

John M. Dinkel - Nebraska Investment Council

(Signed) John Synowiecki, Chairperson

**Business and Labor**  
 Room 2102

LB 57	Monday, January 29, 2007	1:30 p.m.
LB 210	Monday, January 29, 2007	1:30 p.m.
LB 472	Monday, January 29, 2007	1:30 p.m.
LB 543	Monday, January 29, 2007	1:30 p.m.

(Signed) Abbie Cornett, Chairperson

**General Affairs**  
 Room 1510

LB 441	Monday, January 29, 2007	1:30 p.m.
LB 549	Monday, January 29, 2007	1:30 p.m.
LB 645	Monday, January 29, 2007	1:30 p.m.

(Signed) Vickie McDonald, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 16.** Introduced by Stuthman, 22.

WHEREAS, the Humphrey St. Francis High School Girls' Track and Field Team has displayed remarkable ability and teamwork; and

WHEREAS, the Humphrey St. Francis High School Girls' Track and Field Team achieved remarkable success this season; and

WHEREAS, the Humphrey St. Francis High School Girls' Track and Field Team won the 2006 Class D Girls' State Track and Field Championship.

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

1. That the Humphrey St. Francis High School Girls' Track and Field Team be congratulated for its success.

2. That a copy of this resolution be sent to the Humphrey St. Francis High School and Coach Dean Korus.

Laid over.

**LEGISLATIVE RESOLUTION 17.** Introduced by Stuthman, 22.

WHEREAS, the Columbus Scotus Central Catholic High School Girls' Volleyball Team has displayed remarkable ability and teamwork; and

WHEREAS, the Columbus Scotus Central Catholic High School Girls' Volleyball Team achieved a record of 26 wins and 3 losses; and

WHEREAS, the Columbus Scotus Central Catholic High School Girls' Volleyball Team defeated Grand Island Central Catholic 25-16, 25-22, and 25-19 to win the 2006 Class C-1 Girls' State Volleyball Championship.

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

1. That the Columbus Scotus Central Catholic High School Girls' Volleyball Team be congratulated for its success.

2. That a copy of this resolution be sent to the Columbus Scotus Central Catholic High School and Coach John Petersen.

Laid over.

**LEGISLATIVE RESOLUTION 18.** Introduced by Stuthman, 22.

WHEREAS, the Columbus Lakeview High School Girls' Softball Team has displayed remarkable ability and teamwork; and

WHEREAS, the Columbus Lakeview High School Girls' Softball Team achieved a record of 24 wins and 4 losses; and

WHEREAS, the Columbus Lakeview High School Girls' Softball Team defeated Yutan-Mead to win the 2006 Class C Girls' State Softball Championship.

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

1. That the Columbus Lakeview High School Girls' Softball Team be congratulated for its success.

2. That a copy of this resolution be sent to the Columbus Lakeview High School and Coach Dave Prokesh.

Laid over.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Fischer asked unanimous consent to add her name as cointroducer to LBs 6, 176, and 700. No objections. So ordered.

Senator Heidemann asked unanimous consent to add his name as cointroducer to LBs 284 and 549. No objections. So ordered.

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB 352. No objections. So ordered.

Senator Nantkes asked unanimous consent to add her name as cointroducer to LB 425. No objections. So ordered.

Senator Pahls asked unanimous consent to add his name as cointroducer to LB 482. No objections. So ordered.

Senator Ashford asked unanimous consent to add his name as cointroducer to LB 621. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Engel's granddaughter, Anna Holmquist, from Lincoln; and Angie McLean from Norfolk.

The Doctor of the Day was Dr. Andrea VerMaas from Omaha.

### **ADJOURNMENT**

At 11:20 a.m., on a motion by Senator Lathrop, the Legislature adjourned until 10:00 a.m., Tuesday, January 23, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**FOURTEENTH DAY - JANUARY 23, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 23, 2007

**PRAYER**

The prayer was offered by Senator Wightman.

**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 Senators Heidemann and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirteenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 629	Natural Resources (rereferred)
LB 695	Judiciary

Bleed, Ann - Department of Natural Resources - Natural Resources

Castillo, Carlos - Department of Administrative Services - Government, Military and Veterans Affairs

Falgione, John E. - State Fire Marshal - Government, Military and Veterans Affairs

Teahon, Larry - Board of Trustees of the Nebraska State Colleges - Education

Vrtiska, Floyd - Board of Trustees of the Nebraska State Colleges - Education

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

**NOTICE OF COMMITTEE HEARINGS**

**Education**  
Room 1525

LB 66	Tuesday, January 30, 2007	1:30 p.m.
LB 72	Tuesday, January 30, 2007	1:30 p.m.
LB 73	Tuesday, January 30, 2007	1:30 p.m.
LB 205	Tuesday, January 30, 2007	1:30 p.m.
LB 490	Tuesday, January 30, 2007	1:30 p.m.
LB 563	Tuesday, January 30, 2007	1:30 p.m.
LB 440	Monday, February 5, 2007	1:30 p.m.
LB 547	Monday, February 5, 2007	1:30 p.m.
LB 641	Monday, February 5, 2007	1:30 p.m.
LB 91	Tuesday, February 6, 2007	1:30 p.m.
LB 473	Tuesday, February 6, 2007	1:30 p.m.
LB 558	Tuesday, February 6, 2007	1:30 p.m.
LB 642	Tuesday, February 6, 2007	1:30 p.m.
LB 153	Monday, February 12, 2007	1:30 p.m.
LB 219	Monday, February 12, 2007	1:30 p.m.
LB 230	Monday, February 12, 2007	1:30 p.m.
LB 524	Monday, February 12, 2007	1:30 p.m.
LB 630	Monday, February 12, 2007	1:30 p.m.
LB 678	Monday, February 12, 2007	1:30 p.m.
LB 139	Tuesday, February 13, 2007	1:30 p.m.
LB 316	Tuesday, February 13, 2007	1:30 p.m.
LB 506	Tuesday, February 13, 2007	1:30 p.m.
LB 702	Tuesday, February 13, 2007	1:30 p.m.
Tuesday, February 13, 2007		1:30 p.m.
Tom Baker - Board of Educational Lands and Funds		
LB 30	Tuesday, February 20, 2007	1:30 p.m.
LB 234	Tuesday, February 20, 2007	1:30 p.m.
LB 357	Tuesday, February 20, 2007	1:30 p.m.
LB 658	Tuesday, February 20, 2007	1:30 p.m.
LB 521	Monday, February 26, 2007	1:30 p.m.
LB 643	Monday, February 26, 2007	1:30 p.m.
LB 644	Monday, February 26, 2007	1:30 p.m.
LB 649	Monday, February 26, 2007	1:30 p.m.
LB 691	Monday, February 26, 2007	1:30 p.m.

LB 455	Tuesday, February 27, 2007	1:30 p.m.
LB 492	Tuesday, February 27, 2007	1:30 p.m.
LB 498	Tuesday, February 27, 2007	1:30 p.m.
LB 595	Tuesday, February 27, 2007	1:30 p.m.
LB 614	Tuesday, February 27, 2007	1:30 p.m.
LB 655	Tuesday, February 27, 2007	1:30 p.m.
LB 193	Monday, March 5, 2007	1:30 p.m.
LB 353	Monday, March 5, 2007	1:30 p.m.
LB 529	Monday, March 5, 2007	1:30 p.m.
LB 615	Monday, March 5, 2007	1:30 p.m.
LB 653	Monday, March 5, 2007	1:30 p.m.
LB 520	Tuesday, March 6, 2007	1:30 p.m.
LB 650	Tuesday, March 6, 2007	1:30 p.m.
LB 651	Tuesday, March 6, 2007	1:30 p.m.
LB 654	Tuesday, March 6, 2007	1:30 p.m.
LR 12CA	Tuesday, March 6, 2007	1:30 p.m.
LB 375	Monday, March 12, 2007	1:30 p.m.
LB 393	Monday, March 12, 2007	1:30 p.m.
LB 509	Monday, March 12, 2007	1:30 p.m.
LB 656	Monday, March 12, 2007	1:30 p.m.
LB 657	Monday, March 12, 2007	1:30 p.m.
Monday, March 12, 2007		1:30 p.m.
Gary Bieganski - Board of Trustees of the Nebraska State Colleges		

(Signed) Ron Raikes, Chairperson

**Executive Board**

Room 2102

LB 34	Thursday, February 1, 2007	12:00 p.m.
LB 402	Thursday, February 1, 2007	12:00 p.m.

(Signed) L. Patrick Engel, Chairperson

**Revenue**

Room 1524

LB 331	Wednesday, January 31, 2007	1:30 p.m.
LB 325	Wednesday, January 31, 2007	1:30 p.m.
LB 338	Wednesday, January 31, 2007	1:30 p.m.
LB 436	Wednesday, January 31, 2007	1:30 p.m.
LB 10	Wednesday, January 31, 2007	1:30 p.m.
LB 282	Wednesday, January 31, 2007	1:30 p.m.

LB 334	Thursday, February 1, 2007	1:30 p.m.
LB 366	Thursday, February 1, 2007	1:30 p.m.
LB 430	Thursday, February 1, 2007	1:30 p.m.
LB 453	Thursday, February 1, 2007	1:30 p.m.
LB 684	Thursday, February 1, 2007	1:30 p.m.
LB 510	Thursday, February 1, 2007	1:30 p.m.
LB 511	Thursday, February 1, 2007	1:30 p.m.
LB 367	Friday, February 2, 2007	1:30 p.m.
LB 608	Friday, February 2, 2007	1:30 p.m.
LB 340	Friday, February 2, 2007	1:30 p.m.
LB 487	Friday, February 2, 2007	1:30 p.m.
LB 173	Friday, February 2, 2007	1:30 p.m.
LB 442	Wednesday, February 7, 2007	2:30 p.m.
LB 158	Wednesday, February 7, 2007	2:30 p.m.
LB 159	Wednesday, February 7, 2007	2:30 p.m.
LB 423	Wednesday, February 7, 2007	2:30 p.m.
LB 488	Thursday, February 8, 2007	1:30 p.m.
LB 648	Thursday, February 8, 2007	1:30 p.m.
LB 512	Thursday, February 8, 2007	1:30 p.m.
LB 514	Thursday, February 8, 2007	1:30 p.m.
LB 531	Thursday, February 8, 2007	1:30 p.m.
LB 343	Thursday, February 8, 2007	1:30 p.m.
LB 356	Wednesday, February 14, 2007	1:30 p.m.
LB 484	Wednesday, February 14, 2007	1:30 p.m.
LB 519	Wednesday, February 14, 2007	1:30 p.m.
LB 294	Wednesday, February 14, 2007	1:30 p.m.
LB 332	Wednesday, February 14, 2007	1:30 p.m.
LB 278	Thursday, February 15, 2007	1:30 p.m.
LB 443	Thursday, February 15, 2007	1:30 p.m.
LB 565	Thursday, February 15, 2007	1:30 p.m.
LB 697	Thursday, February 15, 2007	1:30 p.m.
LB 551	Thursday, February 15, 2007	1:30 p.m.
LB 235	Thursday, February 15, 2007	1:30 p.m.
LB 454	Wednesday, February 21, 2007	2:30 p.m.
LB 687	Wednesday, February 21, 2007	2:30 p.m.
LB 698	Wednesday, February 21, 2007	2:30 p.m.
LB 272	Thursday, February 22, 2007	1:30 p.m.
LB 362	Thursday, February 22, 2007	1:30 p.m.
LB 409	Thursday, February 22, 2007	1:30 p.m.
LB 569	Thursday, February 22, 2007	1:30 p.m.
LB 628	Thursday, February 22, 2007	1:30 p.m.
LB 485	Thursday, February 22, 2007	1:30 p.m.



LB 32	Friday, February 23, 2007	1:30 p.m.
LB 429	Friday, February 23, 2007	1:30 p.m.
LB 575	Friday, February 23, 2007	1:30 p.m.
LB 494	Friday, February 23, 2007	1:30 p.m.
LB 582	Friday, February 23, 2007	1:30 p.m.
LB 502	Wednesday, February 28, 2007	2:30 p.m.
LB 501	Wednesday, February 28, 2007	2:30 p.m.
LB 662	Wednesday, February 28, 2007	2:30 p.m.
LB 507	Wednesday, February 28, 2007	2:30 p.m.
LB 169	Thursday, March 1, 2007	1:30 p.m.
LB 183	Thursday, March 1, 2007	1:30 p.m.
LB 354	Thursday, March 1, 2007	1:30 p.m.
LB 416	Thursday, March 1, 2007	1:30 p.m.
LB 496	Thursday, March 1, 2007	1:30 p.m.
LB 170	Wednesday, March 7, 2007	2:30 p.m.
LB 604	Wednesday, March 7, 2007	2:30 p.m.
LB 605	Wednesday, March 7, 2007	2:30 p.m.
LB 640	Wednesday, March 7, 2007	2:30 p.m.
LB 355	Thursday, March 8, 2007	1:30 p.m.
LB 627	Thursday, March 8, 2007	1:30 p.m.
LB 688	Thursday, March 8, 2007	1:30 p.m.
LB 703	Thursday, March 8, 2007	1:30 p.m.
LB 431	Friday, March 9, 2007	1:30 p.m.
LB 557	Friday, March 9, 2007	1:30 p.m.
LB 683	Friday, March 9, 2007	1:30 p.m.

(Signed) Ray Janssen, Chairperson

**Agriculture**  
Room 1524

LB 516	Tuesday, February 6, 2007	1:30 p.m.
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(Signed) Philip Erdman, Chairperson

**COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 115.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**Revenue**

**LEGISLATIVE BILL 166.** Placed on General File - Com AM45.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ray Janssen, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 186.** Placed on General File - Com AM57.  
AM57

- 1 1. On page 10, strike line 24 and insert "thousand
- 2 dollars.".

(Signed) Rich Pahls, Chairperson

**COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 26.** Placed on Select File.  
**LEGISLATIVE BILL 21.** Placed on Select File.  
**LEGISLATIVE BILL 24.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 19.** Introduced by Fischer, 43.

WHEREAS, Ryan Gass, a student at Valentine High School, has attained the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, for his Eagle Scout service project, Ryan rebuilt the base of the flagpole that had been damaged by lightning on the football field of Valentine High School and painted the bell that is rung to celebrate touchdowns by the football team. The bell is also rung on Independence Day for the "Ringing of the Bell Ceremony" sponsored by the American Legion and Auxiliary; and

WHEREAS, in order to accomplish this service project, Ryan sought donations from and the cooperation of local businesses and volunteers; and

WHEREAS, Ryan has worked many hours on other service projects and earned at least twenty-one merit badges over the years to achieve this highest honor of the Boy Scouts of America.

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

1. That Ryan Gass be congratulated for this exemplary achievement of earning the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ryan Gass.

Laid over.

### **MOTION - Approve Appointment**

Senator Janssen moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 324:

State Tax Commissioner  
Doug Ewald

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 6:

Aguilar	Hansen	Preister
Chambers	Karpisek	Synowiecki

Excused and not voting, 1:

Heidemann

The appointment was confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

### **GENERAL FILE**

**LEGISLATIVE BILL 80.** Title read. Considered.

Committee AM30, found on page 323, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 42 ayes, 0 nays, and 7 present and not voting.

**LEGISLATIVE BILL 94.** Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, and 12 present and not voting.

**LEGISLATIVE BILL 98.** Title read. Considered.

Advanced to E & R for review with 45 ayes, 0 nays, and 4 present and not voting.

**LEGISLATIVE BILL 167.** Title read. Considered.

Committee AM31, found on page 324, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Senator Janssen offered the following amendment:

AM67

- 1 1. Insert the following new section:
- 2 Sec. 14. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The Janssen amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 17.** Title read. Considered.

Senator Langemeier offered the following amendment:

AM71

- 1 1. On page 4, line 19, reinstate the stricken "(5)
- 2 Notwithstanding", after the stricken "through" insert "subsection",
- 3 and reinstate the stricken "(4) of this"; in line 20 reinstate
- 4 the stricken matter and after the reinstated "upon" insert
- 5 "the effective date of this act"; reinstate the stricken matter
- 6 beginning with "shall" in line 21 through "(6)" in line 23; and in
- 7 line 23 strike the new matter.

Senator Dubas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 6 nays, and 11 not voting.

Senator Chambers requested a roll call vote on the Langemeier amendment.

The Langemeier amendment was adopted with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

Pending.

**MOTION - Print in Journal**

Senator Ashford filed the following motion to LB 215:  
Withdraw LB 215.

**COMMITTEE REPORTS**  
**Education**

**LEGISLATIVE BILL 95.** Placed on General File.

**LEGISLATIVE BILL 150.** Placed on General File.

(Signed) Ron Raikes, Chairperson

**General Affairs**

**LEGISLATIVE BILL 64.** Placed on General File.

(Signed) Vickie McDonald, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

**Education**  
Room 1525

Tuesday, February 13, 2007 1:30 p.m.  
Richard B. Uhing - Coordinating Commission for Postsecondary Education

(Signed) Ron Raikes, Chairperson

**Nebraska Retirement Systems**  
Room 1525

LB 328	Thursday, February 1, 2007	12:15 p.m.
LB 329	Thursday, February 1, 2007	12:15 p.m.
LB 665	Thursday, February 1, 2007	12:15 p.m.
LB 370	Monday, February 5, 2007	12:15 p.m.
LB 371	Monday, February 5, 2007	12:15 p.m.
LB 372	Monday, February 5, 2007	12:15 p.m.
LB 468	Monday, February 12, 2007	12:15 p.m.
LB 612	Monday, February 12, 2007	12:15 p.m.
LB 613	Monday, February 12, 2007	12:15 p.m.
LB 303	Wednesday, February 14, 2007	12:15 p.m.
LB 324	Wednesday, February 14, 2007	12:15 p.m.
LB 611	Wednesday, February 14, 2007	12:15 p.m.

LB 499	Tuesday, February 20, 2007	12:15 p.m.
LB 508	Tuesday, February 20, 2007	12:15 p.m.
LB 596	Tuesday, February 20, 2007	12:15 p.m.
LB 365	Tuesday, February 27, 2007	12:15 p.m.
LB 679	Tuesday, February 27, 2007	12:15 p.m.

(Signed) John Synowiecki, Chairperson

**Urban Affairs**  
Room 1510

LB 309	Tuesday, January 30, 2007	1:30 p.m.
LB 347	Tuesday, January 30, 2007	1:30 p.m.
LB 517	Tuesday, January 30, 2007	1:30 p.m.
LR 6CA	Tuesday, January 30, 2007	1:30 p.m.

(Signed) Mike Friend, Chairperson

**AMENDMENT - Print in Journal**

Senator Preister filed the following amendment to LB 581:  
AM53

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Legislature finds that it is in the public
- 4 interest to:
- 5 (1) Encourage private investment in renewable energy
- 6 resources;
- 7 (2) Stimulate the economic growth of this state; and
- 8 (3) Enhance the continued diversification of the energy
- 9 resources used in this state.
- 10 Sec. 2. For purposes of sections 1 to 7 of this act:
- 11 (1) Customer-generator means an end-use electricity
- 12 customer that generates electricity on the customer's side of the
- 13 meter from a qualified facility;
- 14 (2) Electric supplier means any public power district,
- 15 electric cooperative, or municipal electric utility that is engaged
- 16 in the business of supplying electric energy to the ultimate
- 17 consumer thereof;
- 18 (3) Local distribution system means the equipment and
- 19 facilities used for the distribution of electric energy to the
- 20 ultimate consumer thereof, whether or not such system is owned or
- 21 operated by the electrical supplier;
- 22 (4) Local distribution utility means the owner or
- 23 operator of the local distribution system;
- 1 (5) Net metering means a system of metering electricity
- 2 in which an electric supplier;
- 3 (a) Credits a customer-generator at the full retail rate

4 for each kilowatt-hour from a qualified facility up to the total  
5 amount of electricity used by the customer-generator during an  
6 annualized period; and  
7 (b) Compensates the customer-generator at the end of the  
8 annualized period for any remaining credits, at a rate equal to the  
9 electric supplier's average hourly incremental cost of electricity  
10 supply over the most recent calendar year; and  
11 (6) Qualified facility means a facility for the  
12 production of electrical energy that:  
13 (a) Uses as its fuel either wind, solar, biomass, or  
14 hydropower resources;  
15 (b) Is located on the premises owned, operated, leased,  
16 or otherwise controlled by the customer-generator;  
17 (c) Connects with and operates in parallel with the local  
18 distribution system; and  
19 (d) Is intended primarily to offset part or all of the  
20 customer-generator's requirements for electricity through the use  
21 of net metering.  
22 Sec. 3. (1) All electric suppliers shall allow  
23 the customer-generator's retail electricity consumption to be  
24 offset by a qualified facility that is interconnected with the  
25 local distribution system. If the electricity generated by the  
26 customer-generator exceeds the customer-generator's consumption,  
27 the excess kilowatt-hours shall be carried forward from month  
1 to month and credited at a ratio of one to one against the  
2 customer-generator's retail kilowatt-hour consumption in subsequent  
3 months. Within sixty days after the end of each calendar year, or  
4 within sixty days after the date the customer-generator terminates  
5 its retail service, the electric supplier shall compensate the  
6 customer-generator for any accrued excess kilowatt-hour credits  
7 at the electric supplier's average hourly incremental cost of  
8 electricity supply over the most recent calendar year.  
9 (2) An electric supplier shall provide net-metering  
10 service at nondiscriminatory rates to customers with a qualified  
11 facility. A customer-generator shall not be required to change  
12 the rate under which he, she, or it received retail service in  
13 order for the customer-generator to install a qualified facility.  
14 A customer-generator may be charged a minimum monthly fee that is  
15 the same as other non-customer-generators in the same rate class  
16 but shall not be charged any additional standby, capacity, demand,  
17 interconnection, or other fee or charge.  
18 (3) An electric supplier shall not be required to provide  
19 local distribution service to additional customer-generators after  
20 the date during any calendar year on which the total generating  
21 capacity of all customer-generators with qualified facilities  
22 served by the local distribution utility is equal to or in excess  
23 of two percent of the capacity necessary to meet the electric  
24 supplier's average forecast aggregate customer peak demand for that  
25 calendar year.

26 Sec. 4. (1) An electric supplier shall offer to make  
27 available to each customer-generator that has installed a qualified  
1 facility metering equipment that can measure the flow of electric  
2 energy in both directions. The electric supplier shall utilize a  
3 single bi-directional meter with a single register that displays  
4 this net reading for billing purposes. The electric supplier may  
5 choose to meter additional information within this meter if the net  
6 reading can be easily and clearly read by the customer-generator.

7 (2) If the customer-generator's existing meter does not  
8 meet these requirements, the electric supplier shall install and  
9 maintain a single bi-directional meter for the customer-generator  
10 at the electric supplier's expense. Any subsequent revenue meter  
11 change necessitated by the customer-generator shall be paid for by  
12 the customer-generator.

13 (3) The electric supplier shall not require more than one  
14 meter per customer to comply with this section.

15 Sec. 5. (1) A qualified facility installed by a  
16 customer-generator shall meet all applicable safety and performance  
17 standards established in this section.

18 (2) Within ninety days after the effective date of  
19 this act, each electric supplier shall establish interconnection  
20 standards for the physical connection between local distribution  
21 systems and qualified facilities. Such standards shall not be  
22 unreasonably burdensome and shall be designed to encourage the use  
23 of qualified facilities and to insure the safety and reliability  
24 of such qualified facilities and the local distribution systems  
25 interconnected with such qualified facilities.

26 (3) The standards under this section shall establish  
27 measures for the safety and reliability of the affected equipment  
1 and local distribution systems as may be appropriate. Such  
2 standards shall:

3 (a) Be consistent with all applicable safety and  
4 performance standards established by the National Electrical Code,  
5 the Institute of Electrical and Electronics Engineers, Underwriters  
6 Laboratories, or the American National Standards Institute;

7 (b) Ensure that qualified facilities will automatically  
8 isolate themselves from the electrical system in the event of an  
9 electrical power outage; and

10 (c) Permit the owner or operator of the local  
11 distribution system to interrupt or reduce deliveries of available  
12 energy from the qualified facilities to the system when necessary  
13 in order to construct, install, maintain, repair, replace, remove,  
14 investigate, or inspect any of its equipment or part of its system  
15 if the local distribution system determines that curtailment,  
16 interruption, or reduction is necessary because of emergencies,  
17 forced outages, acts of nature, or compliance with prudent  
18 electrical practices.

19 (4) No electric supplier may require a customer-generator  
20 whose qualified facility meets the standards in this section to:



- 21 (a) Comply with additional safety or performance  
22 standards or pay additional charges for equipment or services for  
23 interconnection that are additional to those necessary to meet the  
24 standards established in this section;  
25 (b) Perform or pay for additional tests; or  
26 (c) Purchase additional liability insurance.  
27 Sec. 6. A customer-generator that is eligible for  
1 net metering owns the renewable and environmental attributes of  
2 the electricity it generates, unless there is a contract with  
3 an express provision that assigns ownership of those renewable  
4 and environmental attributes. A customer-generator shall not be  
5 required to assign renewable and environmental attributes of the  
6 electricity it generates in order to receive net metering or  
7 interconnection.  
8 Sec. 7. Beginning March 1, 2009, and each March 1  
9 thereafter, each electric supplier shall produce an annual net  
10 metering report to be published on the electric supplier's web site  
11 that shall include the following information:  
12 (1) The total number of qualified facilities;  
13 (2) The total estimated rated generating capacity of  
14 qualified facilities;  
15 (3) The total estimated net kilowatt-hours received from  
16 customer-generators; and  
17 (4) The total estimated amount of energy produced by the  
18 customer-generators.  
19 Sec. 8. Section 70-1012, Reissue Revised Statutes of  
20 Nebraska, is amended to read:  
21 70-1012 Before any electric generation facilities or any  
22 transmission lines or related facilities carrying more than seven  
23 hundred volts are constructed or acquired by any supplier, an  
24 application, filed with the board and containing such information  
25 as the board shall prescribe, shall be approved by the board,  
26 except that such approval shall not be required (1) for the  
27 construction or acquisition of a transmission line extension or  
1 related facilities within a supplier's own service area or for the  
2 construction or acquisition of a line not exceeding one-half mile  
3 outside its own service area when all owners of electric lines  
4 located within one-half mile of the extension consent thereto in  
5 writing and such consents are filed with the board, (2) for any  
6 generation facility when the board finds that: (a) Such facility is  
7 being constructed or acquired to replace a generating plant owned  
8 by an individual municipality or registered group of municipalities  
9 with a capacity not greater than that of the plant being replaced,  
10 (b) such facility will generate less than twenty-five thousand  
11 kilowatts of electric energy at rated capacity, and (c) the  
12 applicant will not use the plant or transmission capacity to supply  
13 wholesale power to customers outside the applicant's existing  
14 retail service area or chartered territory, or (3) for acquisition  
15 of transmission lines or related facilities, within the state,

16 carrying one hundred fifteen thousand volts or less, if the current  
 17 owner of the transmission lines or related facilities notifies the  
 18 board of the lines or facilities involved in the transaction and  
 19 the parties to the transaction or (4) for the construction of a  
 20 qualified facility as defined in section 2 of this act.

21 Sec. 9. If any section in this act or any part of any  
 22 section is declared invalid or unconstitutional, the declaration  
 23 shall not affect the validity or constitutionality of the remaining  
 24 portions.

25 Sec. 10. Original section 70-1012, Reissue Revised  
 26 Statutes of Nebraska, is repealed.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 20.** Introduced by Flood, 19; Dierks, 40;  
 McDonald, 41; Rogert, 16; Stuthman, 22.

WHEREAS, northeast Nebraska was paralyzed by a damaging ice storm  
 that began on December 30, 2006; and

WHEREAS, the dangerous winter storm lasted three days and made travel  
 impossible, destroyed approximately 1,000 power poles, and knocked out  
 power to over 4,000 homes in the counties of Madison, Pierce, and Antelope  
 and portions of the counties of Holt, Boone, Stanton, Wheeler, and Platte;  
 and

WHEREAS, the ice storm is considered one of the most destructive winter  
 storms in Nebraska history; and

WHEREAS, the professional and hard working staff of Elkhorn Rural  
 Public Power worked night and day through the New Year's Day holiday  
 weekend to restore power to thousands of Nebraskans; and

WHEREAS, the efforts of the utility linemen of Elkhorn Rural Public  
 Power during this winter weather crisis illustrate the very spirit of Nebraska.

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

1. That the Elkhorn Rural Public Power District be recognized for the  
 excellent public power service provided to northeast Nebraska

2. That a copy of this resolution be sent to the Elkhorn Rural Public Power  
 District.

Laid over.

**LEGISLATIVE RESOLUTION 21.** Introduced by Flood, 19.

WHEREAS, the NEBRASKAland Foundation will present the  
 Distinguished Nebraskalander Award, along with the Wagonmaster,  
 Trailblazer, and Pioneer Awards, at the annual Statehood Day Dinner to be  
 held in the State Capitol on Saturday, March 3, 2007; and

WHEREAS, the Wagonmaster Award will be presented to The Honorable  
 Bill Barrett. Mr. Barrett, of Lexington, has a distinguished record of public

service. He served as Chairman of the Nebraska Republican Party, was a member of the Legislature from 1979 to 1990, including service as Speaker of the Legislature, and was a five-term United States Representative, representing the third congressional district; and

WHEREAS, the Pioneer Award will be presented to Ms. Carol Cope. Ms. Cope's commitment to the arts has been a lifelong endeavor. Her generosity has brought many improvements to the University of Nebraska at Kearney, the Merriman's Performing Arts Center, and many other entities. She has been the recipient of many awards, including the Sertoma Service to Mankind, the Nebraska Philanthropist of the Year, and the 2005 Governor's Art Award. She also has served on numerous boards; and

WHEREAS, the Pioneer Award will also be presented to Mr. Ken Morrison. Mr. Morrison, of Hastings, is the founder and managing partner of Morrison Enterprises. His company has agricultural operations in the United States, Canada, Central and South America, and Malaysia and includes livestock, frozen food processing, shrimp farming, and soybean production; and

WHEREAS, the Trailblazer Award will be presented to Mr. Bill Smith. Mr. Smith, of Lincoln, is the owner of Speedway Motors, the world's largest maker and distributor of auto products for the racing and street rod world, and the Museum of American Speed, the world's largest vintage collection of exotic racing engines and speed equipment. He has been inducted into eight industry halls of fame; and

WHEREAS, the Distinguished NEBRASKAlander Award is presented to Carl (Ky) and Jane Rohman. Carl (Ky) and Jane Rohman, of Lincoln, are active supporters of the arts statewide, including the Museum of Nebraska Art in Kearney, the Sheldon Art Gallery in Lincoln, the Meadowlark Music Festival in Lincoln, and many Brownville, Nebraska, projects.

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

1. That the Legislature extends its appreciation to the honorees for their service to the State of Nebraska.
2. That a copy of this resolution be given to each honoree.

Laid over.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator White asked unanimous consent to add his name as cointroducer to LB 173. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LBs 264 and 700. No objections. So ordered.

Senator Burling asked unanimous consent to add his name as cointroducer to LB 308. No objections. So ordered.

Senator Stuthman asked unanimous consent to add his name as cointroducer to LBs 341 and 700. No objections. So ordered.

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB 428. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Harms withdrew his name as cointroducer to LB 182.

**MOTION - Print in Journal**

Senator Chambers filed the following motion to LB 17:  
Reconsider vote on amendment, AM71.

**VISITOR**

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

**ADJOURNMENT**

At 12:02 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Wednesday, January 24, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTEENTH DAY - JANUARY 24, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 24, 2007

**PRAYER**

The prayer was offered by Pastor Paul Coen, Luther Memorial Church, Syracuse.

**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 Janssen who was excused; and Senators Dierks, Dubas, Kruse, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 25.** Placed on Select File - ER8000.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 79.** Placed on Select File.

**LEGISLATIVE BILL 161.** Placed on Select File.

**LEGISLATIVE BILL 11.** Placed on Select File.

**LEGISLATIVE BILL 28.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARINGS****Executive Board**

Room 2102

LR 1CA	Thursday, February 8, 2007	12:00 p.m.
LR 7CA	Thursday, February 8, 2007	12:00 p.m.
LR 3CA	Thursday, February 8, 2007	12:00 p.m.

(Signed) L. Patrick Engel, Chairperson

**Health and Human Services**

Room 1510

LB 144	Wednesday, January 31, 2007	1:30 p.m.
LB 194	Wednesday, January 31, 2007	1:30 p.m.
LB 427	Wednesday, January 31, 2007	1:30 p.m.
LB 463	Wednesday, January 31, 2007	1:30 p.m.
LB 538	Wednesday, January 31, 2007	1:30 p.m.
LB 48	Thursday, February 1, 2007	1:30 p.m.
LB 385	Thursday, February 1, 2007	1:30 p.m.
LB 395	Thursday, February 1, 2007	1:30 p.m.
LB 584	Thursday, February 1, 2007	1:30 p.m.
LB 410	Friday, February 2, 2007	1:30 p.m.
LB 411	Friday, February 2, 2007	1:30 p.m.
LB 461	Friday, February 2, 2007	1:30 p.m.

(Signed) Joel Johnson, Chairperson

**Judiciary**

Room 1113

LB 476	Wednesday, January 31, 2007	1:30 p.m.
LB 470	Wednesday, January 31, 2007	1:30 p.m.
LB 465	Wednesday, January 31, 2007	1:30 p.m.
LB 674	Wednesday, January 31, 2007	1:30 p.m.
LB 215	Wednesday, January 31, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

**COMMITTEE REPORTS****Banking, Commerce and Insurance****LEGISLATIVE BILL 63.** Placed on General File.

(Signed) Rich Pahls, Chairperson

## Agriculture

**LEGISLATIVE BILL 74.** Placed on General File.

**LEGISLATIVE BILL 111.** Placed on General File.

**LEGISLATIVE BILL 110.** Placed on General File - Com AM78.  
AM78

- 1 1. Insert the following new section:
- 2 Sec. 21. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 3, line 22, strike "shall" and insert "may".

(Signed) Philip Erdman, Chairperson

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 534	Natural Resources (rereferred)

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

## RESOLUTION

**LEGISLATIVE RESOLUTION 22.** Introduced by Burling, 33.

WHEREAS, Ethan Larsen has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Ethan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and to complete a community service project approved by the troop and the scout council, and

WHEREAS, only four percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, on Sunday, January 27, 2007, Ethan Larsen will receive the rank of Eagle Scout, and through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

## SESSION:

1. That the Legislature congratulates Ethan Larsen on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ethan Larsen.

Laid over.

**WITHDRAW - Motion to LB 215**

Senator Ashford withdrew his motion, found on page 341, to withdraw LB 215.

**SELECT FILE**

**LEGISLATIVE BILL 1.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 2.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 26.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 21.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 24.** Advanced to E & R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 17.** Senator Chambers renewed his motion, found on page 348, to reconsider the vote on amendment, AM71.

Senator Chambers moved for a call of the house. The motion prevailed with 36 ayes, 1 nay, and 12 not voting.

The Chambers motion to reconsider failed with 19 ayes, 23 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

Indefinitely postpone LB 17.

Laid over.

**LEGISLATIVE BILL 44.** Title read. Considered.

Committee AM42, found on page 328, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 115.** Title read. Considered.



Advanced to E & R for review with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 186.** Title read. Considered.

Committee AM57, found on page 338, was considered.

Senator Langemeier offered the following amendment to the committee amendment:

AM66

(Amendments to Standing Committee amendments, AM57)

- 1 1. Insert the following new amendments:
- 2 1. Insert the following new sections:
- 3 Sec. 7. Section 76-2219, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 76-2219 Valuation assignment means (a) an appraisal that
- 6 estimates the value of identified real estate or identified real
- 7 property at a particular point in time or (b) a valuation service
- 8 provided as a consequence of an agreement between a real property
- 9 appraiser and a client.
- 10 Sec. 8. Section 76-2223, Revised Statutes Cumulative
- 11 Supplement, 2006, is amended to read:
- 12 76-2223 The board shall administer and enforce the Real
- 13 Property Appraiser Act and may:
- 14 (1) Receive applications for credentialing under the act,
- 15 process such applications and regulate the issuance of credentials
- 16 to qualified applicants, and maintain a directory of the names and
- 17 addresses of persons who receive credentials under the act;
- 18 (2) Hold meetings, public hearings, informal conferences,
- 19 and administrative hearings, prepare or cause to be prepared
- 20 specifications for all appraiser classifications, solicit bids and
- 21 enter into contracts with one or more educational testing services
- 22 or organizations for the preparation of a bank of questions and
- 1 answers for examinations, and administer or contract for the
- 2 administration of examinations in such places and at such times as
- 3 deemed appropriate;
- 4 (3) Develop the specifications for credentialing
- 5 examinations, including timing, location, and security necessary to
- 6 maintain the integrity of the examinations;
- 7 (4) Review from time to time the procedure for selecting
- 8 individual questions from the bank of questions for use in
- 9 connection with each scheduled examination and review from time
- 10 to time the questions in the bank of questions and the related
- 11 answers to ascertain that they meet the specifications established
- 12 by the board;

13 (5) Collect all fees required or permitted by the act.  
14 The board shall remit all such receipts to the State Treasurer for  
15 credit to the Real Property Appraiser Fund. In addition, the board  
16 may collect and transmit to the appropriate federal authority any  
17 fees established under the Financial Institutions Reform, Recovery,  
18 and Enforcement Act of 1989, as the act existed on January 1, 2006;

19 (6) Establish appropriate administrative procedures for  
20 disciplinary proceedings conducted pursuant to the Real Property  
21 Appraiser Act;

22 (7) Issue subpoenas to compel the attendance of witnesses  
23 and the production of books, documents, records, and other papers,  
24 administer oaths, and take testimony and require submission of and  
25 receive evidence concerning all matters within its jurisdiction. In  
26 case of disobedience of a subpoena, the board may make application  
27 to the district court of Lancaster County to require the attendance

1 and testimony of witnesses and the production of documentary  
2 evidence. If any person fails to obey an order of the court, he or  
3 she may be punished by the court as for contempt thereof;

4 (8) Deny, censure, suspend, or revoke an application or  
5 credential if it finds that the applicant or credential holder has  
6 committed any of the acts or omissions set forth in section 76-2238  
7 or otherwise violated the act. Any disciplinary matter may be  
8 resolved through informal disposition pursuant to section 84-913;

9 (9) Take appropriate disciplinary action against a  
10 credential holder if the board determines that a credential holder  
11 has violated any provision of the act or the ~~National~~-Uniform  
12 Standards of Professional Appraisal Practice;

13 (10) Enter into consent decrees and issue cease and  
14 desist orders upon a determination that a violation of the act has  
15 occurred;

16 (11) Promote research and conduct studies relating to  
17 the profession of real property appraisal, sponsor real property  
18 appraisal educational activities, and incur, collect fees for, and  
19 pay the necessary expenses in connection with activities which  
20 shall be open to all credential holders;

21 (12) Establish and annually adopt minimum standards for  
22 appraisals as required under section 76-2237;

23 (13) Adopt and promulgate rules and regulations to  
24 carry out the act. The rules and regulations may include  
25 provisions establishing minimum standards for schools, courses, and  
26 instructors. The rules and regulations shall be adopted pursuant to  
27 the Administrative Procedure Act; and

1 (14) Do all other things necessary to carry out the Real  
2 Property Appraiser Act.

3 Sec. 10. Section 76-2227, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 76-2227 (1) Applications for credentials, including  
6 authorization to take the appropriate examination, and for renewal  
7 of credentials shall be made in writing to the board on forms

8 approved by the board. The payment of the appropriate fee fixed  
9 by the board pursuant to section 76-2241 shall accompany all  
10 applications.

11 (2) At the time of filing an initial or renewal  
12 application for credentials, the applicant shall sign a pledge  
13 that he or she has read and will comply with the ~~National~~-Uniform  
14 Standards of Professional Appraisal Practice. Each applicant shall  
15 also certify that he or she understands the types of misconduct for  
16 which disciplinary proceedings may be initiated.

17 (3) Credentials shall be issued only to persons who have  
18 a good reputation for honesty, trustworthiness, integrity, and  
19 competence to perform assignments in such manner as to safeguard  
20 the interest of the public and only after satisfactory proof of  
21 such qualification has been presented to the board upon request.

22 (4) No credential shall be issued to a corporation,  
23 partnership, limited liability company, firm, or group.

24 Sec. 20. Section 76-2236, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

26 76-2236 Every credential holder shall furnish evidence  
27 to the board that he or she has satisfactorily completed no  
1 fewer than twenty-eight hours of approved continuing education  
2 activities in each two-year continuing education period. Hours of  
3 satisfactorily completed approved continuing education activities  
4 cannot be carried over from one two-year continuing education  
5 period to another. The board may extend or waive the continuing  
6 education requirements by rule or regulation. As prescribed by  
7 rule or regulation of the board and at least once every two  
8 years, ~~an update seminar of no less than seven hours, covering~~  
9 the seven-hour National Uniform Standards of Professional Appraisal  
10 Practice Update Course, or its equivalent as approved by the  
11 Appraiser Qualifications Board, shall be included in the continuing  
12 education requirement of each credential holder. The board shall  
13 approve continuing education activities which it determines would  
14 protect the public by improving the competency of credential  
15 holders. Evidence of completion of such continuing education  
16 activities for the two-year continuing education period may be  
17 submitted to the board as each activity is completed. A person who  
18 holds a temporary credential shall not have to meet any continuing  
19 education requirements in this state.

20 Sec. 21. Section 76-2237, Revised Statutes Cumulative  
21 Supplement, 2006, is amended to read:

22 76-2237 Each credential holder shall comply with the  
23 ~~National~~-Uniform Standards of Professional Appraisal Practice.  
24 The board shall adopt and promulgate rules and regulations which  
25 conform to the ~~National~~-Uniform Standards of Professional Appraisal  
26 Practice. The board shall review such rules and regulations  
27 annually. A copy of each such rule or regulation shall be mailed to  
1 the business address of each credential holder.

2 Sec. 24. Section 76-2247.01, Revised Statutes Cumulative

3 Supplement, 2006, is amended to read:

4 76-2247.01 A person may retain or employ a real property  
5 appraiser credentialed under the Real Property Appraiser Act  
6 to provide appraisal services, including, but not limited to,  
7 valuation assignments and consulting services. In each case, the  
8 appraisal and the appraisal report shall comply with the Real  
9 Property Appraiser Act and the ~~National~~-Uniform Standards of  
10 Professional Appraisal Practice.

11 In a valuation assignment, the real property appraiser  
12 shall remain an impartial, disinterested third party. When  
13 providing a consulting service, the real property appraiser may  
14 complete the evaluation assignment in a manner that responds to  
15 a client's stated objective but shall also remain an impartial,  
16 disinterested third party. Compensation of a real property  
17 appraiser for either a valuation assignment or consulting service  
18 shall not be contingent upon the real property appraiser reporting  
19 a predetermined analysis, opinion, or conclusion reached or upon  
20 the results achieved.

21 2. On page 3, line 2; page 5, line 18; page 6, lines 12  
22 and 16; page 9, line 11; page 10, line 8; page 12, lines 3 and 25;  
23 page 13, line 19; page 14, line 9; page 15, line 4; page 16, line  
24 2; page 17, line 25; page 18, line 19; page 19, line 24; page 20,  
25 line 16; page 21, line 11; page 22, line 6; page 24, lines 3 and  
26 24; page 26, lines 3 and 21; page 27, line 16; and page 28, line 7,  
27 strike "National" and show as stricken.

1 4. On page 11, line 16, strike "a fifteen-hour course in  
2 the", show as stricken, and insert "the fifteen-hour"; in line 17,  
3 strike the period, show as stricken, and insert "Course, or its  
4 equivalent as approved by the Appraiser Qualifications Board.".

5 5. On page 17, line 11, strike "a fifteen-hour course  
6 in", show as stricken, and insert "the fifteen-hour"; in line 12,  
7 strike "the" and show as stricken, and strike the period, show as  
8 stricken, and insert "Course, or its equivalent as approved by the  
9 Appraiser Qualifications Board.".

10 6. On page 23, line 17, strike "a", show as stricken,  
11 and insert "the"; in line 18, strike "course in the" and show as  
12 stricken; in line 19, strike the period, show as stricken, and  
13 insert "Course, or its equivalent as approved by the Appraiser  
14 Qualifications Board.".

15 7. On page 36, strike line 16 and insert "76-2213,  
16 76-2213.01, 76-2217.01, 76-2219, 76-2223, 76-2226, 76-2227,  
17 76-2228, 76-2228.01,"; and strike line 18 and insert "76-2233.01,  
18 76-2236, 76-2237, 76-2241, 76-2242, 76-2247.01, and 77-5004,  
19 Revised Statutes Cumulative".

20 8. Renumber the remaining sections accordingly.

21 2. Renumber the remaining amendment accordingly.

The Langemeier amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

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

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 95.** Title read. Considered.

Advanced to E & R for review with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 150.** Title read. Considered.

Advanced to E & R for review with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 64.** Title read. Considered.

Advanced to E & R for review with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

### **COMMITTEE REPORTS** **Transportation and Telecommunications**

**LEGISLATIVE BILL 148.** Placed on General File.

**LEGISLATIVE BILL 84.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

#### **Urban Affairs**

**LEGISLATIVE BILL 206.** Placed on General File.

**LEGISLATIVE BILL 207.** Placed on General File.

(Signed) Mike Friend, Chairperson

### **Transportation and Telecommunications**

**LEGISLATIVE BILL 35.** Placed on General File - Com AM9.  
AM9

- 1 1. On page 5, strike beginning with "a" in line 16
- 2 through "and" in line 17 and show as stricken.

**LEGISLATIVE BILL 43.** Placed on General File - Com AM12.  
AM12

1 1. On page 2, line 12, before the period insert "until  
 2 July 30 of each year" and after the period insert "Applicants  
 3 who are not owners of abutting land shall be limited to a permit  
 4 for five miles of right-of-way per year."; in line 13, strike  
 5 "establish the dates when" and insert "allow", before "harvesting"  
 6 insert "hay", and strike "are"; and in line 14 strike "allowed."  
 7 and insert "on or after July 15 of every other year unless haying  
 8 was completed the year prior due to drought or other declaration.".

(Signed) Deb Fischer, Chairperson

### AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 403:  
 AM81

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 77-27,132, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:  
 5 77-27,132 (1) There is hereby created a fund to be  
 6 designated the Revenue Distribution Fund which shall be set apart  
 7 and maintained by the Tax Commissioner. Revenue not required to be  
 8 credited to the General Fund or any other specified fund may be  
 9 credited to the Revenue Distribution Fund. Credits and refunds of  
 10 such revenue shall be paid from the Revenue Distribution Fund. The  
 11 balance of the amount credited, after credits and refunds, shall be  
 12 allocated as provided by the statutes creating such revenue.  
 13 (2) The Tax Commissioner shall pay to a depository bank  
 14 designated by the State Treasurer all amounts collected under the  
 15 Nebraska Revenue Act of 1967. The Tax Commissioner shall present  
 16 to the State Treasurer bank receipts showing amounts so deposited  
 17 in the bank, and of the amounts so deposited the State Treasurer  
 18 shall credit to the Highway Trust Fund all of the proceeds of  
 19 the sales and use taxes derived from motor vehicles, trailers, and  
 20 semitrailers, except that the proceeds equal to any sales tax rate  
 21 provided for in section 77-2701.02 that is in excess of ~~five-four~~  
 22 ~~and one-half~~ percent derived from motor vehicles, trailers, and  
 23 semitrailers shall be credited to the Highway Allocation Fund. The  
 1 balance of all amounts collected under the Nebraska Revenue Act of  
 2 1967 shall be credited to the General Fund.  
 3 Sec. 2. This act becomes operative on October 1, 2007.  
 4 Sec. 3. Original section 77-27,132, Revised Statutes  
 5 Cumulative Supplement, 2006, is repealed.

**MOTION - Print in Journal**

Senator Flood filed the following motion to LB 414:  
Withdraw LB 414.

**NOTICE OF COMMITTEE HEARINGS**  
**Natural Resources**  
Room 1525

LB 295	Wednesday, January 31, 2007	1:30 p.m.
LB 314	Wednesday, January 31, 2007	1:30 p.m.
LB 568	Wednesday, January 31, 2007	1:30 p.m.
LB 579	Thursday, February 1, 2007	1:30 p.m.
LB 581	Thursday, February 1, 2007	1:30 p.m.
LB 390	Friday, February 2, 2007	1:30 p.m.
LB 593	Friday, February 2, 2007	1:30 p.m.
	Friday, February 2, 2007	1:30 p.m.
	Ann Bleed - Department of Natural Resources	

(Signed) LeRoy Louden, Chairperson

**Transportation and Telecommunications**  
Room 1113

LB 466	Monday, February 5, 2007	1:30 p.m.
LB 349	Monday, February 5, 2007	1:30 p.m.
LB 358	Monday, February 5, 2007	1:30 p.m.
LB 279	Monday, February 5, 2007	1:30 p.m.
LB 489	Tuesday, February 6, 2007	1:30 p.m.
LB 147	Tuesday, February 6, 2007	1:30 p.m.
LB 561	Tuesday, February 6, 2007	1:30 p.m.
LB 621	Tuesday, February 6, 2007	1:30 p.m.

(Signed) Deb Fischer, Chairperson

**General Affairs**  
Room 1510

LB 637	Monday, February 5, 2007	1:30 p.m.
LB 638	Monday, February 5, 2007	1:30 p.m.
LB 301	Monday, February 5, 2007	1:30 p.m.
LB 546	Monday, February 5, 2007	1:30 p.m.
LB 404	Monday, February 12, 2007	1:30 p.m.
LB 689	Monday, February 12, 2007	1:30 p.m.

LB 578	Monday, February 12, 2007	1:30 p.m.
LB 345	Monday, February 26, 2007	1:30 p.m.
LR 11CA	Monday, February 26, 2007	1:30 p.m.
LB 544	Monday, February 26, 2007	1:30 p.m.

Monday, February 26, 2007	1:30 p.m.
Steven Bloch - Nebraska Arts Council	
David E. Gardels - Nebraska Arts Council	
Sandra J. Schroeder - Nebraska Arts Council	
Joanne F. Shephard - Nebraska Arts Council	

(Signed) Vickie McDonald, Chairperson

**Government, Military and Veterans Affairs**  
Room 1507

LB 61	Wednesday, January 31, 2007	1:30 p.m.
LB 198	Wednesday, January 31, 2007	1:30 p.m.
LB 361	Wednesday, January 31, 2007	1:30 p.m.
LB 434	Wednesday, January 31, 2007	1:30 p.m.
LB 527	Wednesday, January 31, 2007	1:30 p.m.
LB 199	Thursday, February 1, 2007	1:30 p.m.
LB 389	Thursday, February 1, 2007	1:30 p.m.
LB 391	Thursday, February 1, 2007	1:30 p.m.
LB 622	Thursday, February 1, 2007	1:30 p.m.

(Signed) Ray Aguilar, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Dubas asked unanimous consent to add her name as cointroducer to LB 178. No objections. So ordered.

Senators Cornett and Hudkins asked unanimous consent to add their names as cointroducers to LB 341. No objections. So ordered.

Senators Dierks, Schimek, and Stuthman asked unanimous consent to add their names as cointroducers to LB 482. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Johnnie, Joi, and Desmond Roberts from Bellevue; 33 ninth- through twelfth-grade students, teacher, and sponsor from Wynot; and Michael McCabe and Tim Anderson from The Council of State Governments, Lombard, Illinois.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.



**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Thursday, January 25, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTEENTH DAY - JANUARY 25, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 25, 2007

**PRAYER**

The prayer was offered by Pastor Andrew DeGolyer, Unadilla Christian Church, Unadilla.

**ROLL CALL**

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

The roll was called and all members were present except Senator Cornett who was excused; and Senators Engel, Loudon, Mines, Nantkes, and Preister who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**ATTORNEY GENERAL'S OPINION**Opinion 07002

DATE: January 24, 2007

SUBJECT: Unlicensed Assistants Under the Nebraska Veterinary Practice Act

REQUESTED BY: Senator Chris Langemeier

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

You have requested our opinion concerning the use of unlicensed assistants under the Nebraska Veterinary Practice Act. Neb. Rev. Stat. §§ 71-1,152.01 to 71-1,166 (2003). Your specific questions are as follows:

Question 1: May individuals licensed under other provisions of the Uniform

Licensing Law such as chiropractors, massage or physical therapists, be treated as unlicensed assistants, when they perform services on animals, under the above referenced statute?

Question 2: May the Department of Health and Human Services adopt regulations allowing a veterinarian to delegate performance of health care tasks such as those referred to above to be administered under his or her supervision? It would be assumed that the individual, licensed or unlicensed, who is acting as a veterinary assistant under either the direct or indirect supervision of a licensed veterinarian, would not be directly involved in the billing process of customers and may or may not be providing said services at the supervising veterinarian's primary office location.

### RESPONSE TO QUESTION 1

You first ask whether health care professionals credentialed by the Department of Health and Human Services Regulation and Licensure, other than a licensed veterinarian or veterinary technician, may perform services on animals as "unlicensed assistants." You mentioned chiropractors, massage therapists and physical therapists in your opinion request letter. The scope of practice of all four health care professions is statutorily defined. Such licensing statutes make it unlawful to do, without a license, those things that are within the definition or scope of practice of that profession. The practice of veterinary medicine and surgery is defined at Neb. Rev. Stat. § 71-1,154(3) as follows:

"(3) Practice of veterinary medicine and surgery means:

(a) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy or for correcting sterility or infertility. The acts described in this subdivision shall not be done without a valid veterinarian-client-patient relationship;

(b) To render advice or recommendation with regard to any act described in subdivision (a) of this subdivision;..."

This broad definition appears to include all treatment of animal injury and disease including the administration of therapeutic substances or techniques.

The scopes of practice for chiropractors, massage therapists and physical therapists are found at Neb. Rev. Stat. § 71-177 (2003), Neb. Rev. Stat. § 71-1,278 (2003) and Neb. Rev. Stat. § 71-1,376 (Laws 2006, LB 994, Section 132) respectively. The statutes defining the scope of practice for these three health care professions do not, on their face, include the

treatment of animals. In fact, Neb. Rev. Stat. § 71-177, pertaining to the practice of chiropractic refers specifically to the human body. Statutory language would generally be given its plain and ordinary meaning and where the words of the statute are plain, direct and unambiguous, no interpretation is necessary to ascertain their meaning. *State v. Burlison*, 255 Neb. 190, 195, 583 N.W.2d 31, 35 (1998); *Sorensen v. Meyer*, 220 Neb. 457, 370 N.W.2d 173 (1985). Furthermore, the components of a series or collection of statutes pertaining to a certain subject matter may be conjunctively considered and construed so that different provisions of the act are consistent, harmonious and sensible. *State v. Seberger*, 257 Neb. 747, 601 N.W.2d 229 (1999). In this situation, we have also considered Neb. Rev. Stat. § 71-1,155 which provides certain exceptions to the licensing requirements of the Nebraska Veterinary Practice Act. The Legislature has created no exception therein for a member of another health care profession which is credentialed by the Department. Considering all of these statutes together, it is apparent that the practice of veterinary medicine is limited to those individuals licensed as a veterinarian or veterinary technician.

You have inquired whether these other health care professionals could be treated as "unlicensed assistants" so as to be able to perform services within their licensed areas of practice on animals. For purposes of the Nebraska Veterinary Practice Act, an unlicensed assistant is defined as "an individual who is not a veterinarian or a veterinary technician who is working in veterinary medicine." Neb. Rev. Stat. § 71-1,154(13). In our view, the terms "assistant" and "working in veterinary medicine" support the conclusion that some sort of employment relationship exists between an unlicensed assistant and the veterinarian with whom he or she practices. Also, our review of the regulations adopted by the Department of Health and Human Services Regulation and Licensure at 172 NAC 180, including those pertaining to tasks which may be performed by unlicensed assistants at § 004.02, reveal no intent to authorize other health care professionals to perform services on animals or to be treated as unlicensed assistants. Therefore, it is our opinion that individuals licensed under other provisions of the Uniform Licensing Law, such as chiropractors, massage or physical therapists, may not currently be treated as unlicensed assistants pursuant to § 71-1,154(13).

## RESPONSE TO QUESTION 2

Your second question is whether the Department may adopt regulations which would allow a veterinarian to delegate the performance of certain treatment procedures to be administered under his or her supervision. As indicated above, while Nebraska statutes currently allow veterinarians to delegate certain tasks to unlicensed assistants who are "working in veterinary medicine" it does not appear that it was the intent of the Legislature to allow the delegation of tasks in the treatment of animals to other health care professionals credentialed by the Department through this statutory authorization of unlicensed assistants. Therefore, in our view, a statutory change would be necessary to authorize either a change in the scopes of practice for chiropractors, massage therapists and physical

therapists or to establish some fashion of collaborative practice between these health care professionals and licensed veterinarians. While the Department is given broad authority pursuant to Neb. Rev. Stat. § 71-1,166 to adopt rules and regulations with regard to which tasks may be performed by a veterinary technician or by unlicensed assistants, we think it doubtful that the Legislature intended this delegation model to apply to health care professionals working in areas other than veterinary medicine. Therefore, while the answer to your second question is not clear, it appears to us that the better answer is that the Department currently lacks authority for such regulations. As a statutory change would more clearly provide authorization for a shared or collaborative practice, the introduction of legislation may well be advised.

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

9-448-24

### MESSAGE FROM THE GOVERNOR

January 23, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Foster Care Review Board:

Melisa (Lisa) M. Borchardt, 2626 South 34th Street, Lincoln NE 68506  
Sarah Ann Lewis, 702 North 49th Street, Omaha NE 68132

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**MOTION - Withdraw LB 414**

Senator Flood renewed his motion, found on page 359, to withdraw LB 414.

The Flood motion to withdraw prevailed with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 63.** Title read. Considered.

**SPEAKER FLOOD PRESIDING**

Advanced to E & R for review with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 74.** Title read. Considered.

Advanced to E & R for review with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 111.** Title read. Considered.

Advanced to E & R for review with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 110.** Title read. Considered.

Committee AM78, found on page 351, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 9 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 9.

**NOTICE OF COMMITTEE HEARINGS**

**Education**  
Room 1525

Monday, February 5, 2007

1:30 p.m.

Larry Teahon - Board of Trustees of the Nebraska State Colleges

Monday, March 5, 2007

1:30 p.m.

J. Richard Shoemaker - Nebraska Educational Telecommunications Commission

(Signed) Ron Raikes, Chairperson

**COMMITTEE REPORTS****Revenue****LEGISLATIVE BILL 315.** Placed on General File.**LEGISLATIVE BILL 344.** Placed on General File.**LEGISLATIVE BILL 305.** Placed on General File - Com AM98.  
AM98

- 1 1. On page 2, lines 17 and 20, after "lease" insert "for
- 2 periods of more than thirty-one days".

(Signed) Ray Janssen, Chairperson

**Government, Military and Veterans Affairs****LEGISLATIVE BILL 27.** Placed on General File.

(Signed) Ray Aguilar, Chairperson

**Health and Human Services****LEGISLATIVE BILL 185.** Placed on General File.**LEGISLATIVE BILL 283.** Placed on General File.**LEGISLATIVE BILL 296.** Placed on General File - Com AM74.  
AM74

- 1 1. Strike original sections 1 to 7 and insert the
- 2 following sections:
- 3 Section 1. Sections 1 to 16 of this act shall be known
- 4 and may be cited as the Health and Human Services System Act.
- 5 Sec. 2. The purposes of the Health and Human Services
- 6 System Act are to (1) provide for the administration of publicly
- 7 funded health and human services programs and services in the
- 8 State of Nebraska through the Health and Human Services System;
- 9 (2) transfer programs, services, and duties of the Department of
- 10 Health and Human Services, the Department of Health and Human



11 Services Regulation and Licensure, and the Department of Health  
12 and Human Services Finance and Support to a single state agency  
13 to be known as the Health and Human Services System; (3) create  
14 six departments within the Health and Human Services System; (4)  
15 require the appointment by the Governor of a single chief executive  
16 officer for the system, a director for each of the six departments  
17 of the system, and a chief medical officer; and (5) clarify the  
18 system's core missions, scope, functions, and responsibilities;  
19 ensure and improve accountability, collaboration, and coordination;  
20 and enhance services provided to Nebraskans by the system.

21 Sec. 3. Effective July 1, 2007, all programs, services,  
22 and duties of the Department of Health and Human Services, the  
23 Department of Health and Human Services Regulation and Licensure,  
1 and the Department of Health and Human Services Finance and Support  
2 shall be transferred to the Health and Human Services System.

3 Sec. 4. The Health and Human Services System is created.  
4 The system shall have six departments to be known as (1) the  
5 Department of Behavioral Health, (2) the Department of Children and  
6 Family Services, (3) the Department of Developmental Disabilities,  
7 (4) the Department of Medicaid and Long-Term Care, (5) the  
8 Department of Public Health, and (6) the Department of Veterans'  
9 Homes.

10 Sec. 5. The Governor shall appoint the chief executive  
11 officer of the Health and Human Services System who shall have  
12 recognized and demonstrated knowledge and expertise in the delivery  
13 of publicly funded health and human services programs and services  
14 and administrative experience in an executive capacity. The chief  
15 executive officer shall report to the Governor and serve at the  
16 pleasure of the Governor. The chief executive officer shall be  
17 subject to confirmation by a majority vote of the members of the  
18 Legislature.

19 Sec. 6. (1) The Governor shall appoint a director for  
20 each department created in section 4 of this act who shall serve  
21 at the pleasure of the Governor and shall report to the chief  
22 executive officer. Each department director shall be subject to  
23 confirmation by a majority of the members of the Legislature.

24 (2) If the Director of Public Health is licensed to  
25 practice medicine and surgery in the State of Nebraska, he or  
26 she shall also be the chief medical officer. If the Director of  
27 Public Health is not licensed to practice medicine and surgery in  
1 the State of Nebraska, the Governor shall appoint a chief medical  
2 officer in addition to the Director of Public Health. The chief  
3 medical officer shall be licensed to practice medicine and surgery  
4 in the State of Nebraska, shall serve at the pleasure of the  
5 Governor, and shall be subject to confirmation by a majority of the  
6 members of the Legislature.

7 (3) The chief medical officer shall perform duties under  
8 the Uniform Licensing Law enumerated in section 71-155.01 and  
9 shall be the final decisionmaker in contested cases of (a) health

10 care facilities defined in the Health Care Facility Licensure Act  
 11 arising under the act and sections 71-6042 and 81-604.03, (b)  
 12 occupations defined in subdivisions (2) and (4) of section 71-6038,  
 13 and (c) the Medication Aide Act.

14 Sec. 7. The responsibilities of the departments created  
 15 in section 4 of this act include, but are not limited to, the  
 16 following:

17 (1) The Department of Behavioral Health shall administer  
 18 (a) the state hospitals for the mentally ill designated in section  
 19 83-305 and (b) publicly funded community-based behavioral health  
 20 services;

21 (2) The Department of Children and Family Services  
 22 shall administer (a) protection and safety programs and services,  
 23 including child welfare programs and services and the Office of  
 24 Juvenile Services, (b) economic and family support programs and  
 25 services, and (c) service areas as may be designated by the  
 26 chief executive officer or by the Director of Children and Family  
 27 Services under authority of the chief executive officer;

1 (3) The Department of Developmental Disabilities shall  
 2 administer (a) the Beatrice State Developmental Center and  
 3 (b) publicly funded community-based developmental disabilities  
 4 services;

5 (4) The Department of Medicaid and Long-Term Care shall  
 6 administer (a) the medical assistance program also known as  
 7 medicaid, (b) aging services, and (c) other related programs  
 8 and services;

9 (5) The Department of Public Health shall administer  
 10 (a) preventive and community health programs and services, (b)  
 11 the regulation and licensure of health-related professions and  
 12 occupations, and (c) the regulation and licensure of health care  
 13 facilities and health care services; and

14 (6) The Department of Veterans' Homes shall administer  
 15 (a) the Eastern Nebraska Veterans' Home, (b) the Grand Island  
 16 Veterans' Home, (c) the Norfolk Veterans' Home, and (d) the Western  
 17 Nebraska Veterans' Home.

18 Sec. 18. Section 80-314, Reissue Revised Statutes of  
 19 Nebraska, is amended to read:

20 80-314 ~~The Division of Veterans Homes is created within~~  
 21 ~~the Department of Health and Human Services. The Director of Health~~  
 22 ~~and Human Services shall appoint a director of the division who~~  
 23 ~~is responsible to the Director of Health and Human Services. The~~  
 24 ~~department-Department of Veterans' Homes shall be responsible for~~  
 25 ~~the management and administration of the homes and the treatment of~~  
 26 ~~the members thereof, define the duties of the officers, fix their~~  
 27 ~~compensation, and adopt and promulgate rules and regulations. The~~  
 1 ~~division director-Director of Veterans' Homes and the Director of~~  
 2 ~~Veterans' Affairs are jointly responsible for shall jointly develop~~  
 3 member grievance procedures, family support programs, volunteer  
 4 support, policy, and internal standards. The Director of Veterans'

- 5 Affairs shall have access to all confidential information relating  
6 to members' care.
- 7 2. On page 14, reinstate beginning with "The" in line  
8 2 through the first "the" in line 3 and after the reinstated  
9 "the" insert "chief executive officer of the system or his or her  
10 designee"; and reinstate beginning with "and" in line 4 through the  
11 period in line 5.
- 12 3. On page 15, line 16, strike "elected" and insert  
13 "selected".
- 14 4. On page 21, line 23, strike the new matter; after line  
15 23 insert  
16 "(t)(i) The Director of Behavioral Health of the  
17 Department of Behavioral Health; (ii) the Director of Children and  
18 Family Services of the Department of Children and Family Services;  
19 (iii) the Director of Developmental Disabilities of the Department  
20 of Developmental Disabilities; (iv) the Director of Medicaid and  
21 Long-Term Care of the Department of Medicaid and Long-Term Care;  
22 (v) the Director of Public Health of the Department of Public  
23 Health; and (vi) the Director of Veterans' Homes of the Department  
24 of Veterans' Homes;"; in line 24 strike "(t)", show as stricken  
25 and insert "(u)"; and in line 26 after "act" insert ", the  
26 Administrator of the Office of Juvenile Services,".
- 27 5. On page 22, line 7, strike "(u)", show as stricken and  
1 insert "(v)"; and in line 13 strike "(v)", show as stricken, and  
2 insert "(w)".
- 3 6. On page 23, line 25, strike "and 81-3303" and insert  
4 "81-3303, and 83-125".
- 5 7. Renumber the remaining sections and correct the  
6 repealer accordingly.

(Signed) Joel Johnson, Chairperson

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Borchardt, Melisa (Lisa) M. - Foster Care Review Board - Health and Human Services

Lewis, Sarah Ann - Foster Care Review Board - Health and Human Services

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

**GENERAL FILE**

**LEGISLATIVE BILL 148.** Title read. Considered.

Senator Langemeier offered the following amendment:

FA3

Insert the word "rear" on Page 3 Line 27 after the word "two"

Senator Langemeier withdrew his amendment.

Senator Langemeier offered the following amendment:

FA5

Strike the word "two" page 3 line 27 and insert "single rear"; Page 3 Line 27 strike the "s" on the word "axles"

The Langemeier amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 206.** Title read. Considered.

Advanced to E & R for review with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 207.** Title read. Considered.

Advanced to E & R for review with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 35.** Title read. Considered.

Committee AM9, found on page 357, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 43.** Title read. Considered.

Committee AM12, found on page 357, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORT**  
**Natural Resources**

**LEGISLATIVE BILL 333.** Placed on General File - Com AM90.  
AM90

- 1 1. Strike the original sections and insert the following  
2 new sections:
- 3 Section 1. Section 81-15,236, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:  
5 81-15,236 Sections 81-15,236 to 81-15,253 and sections 5  
6 and 7 of this act shall be known and may be cited as the Private  
7 Onsite Wastewater Treatment System Contractors Certification and  
8 System Registration Act.
- 9 Sec. 2. Section 81-15,237, Revised Statutes Cumulative  
10 Supplement, 2006, is amended to read:  
11 81-15,237 The purposes of the Private Onsite Wastewater  
12 Treatment System Contractors Certification and System Registration  
13 Act are to:
- 14 (1) Protect the air, water, and land of the state through  
15 the certification and regulation of private onsite wastewater  
16 treatment system professionals in Nebraska;
- 17 (2) Require certified professionals for siting, layout,  
18 construction, closure, reconstruction, alteration, modification,  
19 repair, inspection, and pumping of private onsite wastewater  
20 treatment systems and require that all siting, layout,  
21 construction, closure, reconstruction, alteration, modification,  
22 repair, inspection, or pumping of any private onsite wastewater  
23 treatment system ~~after August 31, 2003~~, be done by certified  
1 professionals in accordance with the act and rules and regulations  
2 adopted under the act;
- 3 (3) Provide for the registration of all private onsite  
4 wastewater treatment systems constructed, reconstructed, altered,  
5 or modified after August 31, 2003;
- 6 (4) Provide for review of plans and specifications,  
7 issuance of permits and approvals, construction standards, and  
8 requirements necessary for proper operation and maintenance of all  
9 private onsite wastewater treatment systems;
- 10 ~~(4)-(5)~~ (5) Protect the health and general welfare of the  
11 citizens of Nebraska; and  
12 ~~(5)-(6)~~ (6) Protect the air, water, and land of the state  
13 from potential pollution by providing for proper siting, layout,  
14 construction, closure, reconstruction, alteration, modification,  
15 repair, and pumping of private onsite wastewater treatment systems.
- 16 Sec. 3. Section 81-15,247, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:  
18 81-15,247 The council shall adopt and promulgate rules  
19 and regulations to carry out the Private Onsite Wastewater  
20 Treatment System Contractors Certification and System Registration  
21 Act. Such rules and regulations shall provide for, but not be

22 limited to:

23 (1) Certification of private onsite wastewater treatment  
24 system professionals;

25 (2) Establishing categories for such professionals to be  
26 certified under the act;

27 (3) ~~Temporary, provisional, and hardship~~ Hardship  
1 certifications;

2 (4) Examination requirements for certification;

3 (5) Continuing education requirements for certification;

4 (6) A fee schedule which ~~shall cover~~ covers direct and  
5 indirect costs to administer the act. Such costs include (a) ,  
6 ~~including, but not limited to,~~ system registration, late fees for  
7 system registration, application for certification, examination,  
8 and renewal, late fees for renewal, ~~temporary, provisional, and~~  
9 ~~hardship certifications, and~~ fees for continuing education classes  
10 offered or approved by the department, and administration and  
11 enforcement and (b) development and enforcement of standards;

12 (7) Requirements for the registration of private onsite  
13 wastewater treatment systems to be constructed, reconstructed,  
14 altered, modified, or inspected by professionals certified under  
15 the act; and

16 (8) Requiring that all private onsite wastewater  
17 treatment system siting, layout, construction, closure,  
18 reconstruction, alteration, modification, repair, inspection,  
19 or pumping be performed by certified professionals in accordance  
20 with the act, rules and regulations adopted under the act, and  
21 other rules and regulations adopted and promulgated by the council.

22 Sec. 4. Section 81-15,248, Revised Statutes Cumulative  
23 Supplement, 2006, is amended to read:

24 81-15,248 (1) ~~Beginning January 1, 2004, a~~ A private  
25 onsite wastewater treatment system shall not be sited, laid out,  
26 constructed, closed, reconstructed, altered, modified, repaired,  
27 inspected, or pumped unless the siting, layout, construction,  
1 closure, reconstruction, alteration, modification, repair,  
2 inspection, or pumping is carried out or supervised by either a  
3 certified professional as required by the Private Onsite Wastewater  
4 Treatment System Contractors Certification and System Registration  
5 Act, a professional engineer licensed in Nebraska, or a registered  
6 environmental health specialist registered in Nebraska.

7 (2) ~~Beginning January 1, 2004, any~~ Any private onsite  
8 wastewater treatment system constructed, reconstructed, altered,  
9 or modified by a certified professional, professional engineer  
10 licensed in Nebraska, or registered environmental health specialist  
11 registered in Nebraska shall be registered with the department by  
12 the certified professional, professional engineer, or registered  
13 environmental health specialist within forty-five days of  
14 completion of the construction, reconstruction, alteration, or  
15 modification. The certified professional, professional engineer,  
16 or registered environmental health specialist shall submit the

17 registration on forms provided by the department and shall include  
18 the registration fee. The registration fee shall be fifty dollars  
19 until rules and regulations adopted and promulgated under the act  
20 provide a schedule of system registration fees adequate to cover  
21 direct and indirect program costs.

22 ~~(3) The department may issue a temporary provisional~~  
23 ~~certificate which shall satisfy the requirements of subsection (1)~~  
24 ~~of this section until December 31, 2005, to an individual who~~  
25 ~~applies to the department and includes with the application (a) a~~  
26 ~~fee of three hundred dollars and (b) a properly executed and sworn~~  
27 ~~affidavit stating that the applicant was engaged in activity~~  
1 ~~relating to the siting, layout, construction, reconstruction,~~  
2 ~~alteration, modification, repair, inspection, or pumping of a~~  
3 ~~private onsite wastewater treatment system for at least twelve~~  
4 ~~months preceding August 31, 2003. The affidavit shall specify the~~  
5 ~~activity or activities listed in this subsection in which the~~  
6 ~~applicant was engaged during such time.~~

7 ~~(4) All temporary provisional certificates issued~~  
8 ~~pursuant to subsection (3) of this section shall be subject to all~~  
9 ~~administrative and enforcement authority of the department under~~  
10 ~~the act and any rules and regulations relating to private onsite~~  
11 ~~wastewater treatment systems adopted and promulgated by the council~~  
12 ~~under the Environmental Protection Act.~~

13 ~~(5) All temporary provisional certificates issued under~~  
14 ~~subsection (3) of this section shall expire on December 31,~~  
15 ~~2005. Any individual holding a temporary provisional certificate~~  
16 ~~wishing to become a certified professional under the Private Onsite~~  
17 ~~Wastewater Treatment System Contractors Certification and System~~  
18 ~~Registration Act shall before such date meet the requirements for~~  
19 ~~such certification contained in the rules and regulations of the~~  
20 ~~council adopted and promulgated pursuant to section 81-15,247.~~

21 ~~(6)-(3) The director by contract may delegate onsite~~  
22 ~~wastewater treatment system inspection and registration to a~~  
23 ~~governmental subdivision which has adopted a program at least~~  
24 ~~as stringent as the requirements provided by the Private Onsite~~  
25 ~~Wastewater Treatment System Contractors Certification and System~~  
26 ~~Registration Act and which has demonstrated authority to administer~~  
27 ~~and enforce its onsite wastewater treatment system inspection and~~  
1 ~~registration program.~~

2 ~~(4) The director may waive certification and examination~~  
3 ~~fees for inspectors employed by a governmental agency or~~  
4 ~~subdivision which has adopted and has the authority to enforce~~  
5 ~~an inspection and compliance program at least as stringent~~  
6 ~~as the standards for siting, layout, construction, closure,~~  
7 ~~reconstruction, alteration, modification, repair, inspection, and~~  
8 ~~pumping provided by the Private Onsite Wastewater Treatment System~~  
9 ~~Contractors Certification and System Registration Act and rules and~~  
10 ~~regulations under the act adopted and promulgated by the council.~~

11 Sec. 5. The council shall adopt and promulgate rules

12 and regulations to develop a fee schedule which covers direct  
 13 and indirect costs to administer requirements related to private  
 14 onsite wastewater treatment systems authorized by the Environmental  
 15 Protection Act. Such costs include costs related to review of  
 16 submitted plans and specifications, issuance of permits and  
 17 approvals, proper operation and maintenance, development and  
 18 enforcement of standards, closure, and necessary administration and  
 19 enforcement.

20 Sec. 6. Section 81-15,250, Revised Statutes Cumulative  
 21 Supplement, 2006, is amended to read:

22 81-15,250 The Private Onsite Wastewater Treatment System  
 23 Permit and Approval Cash Fund is created. Fees collected pursuant  
 24 to the Private Onsite Wastewater Treatment System Contractors  
 25 Certification and System Registration Act section 5 of this act  
 26 shall be remitted to the State Treasurer for credit to the fund.

27 The fund shall be administered by the department. Any money in  
 1 the fund available for investment shall be invested by the state  
 2 investment officer pursuant to the Nebraska Capital Expansion Act  
 3 and the Nebraska State Funds Investment Act.

4 Any money remaining in the Private Onsite Wastewater  
 5 Treatment System Cash Fund on the effective date of this act shall  
 6 be transferred to the Private Onsite Wastewater Treatment System  
 7 Certification and Registration Cash Fund created under section 7 of  
 8 this act on such date.

9 Sec. 7. The Private Onsite Wastewater Treatment System  
 10 Certification and Registration Cash Fund is created. Fees collected  
 11 pursuant to sections 81-15,247 and 81-15,248 shall be remitted to  
 12 the State Treasurer for credit to the fund. The fund shall be  
 13 administered by the department. Any money in the fund available  
 14 for investment shall be invested by the state investment officer  
 15 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 16 State Funds Investment Act.

17 Sec. 8. Original sections 81-15,236, 81-15,237,  
 18 81-15,247, 81-15,248, and 81-15,250, Revised Statutes Cumulative  
 19 Supplement, 2006, are repealed.

20 Sec. 9. Since an emergency exists, this act takes effect  
 21 when passed and approved according to law.

(Signed) LeRoy Loudon, Chairperson

### UNANIMOUS CONSENT - Room Change

Senator Cornett asked unanimous consent that the Business and Labor  
 Committee conduct its hearing on Monday, January 29, 2007, in Room 1524  
 instead of Room 2102. No objections. So ordered.



**NOTICE OF COMMITTEE HEARING**  
**Judiciary**  
 Room 1113

LB 137	Thursday, February 1, 2007	1:30 p.m.
LB 152	Thursday, February 1, 2007	1:30 p.m.
LB 220	Thursday, February 1, 2007	1:30 p.m.
LB 586	Thursday, February 1, 2007	1:30 p.m.
LB 384	Thursday, February 1, 2007	1:30 p.m.
LB 618	Thursday, February 1, 2007	1:30 p.m.
LB 619	Thursday, February 1, 2007	1:30 p.m.
LB 620	Thursday, February 1, 2007	1:30 p.m.

(Signed) Steve Lathrop, Vice Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Fischer asked unanimous consent to add her name as cointroducer to LB 264. No objections. So ordered.

Senator Schimek asked unanimous consent to add her name as cointroducer to LB 335. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB 341. No objections. So ordered.

Senator Mines asked unanimous consent to add his name as cointroducer to LB 441. No objections. So ordered.

Senator Pahls asked unanimous consent to add his name as cointroducer to LB 700. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Lathrop withdrew his name as cointroducer to LB 182.

**VISITORS**

Visitors to the Chamber were Matthew Gerber from Beatrice and Ryan Pitkin from Callaway; and Nebraska Nurses Association members and student nurses from across the state.

The Doctor of the Day was Dr. Brent Barnstubble from Bellevue.

**ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Harms, the Legislature adjourned until 9:00 a.m., Friday, January 26, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTEENTH DAY - JANUARY 26, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 26, 2007

**PRAYER**

The prayer was offered by Pastor James Fedlam, First Presbyterian Church, Humboldt.

**ROLL CALL**

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

The roll was called and all members were present except Senators Erdman, Langemeier, and Mines who were excused; and Senators Ashford and Nantkes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 80.** Placed on Select File - ER8003.  
ER8003

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 71-5318, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-5318 (1) The Drinking Water Facilities Loan Fund is
- 6 created. The fund shall be held as a trust fund for the purposes
- 7 and uses described in the Drinking Water State Revolving Fund Act.
- 8 The fund shall consist of federal capitalization grants,
- 9 state matching appropriations, proceeds of state match bond issues
- 10 credited to the fund, repayments of principal and interest on
- 11 loans, and other money designated for the fund. The director
- 12 may make loans from the fund pursuant to the Drinking Water
- 13 State Revolving Fund Act and may conduct activities related to
- 14 financial administration of the fund, administration or provision

15 of technical assistance through public water system source water  
16 assessment programs, and implementation of a source water petition  
17 program under the Safe Drinking Water Act. The state investment  
18 officer shall invest any money in the fund available for investment  
19 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
20 State Funds Investment Act, except that any bond proceeds in  
21 the fund shall be invested in accordance with the terms of the  
22 documents under which the bonds are issued. The state investment  
23 officer may direct that the bond proceeds shall be deposited with  
1 the bond trustee for investment. Investment earnings shall be  
2 credited to the fund.

3 The department may create or direct the creation of  
4 accounts within the fund as the department determines to be  
5 appropriate and useful in administering the fund and in providing  
6 for the security, investment, and repayment of bonds.

7 The fund and the assets thereof may be used, to the  
8 extent permitted by the Safe Drinking Water Act and the regulations  
9 adopted and promulgated pursuant to such act, to pay or to secure  
10 the payment of bonds and the interest thereon, except that amounts  
11 deposited into the fund from state appropriations and the earnings  
12 on such appropriations may not be used to pay or to secure the  
13 payment of bonds or the interest thereon.

14 (2) The Land Acquisition and Source Water Loan Fund is  
15 created. The fund shall be held as a trust for the purposes and  
16 uses described in the Drinking Water State Revolving Fund Act.

17 The fund shall consist of federal capitalization grants,  
18 state matching appropriations, proceeds of state match bond issues  
19 credited to the fund, repayments of principal and interest on  
20 loans, and other money designated for the fund. The director may  
21 make loans from the fund pursuant to the Drinking Water State  
22 Revolving Fund Act and may, in consultation with the Director of  
23 Regulation and Licensure, conduct activities other than the making  
24 of loans permitted under section 1452(k) of the Safe Drinking Water  
25 Act. The state investment officer shall invest any money in the  
26 fund available for investment pursuant to the Nebraska Capital  
27 Expansion Act and the Nebraska State Funds Investment Act, except  
1 that any bond proceeds in the fund shall be invested in accordance  
2 with the terms of the documents under which the bonds are issued.  
3 The state investment officer may direct that the bond proceeds  
4 shall be deposited with the bond trustee for investment. Investment  
5 earnings shall be credited to the fund.

6 The department may create or direct the creation of  
7 accounts within the fund as the department determines to be  
8 appropriate and useful in administering the fund and in providing  
9 for security, investment, and repayment of bonds.

10 The fund and assets thereof may be used, to the extent  
11 permitted by the Safe Drinking Water Act and the regulations  
12 adopted and promulgated pursuant to such act, to pay or secure  
13 the payment of bonds and the interest thereon, except that amounts

14 credited to the fund from state appropriations and the earnings on  
15 such appropriations may not be used to pay or to secure the payment  
16 of bonds or the interest thereon.

17 The director may transfer any money in the Land  
18 Acquisition and Source Water Loan Fund to the Drinking Water  
19 Facilities Loan Fund.

20 (3) There is hereby created the Drinking Water  
21 Administration Fund. Any funds available for administering loans  
22 or fees collected pursuant to the Drinking Water State Revolving  
23 Fund Act shall be remitted to the State Treasurer for credit to  
24 such fund. The fund shall be administered by the department for the  
25 purposes of the act. The state investment officer shall invest any  
26 money in the fund available for investment pursuant to the Nebraska  
27 Capital Expansion Act and the Nebraska State Funds Investment Act.  
1 Investment earnings shall be credited to the fund.

2 The fund and assets thereof may be used, to the extent  
3 permitted by the Safe Drinking Water Act and the regulations  
4 adopted and promulgated pursuant to such act, to fund subdivisions  
5 (9), (10), and (11) of section 71-5322. The annual obligation  
6 of the state pursuant to subdivisions (9) and (11) of section  
7 71-5322 shall not exceed sixty-five percent of the revenue from  
8 administrative fees collected pursuant to section 71-5321 in the  
9 prior fiscal year.

10 The director may transfer any money in the Drinking  
11 Water Administration Fund to the Drinking Water Facilities Loan  
12 Fund to meet the state matching appropriation requirements of any  
13 applicable federal capitalization grants or to meet the purposes of  
14 subdivision (9) of section 71-5322.

15 Sec. 2. Section 71-5322, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 71-5322 The department shall have the following powers  
18 and duties:

19 (1) The power to establish a program to make loans  
20 to owners of public water systems, individually or jointly, for  
21 construction or modification of safe drinking water projects in  
22 accordance with the Drinking Water State Revolving Fund Act and  
23 the rules and regulations of the council adopted and promulgated  
24 pursuant to such act;

25 (2) The power, if so authorized by the council pursuant  
26 to section 71-5321, to execute and deliver documents obligating  
27 the Drinking Water Facilities Loan Fund or the Land Acquisition  
1 and Source Water Loan Fund and the assets thereof to the extent  
2 permitted by section 71-5318 to repay, with interest, loans to  
3 or credits into such funds and to execute and deliver documents  
4 pledging to the extent permitted by section 71-5318 all or part of  
5 such funds and assets to secure, directly or indirectly, the loans  
6 or credits;

7 (3) The duty to prepare an annual report for the Governor  
8 and the Legislature;

9 (4) The duty to establish fiscal controls and accounting  
 10 procedures sufficient to assure proper accounting during  
 11 appropriate accounting periods, including the following:  
 12 (a) Accounting from the Nebraska Investment Finance  
 13 Authority for the costs associated with the issuance of bonds  
 14 pursuant to the act;  
 15 (b) Accounting for payments or deposits received by the  
 16 funds;  
 17 (c) Accounting for disbursements made by the funds; and  
 18 (d) Balancing the funds at the beginning and end of the  
 19 accounting period;

20 (5) The duty to establish financial capability  
 21 requirements that assure sufficient revenue to operate and maintain  
 22 a facility for its useful life and to repay the loan for such  
 23 facility;

24 (6) The power to determine the rate of interest to be  
 25 charged on a loan in accordance with the rules and regulations  
 26 adopted and promulgated by the council;

27 (7) The power to develop an intended use plan, in  
 1 consultation with the Director of Regulation and Licensure, for  
 2 adoption by the council;

3 (8) The power to enter into required agreements with the  
 4 United States Environmental Protection Agency pursuant to the Safe  
 5 Drinking Water Act; ~~and~~

6 (9) The power to enter into agreements for the purpose  
 7 of providing loan forgiveness concurrent with loans to public  
 8 water systems operated by political subdivisions with populations  
 9 of ten thousand inhabitants or less which demonstrate serious  
 10 financial hardships. The department may enter into agreements for  
 11 up to one-half of the eligible project cost. Such agreements  
 12 shall contain a provision that payment of the amount allocated is  
 13 conditional upon the availability of appropriated funds;

14 (10) The power to provide emergency funding to public  
 15 water systems operated by political subdivisions with drinking  
 16 water facilities which have been damaged or destroyed by natural  
 17 disaster or other unanticipated actions or circumstances. Such  
 18 funding shall not be used for routine repair or maintenance of  
 19 facilities;

20 (11) The power to provide financial assistance consistent  
 21 with the intended use plan, described in subdivision (7) of this  
 22 section, for completion of engineering studies, research projects  
 23 to investigate low-cost options for achieving compliance with safe  
 24 drinking water standards, preliminary engineering reports, regional  
 25 water system planning, source water protection, and other studies  
 26 for the purpose of enhancing the ability of communities to meet  
 27 the requirements of the Safe Drinking Water Act, to public water  
 1 systems operated by political subdivisions with populations of ten  
 2 thousand inhabitants or less which demonstrate serious financial  
 3 hardships. The department may enter into agreements for up to

4 ninety percent of the eligible project cost. Such agreements  
 5 shall contain a provision that payment of the amount obligated is  
 6 conditional upon the availability of appropriated funds; and  
 7 ~~(9)-(12)~~ Such other powers as may be necessary and  
 8 appropriate for the exercise of the duties created under the  
 9 Drinking Water State Revolving Fund Act.  
 10 Sec. 3. Original sections 71-5318 and 71-5322, Reissue  
 11 Revised Statutes of Nebraska, are repealed.  
 12 2. On page 1, lines 1 and 2, strike ", 71-5321,"; and in  
 13 line 3 strike "rules and regulations,".

**LEGISLATIVE BILL 94.** Placed on Select File.

**LEGISLATIVE BILL 98.** Placed on Select File.

**LEGISLATIVE BILL 167.** Placed on Select File - ER8001.

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

**LEGISLATIVE BILL 44.** Placed on Select File - ER8002.  
 ER8002

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 32-913, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 32-913 (1) The clerks of election shall have a list  
 6 of registered voters of the precinct and a sign-in register at  
 7 the polling place on election day. The list of registered voters  
 8 shall be used for guidance on election day and may be in the  
 9 form of a computerized, typed, or handwritten list or precinct  
 10 registration cards. Registered voters of the precinct shall place  
 11 and record their signature in the sign-in register before receiving  
 12 any ballot. The list of registered voters and the sign-in register  
 13 may be combined into one document at the discretion of the election  
 14 commissioner or county clerk. If a combined document is used, a  
 15 clerk of election may list the names of the registered voters in a  
 16 separate book in the order in which they voted.  
 17 (2) Within twenty-four hours after the polls close in the  
 18 precinct, the precinct inspector or one of the judges of election  
 19 shall deliver the precinct list of registered voters and the  
 20 precinct sign-in register to the election commissioner or county  
 21 clerk. The election commissioner or county clerk shall file and  
 22 preserve the list and register. No ~~clerk of election member of a~~  
 23 ~~receiving board~~ who has custody or charge of the precinct list of  
 1 registered voters and the precinct sign-in register shall permit  
 2 the list or register to leave his or her possession from the time  
 3 of receipt until he or she delivers them to another member of the  
 4 receiving board or to the precinct inspector or judge of election  
 5 for delivery to the election commissioner or county clerk.

6 Sec. 2. Section 32-914, Revised Statutes Cumulative  
 7 Supplement, 2006, is amended to read:  
 8 32-914 (1) Official ballots shall be used at all  
 9 elections. No person shall receive a ballot or be entitled to  
 10 vote unless and until he or she is registered as a voter except  
 11 as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or  
 12 32-936.

13 (2) Except as otherwise specifically provided, no ballot  
 14 shall be handed to any voter at any election until:

15 (a) He or she announces his or her name and address to  
 16 the clerk of election;

17 (b) The clerk has found that he or she is a registered  
 18 voter at the address as shown by the precinct list of registered  
 19 voters unless otherwise entitled to vote in the precinct under  
 20 section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01;

21 (c) The voter has presented a photographic identification  
 22 which is current and valid at the time of the election, or a  
 23 copy of a utility bill, bank statement, paycheck, government check,  
 24 or other government document which is current at the time of the  
 25 election and which shows the same name and residence address of  
 26 the voter that is on the precinct list of registered voters, if

27 the voter registered by mail after January 1, 2003, and has not  
 1 previously voted in an election for a federal office within the  
 2 county and a notation appears on the precinct list of registered  
 3 voters that the voter has not previously presented identification  
 4 to the election commissioner or county clerk;

5 (d) ~~The clerk has instructed~~ As instructed by the clerk  
 6 of election, the registered voter to-has personally write-written  
 7 his or her name (i) in the precinct sign-in register on the  
 8 appropriate line which follows the last signature of any previous  
 9 voter or (ii) in the combined document containing the precinct list  
 10 of registered voters and the sign-in register; and

11 (e) The clerk has listed on the precinct list of  
 12 registered voters the corresponding line number and name of the  
 13 registered voter or has listed the name of the voter in a separate  
 14 book as provided in section 32-913.

15 Sec. 3. Section 32-1026, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 32-1026 (1) Upon completion of the counting of votes, the  
 18 counting board shall place all voted ballots in the ballots-cast  
 19 container. Rejected ballots shall be placed in the envelope  
 20 designated Rejected Ballots, and the envelope shall be sealed  
 21 and placed in the ballots-cast container with the voted ballots.  
 22 The ballots-cast container shall then be sealed.

23 (2) ~~The~~ Except as otherwise provided in this subsection,  
 24 the precinct list of registered voters and the official summary of  
 25 votes cast number one shall be sealed in an envelope designated  
 26 for such purpose. The precinct sign-in register and the official  
 27 summary of votes cast number two shall be sealed in an envelope



1 designated for such purpose and shall be subject to inspection  
 2 by any registered voter who may wish to examine them after the  
 3 election. If a combined document is used as provided in section  
 4 32-913, the combined document shall be sealed in the envelope with  
 5 the official summary of votes cast number two.

6 (3) The counting board shall prepare another summary of  
 7 votes cast from the official summary showing the total number of  
 8 votes cast for each candidate and the office for which he or she  
 9 was a candidate and the total number of votes cast for and against  
 10 each measure submitted at the election. The summary of votes cast  
 11 shall be signed and attested to by the members of the counting  
 12 board and sealed in a separate envelope designated for such purpose  
 13 to be returned to the election commissioner or county clerk with  
 14 other election materials. The election commissioner or county clerk  
 15 shall open such envelope and release unofficial returns from the  
 16 summary.

17 Sec. 4. Original sections 32-913 and 32-1026, Reissue  
 18 Revised Statutes of Nebraska, and section 32-914, Revised Statutes  
 19 Cumulative Supplement, 2006, are repealed.

**LEGISLATIVE BILL 115.** Placed on Select File.

### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 1, 2, 21, 24, and 26.

(Signed) Amanda McGill, Chairperson

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 25, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Hanson, Marc  
 Home Caregivers Association, Nebraska

Hoffman, Jerry  
 Education Association, Nebraska State

Inzerello, Allan J.  
 Westside Community Schools

Jensen, Ronald L./Jensen Associates, Inc.  
 Radcliffe, Walter H. of Radcliffe & Associates

Petz, Natalie, Petz & Company  
Coalition for Repeal of the Nebraska Estate Tax

White, Rosemary  
AAA Nebraska and The Auto Club Group

### REPORT

The following report was received by the Legislature:

**Roads, Department of**  
State Highway Commission Quarterly Report

### COMMITTEE REPORT Natural Resources

The Natural Resources 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.

Mark McColley - Nebraska Ethanol Board  
Michael S. Thede - Nebraska Ethanol Board

VOTE: Aye: Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Louden, Wallman. Nay: None. Absent: None.

(Signed) LeRoy Louden, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 315.** Title read. Considered.

Advanced to E & R for review with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 344.** Title read. Considered.

Senator Chambers offered the following motion:  
Indefinitely postpone LB 344.

### SENATOR MCDONALD PRESIDING

Senator Burling asked unanimous consent to pass over LB 344. No objections. So ordered.

**LEGISLATIVE BILL 305.** Title read. Considered.

Committee AM98, found on page 368, was considered.

Senator Fischer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

The committee amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

Senator Fischer moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Synowiecki requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 34:

Adams	Dubas	Harms	Kruse	Pedersen
Avery	Engel	Heidemann	Louden	Raikes
Burling	Fischer	Hudkins	McDonald	Rogert
Carlson	Flood	Janssen	Nantkes	Schimek
Christensen	Fulton	Johnson	Nelson	Stuthman
Cornett	Gay	Karpisek	Pahls	White
Dierks	Hansen	Kopplin	Pankonin	

Voting in the negative, 3:

Ashford	Chambers	Wallman
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Present and not voting, 8:

Aguilar	Lathrop	Pirsch	Synowiecki
Howard	McGill	Preister	Wightman

Excused and not voting, 4:

Erdman	Friend	Langemeier	Mines
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Advanced to E & R for review with 34 ayes, 3 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**SPEAKER FLOOD PRESIDING**

**LEGISLATIVE BILL 27.** Title read. Considered.

Senator Aguilar moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Aguilar requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Adams	Chambers	Hansen	Nelson	Rogert
Aguilar	Cornett	Howard	Pahls	Schimek
Avery	Dubas	Karpisek	Pankonin	Wallman
Burling	Flood	Kruse	Pedersen	White
Carlson	Gay	McGill	Raikes	

Voting in the negative, 7:

Fulton	Janssen	Louden	Wightman
Harms	Lathrop	Preister	

Present and not voting, 10:

Christensen	Hudkins	Kopplin	Nantkes	Stuthman
Fischer	Johnson	McDonald	Pirsch	Synowiecki

Absent and not voting, 1:

Ashford

Excused and not voting, 7:

Dierks	Erdman	Heidemann	Mines
Engel	Friend	Langemeier	

Failed to advance to E & R for review with 24 ayes, 7 nays, 10 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

### **COMMITTEE REPORTS** **Revenue**

**LEGISLATIVE BILL 4.** Indefinitely postponed.  
**LEGISLATIVE BILL 41.** Indefinitely postponed.  
**LEGISLATIVE BILL 264.** Indefinitely postponed.  
**LEGISLATIVE BILL 270.** Indefinitely postponed.  
**LEGISLATIVE BILL 359.** Indefinitely postponed.  
**LEGISLATIVE BILL 459.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

### Judiciary

**LEGISLATIVE BILL 341.** Placed on General File - Com AM124.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 99.** Placed on General File.

**LEGISLATIVE BILL 213.** Placed on General File.

**LEGISLATIVE BILL 237.** Placed on General File.

(Signed) Brad Ashford, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 23.** Introduced by Schimek, 27; Avery, 28; Fulton, 29; Hudkins, 21; McGill, 26; Nantkes, 46; Raikes, 25; Wallman, 30.

WHEREAS, William F. Swanson was born on December 20, 1922, in Sutton, Nebraska. Mr. Swanson graduated from Sutton High School in 1940 and served in the Army Tank Corps in World War II from 1943 to 1945; and

WHEREAS, Mr. Swanson graduated from the University of Nebraska in 1947 and married Mary Augustine in 1954; and

WHEREAS, Mr. Swanson worked for the Nebraska Real Estate Commission and was its director from 1951-65, was president of the National Association of License Law Officials, was vice president of H. A. Wolf Company from 1965-70, was a member of the Nebraska Legislature from 1967-72, was a partner of Woods Brothers and Swanson Realtors from 1970-74, and was vice president of Governmental Relations and Corporation Secretary for the University of Nebraska from 1974-90, retiring in 1990; and

WHEREAS, Mr. Swanson was also a member of the Lincoln Board of Realtors, Exchange Club of Lincoln, Executive Club of Lincoln, Republican Men's Club, Westminster Presbyterian Church Board of Trustees, Westminster Presbyterian Church Foundation, March of Dimes, Lancaster County Cornhusker Council of the Boy Scouts of America, Bryan Memorial Hospital Board, Lincoln Chamber of Commerce, Nebraska Real Estate Association, Beta Theta Pi Alumni Association, Tabitha Development Corporation, Nebraska Junior Chamber of Commerce, Masonic Lodge, where he was a thirty-third degree Mason, and the Board of Trustees of the University of Nebraska-Lincoln Foundation. Mr. Swanson also received the University of Nebraska-Lincoln Distinguished Service Award in 1994; and

WHEREAS, Mr. Swanson died on January 23, 2007, at the age of eighty-four.

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

## SESSION:

1. That the Legislature extends its condolences to the family of William F. Swanson.

2. That a copy of this resolution be sent to the family of William F. Swanson.

Laid over.

**NOTICE OF COMMITTEE HEARINGS****Business and Labor**

Room 2102

LB 255	Monday, February 5, 2007	1:30 p.m.
LB 271	Monday, February 5, 2007	1:30 p.m.
LB 505	Monday, February 5, 2007	1:30 p.m.

(Signed) Abbie Cornett, Chairperson

**General Affairs**

Room 1510

Monday, February 26, 2007 (cancel)	1:30 p.m.
David E. Gardels - Nebraska Arts Council	

Monday, February 5, 2007 (reschedule)	1:30 p.m.
David E. Gardels - Nebraska Arts Council	

(Signed) Vickie McDonald, Chairperson

**Revenue**

Room 1524

LB 158	Wednesday, February 7, 2007 (cancel)	2:30 p.m.
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(Signed) Ray Janssen, Chairperson

**Judiciary**

Room 1113

LB 695	Friday, February 2, 2007	1:30 p.m.
LB 692	Friday, February 2, 2007	1:30 p.m.
LB 491	Friday, February 2, 2007	1:30 p.m.
LB 138	Friday, February 2, 2007	1:30 p.m.
LB 81	Friday, February 2, 2007	1:30 p.m.
LB 143	Friday, February 2, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

**MOTION - Print in Journal**

Senator Heidemann filed the following motion to LB 158:  
Withdraw LB 158.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 80A.** Introduced by Loudon, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 80, One Hundredth Legislature, First Session, 2007.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Cornett asked unanimous consent to add her name as cointroducer to LB 482. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 700. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Harms withdrew his name as cointroducer to LB 261.

**ADJOURNMENT**

At 12:12 p.m., on a motion by Senator Schimek, the Legislature adjourned until 10:00 a.m., Monday, January 29, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTEENTH DAY - JANUARY 29, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 29, 2007

**PRAYER**

The prayer was offered by Pastor Owen Derrick, Christ Lutheran Church, Pickrell.

**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 Pedersen who was excused; and Senators Erdman and McDonald who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 186.** Placed on Select File - ER8004.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 95.** Placed on Select File.

**LEGISLATIVE BILL 150.** Placed on Select File.

**LEGISLATIVE BILL 64.** Placed on Select File.

**LEGISLATIVE BILL 63.** Placed on Select File.

**LEGISLATIVE BILL 74.** Placed on Select File - ER8008.  
ER8008

- 1 1. On page 1, line 2; and page 20, line 15, strike
- 2 "81-2,263,".

(Signed) Amanda McGill, Chairperson

**MESSAGE FROM THE GOVERNOR**

January 25, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as a member of the Game and Parks Commission:

Ronald H. Stave, 25827 Blondo Street, Waterloo NE 68069

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**AMENDMENT - Print in Journal**

Senator Janssen filed the following amendment to LB 166:  
AM105

(Amendments to Standing Committee amendments, AM45)

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 72-258.03, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 72-258.03 For purposes of sales of educational lands at
- 5 public auction, appraised value is the adjusted value as determined
- 6 by the Property Tax Administrator or his or her representative
- 7 (1) for agricultural and horticultural land, multiplied by one and
- 8 ~~twenty-five~~ thirty-five hundredths, or (2) for all other classes of
- 9 real property, multiplied by one, unless the Board of Educational
- 10 Lands and Funds establishes a higher value pursuant to section
- 11 72-257 or 72-258, in which case that value shall be the appraised
- 12 value for purposes of sale.
- 13 Sec. 12. Section 77-1510, Revised Statutes Cumulative
- 14 Supplement, 2006, is amended to read:
- 15 77-1510 Any action of the county board of equalization
- 16 pursuant to section 77-1502 may be appealed by any party to the
- 17 Tax Equalization and Review Commission in accordance with section
- 18 77-5013 on or before August 24 or on or before September 10 if the

19 county has adopted a resolution to extend the deadline for hearing  
 20 protests under section 77-1502. For purposes of this section, party  
 21 means the county assessor, the protester, the owner or owners of  
 22 record of the parcel and any other person responsible for payment  
 1 of the tax on the parcel.

2 2. Strike amendment 3 and insert:

3 3. On page 17, line 10, strike "77-1233.04" and insert  
 4 "72-258.03, 77-1233.04, "; in line 11 after "sections" insert  
 5 "60-147, 77-201, "; and in line 12 strike "77-1502," and insert  
 6 "77-1355, 77-1502, 77-1510,".

7 3. On page 7, line 25, strike "record owner" and insert  
 8 "each owner of record as shown in the county assessor's records on  
 9 May 20 of the year of the protest" and strike "file" and insert  
 10 "provide"; and in line 26 strike "proof of service with" and insert  
 11 "service to".

12 4. On page 8, line 11, after "hearing" insert "before the  
 13 board" and after "owners" insert "of record at least seven days  
 14 prior to the hearing".

15 5. On page 9, strike lines 21 through 26.

16 6. On page 10, strike line 27 and insert "the protester,  
 17 and the owner or owners of record of the parcel.".

18 7. Renumber the remaining sections accordingly.

### **MOTION - Withdraw LB 158**

Senator Heidemann renewed his motion, found on page 391, to withdraw LB 158.

The Heidemann motion to withdraw prevailed with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

### **GENERAL FILE**

**LEGISLATIVE BILL 341.** Title read. Considered.

Committee AM124, printed separately and referred to on page 389, was adopted with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

### **UNANIMOUS CONSENT - Expedite LB 341**

Senator Chambers asked unanimous consent to expedite LB 341. No objections. So ordered.

**COMMITTEE REPORTS**  
**Natural Resources**

**LEGISLATIVE BILL 263.** Placed on General File - Com AM100.  
AM100

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 13-2036, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 13-2036 (1) The department shall review applications for  
6 permits for facilities and provide for the issuance, modification,  
7 suspension, denial, or revocation of permits after public notice.  
8 Applications shall be on forms provided by the department which  
9 solicit information necessary to make a determination on the  
10 application. The department shall issue public notice of its  
11 intent to grant or deny an application for a permit within sixty  
12 days after receipt of an application containing all required  
13 information. If an application is granted and the permit is issued  
14 or modified, any aggrieved person may file a petition for a  
15 contested case with the department within thirty days after the  
16 granting or modification of the permit, but such petition shall  
17 not act as a stay of the permit. If an application is denied,  
18 the department shall provide written rationale therefor to the  
19 applicant. Any change, modification, or other deviation from the  
20 terms or conditions of an approved permit must be approved by the  
21 director prior to implementation. Minor modifications described in  
22 subsection (5) of this section shall not require public notice or  
23 hearing.  
1 (2) The department shall condition the issuance of  
2 permits on terms necessary to protect the public health and welfare  
3 and the environment as well as compliance with all applicable  
4 regulations. Any applicant may apply to the department for a  
5 variance from rules and regulations. The director may grant such  
6 variance if he or she finds that the public health and welfare  
7 will not be endangered or that compliance with the rules or  
8 regulations from which variance is sought would produce serious  
9 hardship without equal or greater benefits to the public. The  
10 considerations, procedures, conditions, and limitations set forth  
11 in section 81-1513 shall apply to any variance granted pursuant to  
12 this section.  
13 (3) The director shall require the owner or operator  
14 of a facility to undertake investigation and corrective action in  
15 the event of contamination or a threat of contamination caused by  
16 the facility. Financial assurance for investigative or corrective  
17 action may be required in an amount determined by the director  
18 following notice and hearing.  
19 (4) In addition to the information required by this  
20 section, the following specific areas shall be addressed in detail  
21 in any application filed in conjunction with the issuance, renewal,

22 or reissuance of a permit for a facility:

23 (a) A closure and postclosure plan detailing the schedule  
 24 for and the methods by which the operator will meet the conditions  
 25 for proper closure and postclosure of the facility as defined by  
 26 the council. The plan shall include, but not be limited to, the  
 27 proposed frequency and types of actions to be implemented prior  
 1 to and following closure of an operation, the proposed postclosure  
 2 actions to be taken to return the area to a condition suitable for  
 3 other uses, and an estimate of the costs of closure and postclosure  
 4 and the proposed method of meeting the costs;

5 (b) A plan for the control and treatment of leachate,  
 6 including financial considerations proposed in meeting the costs of  
 7 such control and treatment; and

8 (c) An emergency response and remedial action plan,  
 9 including provisions to minimize the possibility of fire,  
 10 explosion, or any release to air, land, or water of pollutants  
 11 that could threaten human health and the environment and the  
 12 identification of possible occurrences that may endanger human  
 13 health and environment.

14 (5) If such application is modified after approval by the  
 15 department, the application shall be resubmitted as a new proposal.  
 16 The director may approve a minor modification of an application if  
 17 he or she finds that the public health and welfare will not be  
 18 endangered. The following minor modifications to an application are  
 19 subject to departmental approval but do not require public notice  
 20 or hearing: -

21 (a) Correction of typographical errors;

22 (b) Change of name, address, or telephone number of  
 23 persons or agencies identified in the application;

24 (c) Administrative or informational changes;

25 (d) Changes in procedures for maintaining operating  
 26 records;

27 (e) Changes to provide for more frequent monitoring,  
 1 reporting, sampling, or maintenance;

2 (f) Request for a compliance date extension if such date  
 3 is not more than one hundred twenty days after the date specified  
 4 in the approved permit;

5 (g) Adjustments to the cost estimates or the financial  
 6 assurance instrument for inflation;

7 (h) Changes in the closure schedule for a unit or in  
 8 the final closure schedule for the facility or an extension of the  
 9 closure schedule;

10 (i) Changes to the days or hours of operation if the  
 11 hours of operation are within the period from 6:00 a.m. to 8:00  
 12 p.m.;

13 (j) Changes to the facility contingency plan;

14 (k) Changes which improve sampling or analysis methods,  
 15 procedures, or schedules;

16 (l) Changes in quality control or quality assurance plans

- 17 which will better ensure that the specifications for construction,  
 18 closure, sampling, or analysis will be met;  
 19 (m) Changes in the facility plan of operation which  
 20 conform to guidance or rules approved by the Environmental Quality  
 21 Council or provide more efficient waste handling or more effective  
 22 waste screening; or  
 23 (n) Replacement of an existing monitoring well with a new  
 24 well if location is not changed.  
 25 Sec. 2. Original section 13-2036, Reissue Revised  
 26 Statutes of Nebraska, is repealed.

**LEGISLATIVE BILL 291.** Placed on General File - Com AM123.  
 AM123

- 1 1. Strike original section 2 and insert the following new  
 2 section:  
 3 Sec. 2. Section 81-15,171, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 81-15,171 The citizen members of the board shall be  
 6 appointed for terms of six years, ~~except that of the members first~~  
 7 ~~appointed, except directors of agencies, the terms of three shall~~  
 8 ~~expire at the end of the second year, three at the end of the~~  
 9 ~~fourth year, and three at the end of the sixth year, as designated~~  
 10 ~~at the time of appointment.~~ Any member appointed to fill a vacancy  
 11 occurring prior to the expiration of the term for which his or her  
 12 predecessor was appointed shall be appointed for the remainder of  
 13 such term. A vacancy on the board shall exist in the event of the  
 14 death, disability, or resignation of a member. All members shall  
 15 be reimbursed for their actual and necessary travel expenses as  
 16 provided in sections 81-1174 to 81-1177.

**LEGISLATIVE BILL 313.** Placed on General File - Com AM101.  
 AM101

- 1 1. On page 3, line 5, after "operation" insert an  
 2 underscored comma and after "123" insert ", as such regulations  
 3 existed on January 1, 2004,".

(Signed) LeRoy Loudon, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Natural Resources**  
 Room 1525

LB 652	Wednesday, February 7, 2007	1:30 p.m.
LB 705	Wednesday, February 7, 2007	1:30 p.m.
LB 636	Wednesday, February 7, 2007	1:30 p.m.
LB 530	Thursday, February 8, 2007	1:30 p.m.
LB 534	Thursday, February 8, 2007	1:30 p.m.

LB 412	Wednesday, February 14, 2007	1:30 p.m.
LB 629	Wednesday, February 14, 2007	1:30 p.m.
LB 690	Thursday, February 15, 2007	1:30 p.m.
LB 504	Thursday, February 15, 2007	1:30 p.m.
LB 418	Thursday, February 15, 2007	1:30 p.m.
LB 664	Wednesday, February 21, 2007	1:30 p.m.
LB 677	Wednesday, February 21, 2007	1:30 p.m.
LB 583	Thursday, February 22, 2007	1:30 p.m.
LB 503	Thursday, February 22, 2007	1:30 p.m.
LB 701	Wednesday, February 28, 2007	1:30 p.m.
LB 493	Thursday, March 1, 2007	1:30 p.m.
LB 458	Thursday, March 1, 2007	1:30 p.m.
LB 594	Wednesday, March 7, 2007	1:30 p.m.
LB 704	Thursday, March 8, 2007	1:30 p.m.

(Signed) LeRoy Louden, Chairperson

**Urban Affairs**  
Room 1510

LB 302	Tuesday, February 6, 2007	1:30 p.m.
LR 2CA	Tuesday, February 6, 2007	1:30 p.m.
LB 160	Tuesday, February 13, 2007	1:30 p.m.
LB 607	Tuesday, February 13, 2007	1:30 p.m.
LR 13	Tuesday, February 13, 2007	1:30 p.m.
LB 405	Tuesday, February 20, 2007	1:30 p.m.
LB 591	Tuesday, February 20, 2007	1:30 p.m.
LB 592	Tuesday, February 20, 2007	1:30 p.m.
LB 597	Tuesday, February 20, 2007	1:30 p.m.
LB 387	Tuesday, February 27, 2007	1:30 p.m.
LB 562	Tuesday, February 27, 2007	1:30 p.m.

(Signed) Mike Friend, Chairperson

**AMENDMENTS - Print in Journal**

Senator Friend filed the following amendment to LB 207:

AM111

- 1 1. On page 2, line 5, strike beginning with "the" through
- 2 "other", show the old matter as stricken, and insert "an".

Senator Janssen filed the following amendment to LB 35:

AM104

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Stave, Ronald H. - Game and Parks Commission - Natural Resources

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

**GENERAL FILE**

**LEGISLATIVE BILL 185.** Title read. Considered.

Advanced to E & R for review with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 283.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 296.** Title read. Considered.

Committee AM74, found on page 368, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

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

**LEGISLATIVE BILL 248.** Placed on General File.

**LEGISLATIVE BILL 311.** Placed on General File.

**LEGISLATIVE BILL 39.** Placed on General File - Com AM116.



AM116

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 32-630, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 32-630 (1) Each person who signs a petition shall, at  
 6 the time of and in addition to signing, personally affix the date,  
 7 print his or her last name and first name in full, and affix his  
 8 or her date of birth and address, including the street and number  
 9 or a designation of a rural route or voting precinct and the city  
 10 or village or a post office address. A person signing a petition  
 11 may use his or her initials in place of his or her first name if  
 12 such person is registered to vote under such initials. No signer  
 13 shall use ditto marks as a means of personally affixing the date or  
 14 address to any petition. A wife shall not use her husband's first  
 15 name when she signs a petition but shall personally affix her first  
 16 name and her last name by marriage or her surname. Any signature  
 17 using ditto marks as a means of personally affixing the date or  
 18 address of any petition or any signature using a spouse's first  
 19 name instead of his or her own shall be invalid.  
 20 (2) Each circulator of a petition shall personally  
 21 witness the signatures on the petition and shall sign the  
 22 circulator's affidavit.  
 23 (3) No person shall:  
 1 (a) Sign any name other than his or her own to any  
 2 petition;  
 3 (b) Knowingly sign his or her name more than once for the  
 4 same petition effort or measure;  
 5 (c) Sign a petition if he or she is not a registered  
 6 voter and qualified to sign the same except as provided in section  
 7 32-1404;  
 8 (d) Falsely swear to any signature upon any such  
 9 petition;  
 10 (e) Accept money or other thing of value for signing any  
 11 petition; ~~or~~  
 12 (f) Offer money or other thing of value in exchange for a  
 13 signature upon any petition; ~~or~~ -  
 14 (g) Pay a circulator based on the number of signatures  
 15 collected.  
 16 Sec. 2. Section 32-1404, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:  
 18 32-1404 A signer of an initiative and referendum petition  
 19 shall be a registered voter of the State of Nebraska on or  
 20 before the date on which the petition is required to be filed  
 21 with the Secretary of State and shall meet the requirements of  
 22 section 32-630. A person who circulates initiative and referendum  
 23 petitions need not be a registered voter but shall comply with  
 24 the requirements of subsection (2) of section 32-630 and with the  
 25 prohibitions contained in subdivisions (3)(a), (d), ~~and~~(f), and

26 (g) of section 32-630.

27 Sec. 3. Section 49-1455, Reissue Revised Statutes of  
1 Nebraska, is amended to read:

2 49-1455 (1) The campaign statement of a committee, other  
3 than a political party committee, shall contain the following  
4 information:

5 (a) The filing committee's name, address, and telephone  
6 number and the full name, residential and business addresses, and  
7 telephone numbers of its committee treasurer;

8 (b) Under the heading RECEIPTS, the total amount of  
9 contributions received during the period covered by the campaign  
10 statement; under the heading EXPENDITURES, the total amount of  
11 expenditures made during the period covered by the campaign  
12 statement; and the cumulative amount of those totals for the  
13 election period. If a loan was repaid during the period covered  
14 by the campaign statement, the amount of the repayment shall  
15 be subtracted from the total amount of contributions received.  
16 Forgiveness of a loan shall not be included in the totals. Payment  
17 of a loan by a third party shall be recorded and reported as a  
18 contribution by the third party but shall not be included in the  
19 totals. In-kind contributions or expenditures shall be listed at  
20 fair market value and shall be reported as both contributions and  
21 expenditures;

22 (c) The balance of cash and cash equivalents on hand at  
23 the beginning and the end of the period covered by the campaign  
24 statement;

25 (d) The full name of each individual from whom  
26 contributions totaling more than two hundred fifty dollars are  
27 received during the period covered by the report, together with  
1 the individual's street address, the amount contributed, the date  
2 on which each contribution was received, and the cumulative amount  
3 contributed by that individual for the election period;

4 (e) The full name of each person, except those  
5 individuals reported under subdivision (1)(d) of this section,  
6 which contributed a total of more than two hundred fifty dollars  
7 during the period covered by the report together with the person's  
8 street address, the amount contributed, the date on which each  
9 contribution was received, and the cumulative amount contributed by  
10 the person for the election period;

11 (f) The name of each committee which is listed as  
12 a contributor shall include the full name of the committee's  
13 treasurer;

14 (g) Except as otherwise provided in subsection (3) of  
15 this section: The full name and street address of each person  
16 to whom expenditures totaling more than two hundred fifty dollars  
17 were made, together with the date and amount of each separate  
18 expenditure to each such person during the period covered by the  
19 campaign statement; the purpose of the expenditure; and the full  
20 name and street address of the person providing the consideration

21 for which any expenditure was made if different from the payee;

22 (h) The amount and the date of expenditures for or  
 23 against a candidate or ballot question during the period covered  
 24 by the campaign statement and the cumulative amount of expenditures  
 25 for or against that candidate or ballot question for the election  
 26 period. An expenditure made in support of more than one candidate  
 27 or ballot question, or both, shall be apportioned reasonably among  
 1 the candidates or ballot questions, or both; and

2 (i) The total amount of funds disbursed by a separate  
 3 segregated political fund, by state, for the purpose of supporting  
 4 or opposing candidates and committees in elections in states  
 5 other than Nebraska and candidates for federal office, including  
 6 independent expenditures made in such elections.

7 (2) For purposes of this section, election period means  
 8 (a) the period beginning January 1 of the calendar year prior  
 9 to the year of the election in which the candidate is seeking  
 10 office through the end of the calendar year of such election for  
 11 candidate committees of candidates seeking covered elective offices  
 12 as defined in subdivision (1)(a) of section 32-1603, (b) the period  
 13 beginning July 1 of the calendar year prior to the year of the  
 14 election in which the candidate is seeking office through the end  
 15 of the calendar year of such election for candidate committees  
 16 of candidates seeking covered elective offices so defined in  
 17 subdivision (1)(b) of section 32-1603, and (c) the calendar year of  
 18 the election for all other committees.

19 (3) A campaign statement shall include the total amount  
 20 paid to individual petition circulators during the reporting  
 21 period, if any, but shall not include the name, address, or  
 22 telephone number of any individual petition circulator if the only  
 23 payment made to such individual was for services as a petition  
 24 circulator.

25 Sec. 4. Section 49-1478, Reissue Revised Statutes of  
 26 Nebraska, is amended to read:

27 49-1478 (1) An expenditure shall not be made, other than  
 1 for overhead or normal operating expenses, by an agent or an  
 2 independent contractor, including an advertising agency, on behalf  
 3 of or for the benefit of a person unless the expenditure is  
 4 reported by the committee as if the expenditure were made directly  
 5 by the committee, or unless the agent or independent contractor  
 6 files an agent's expenditure report as provided in subsection (3)  
 7 of this section. The agent or independent contractor shall make  
 8 known to the committee all information required to be reported by  
 9 the committee. Any person violating this subsection shall be guilty  
 10 of a Class III misdemeanor.

11 (2) An expenditure shall not be made, other than for  
 12 overhead or normal operating expenses, by ~~an individual or entity~~  
 13 a person gathering petition signatures on behalf of or for the  
 14 benefit of a person, including a ballot question committee, unless  
 15 the expenditure is reported by the ballot question committee as

16 if the expenditure were made directly by the committee, or unless  
 17 the person ~~or entity~~ gathering petition signatures files an agent's  
 18 expenditure report as provided in subsection (3) of this section.  
 19 The ~~individual or entity~~ person gathering petition signatures  
 20 shall make known to the committee all information required to  
 21 be reported by the committee. For purposes of this section,  
 22 petition signature means a signature affixed to a petition for the  
 23 purpose of qualifying a ballot question to appear on a ballot. Any  
 24 person violating this subsection shall be guilty of a Class III  
 25 misdemeanor.

26 (3) ~~An individual or entity~~ A person gathering petition  
 27 signatures, an agent, or an independent contractor who is required  
 1 to file an agent's report shall file a separate agent's report  
 2 for each person on whose behalf an expenditure is made. An agent's  
 3 report shall be filed with the commission within ten days after  
 4 the end of the calendar month in which the expenditure is made. An  
 5 agent's report shall include:

6 (a) The name, permanent address, temporary address,  
 7 permanent telephone number, and temporary telephone number of  
 8 the ~~individual or entity~~ person making expenditures for the purpose  
 9 of gathering signatures, the agent, or the independent contractor;

10 (b) The name, address, and telephone number of the person  
 11 on whose behalf the expenditure is made;

12 (c) The name, permanent address, and temporary address  
 13 of the person to whom the expenditure is made, except that if  
 14 the expenditure is solely for the services of an individual  
 15 circulating petitions, such individual's name and address shall not  
 16 be included;

17 (d) The date and amount of each expenditure; and

18 (e) A description of the goods or services purchased and  
 19 the purpose of the goods or services.

20 (4) A person required to report under subsection (3) of  
 21 this section shall include in the report the total amount paid  
 22 to individual petition circulators during the reporting period but  
 23 shall not include the name, address, or telephone number of any  
 24 individual petition circulator if the only payment made to such  
 25 individual was for services as a petition circulator.

26 Sec. 5. Original sections 32-630, 32-1404, 49-1455, and  
 27 49-1478, Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 298.** Placed on General File - Com AM93.  
 AM93

- 1 1. On page 2, line 13, strike "more than" and show
- 2 as stricken, after "two" insert "or more", and strike "and"; in
- 3 lines 14 and 15 strike the new matter; and in line 16 strike
- 4 "comprising", show as stricken, and insert "which has at least one
- 5 hundred registered voters in".

**LEGISLATIVE BILL 40.** Indefinitely postponed.

**LEGISLATIVE BILL 87.** Indefinitely postponed.

(Signed) Ray Aguilar, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

**Agriculture**  
Room 1524

LB 131	Tuesday, February 13, 2007	2:30 p.m.
LB 435	Tuesday, February 13, 2007	2:30 p.m.

Tuesday, February 13, 2007	2:30 p.m.
Sallie Atkins - Nebraska State Fair Board	
Linda Lovgren - Nebraska State Fair Board	

Room 2102

LB 515	Tuesday, February 20, 2007	1:30 p.m.
LB 632	Tuesday, February 20, 2007	1:30 p.m.
LB 633	Tuesday, February 20, 2007	1:30 p.m.
LB 634	Tuesday, February 20, 2007	1:30 p.m.

LB 46	Tuesday, February 27, 2007	1:30 p.m.
LB 69	Tuesday, February 27, 2007	1:30 p.m.
LB 626	Tuesday, February 27, 2007	1:30 p.m.

(Signed) Philip Erdman, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 283A.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 283, One Hundredth Legislature, First Session, 2007.

**COMMITTEE REPORT**  
**Enrollment and Review**

**LEGISLATIVE BILL 341.** Placed on Select File - ER8009.  
ER8009

- 1 1. In the Standing Committee amendments, AM124:
- 2 a. On page 3, lines 4 and 5, strike "Custody Jurisdiction
- 3 and Enforcement" and insert "Abduction Prevention";
- 4 b. On page 13, line 26, strike the second comma; and
- 5 c. On page 15, line 5, strike "act" and insert
- 6 "legislative bill".

7 2. On page 1, strike beginning with "the" in line 1  
8 through line 5 and insert "children; to amend section 43-1230,  
9 Reissue Revised Statutes of Nebraska; to adopt the Uniform  
10 Child Abduction Prevention Act; to change provisions relating  
11 to international jurisdiction with respect to child abduction  
12 and abuse; to repeal the original section; and to declare an  
13 emergency.".

(Signed) Amanda McGill, Chairperson

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Pahls asked unanimous consent to add his name as cointroducer to LB 12. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 143. No objections. So ordered.

Senator McDonald asked unanimous consent to add her name as cointroducer to LB 341. No objections. So ordered.

Senator Friend asked unanimous consent to add his name as cointroducer to LB 482. No objections. So ordered.

### **WITHDRAW - Cointroducer**

Senator Friend withdrew his name as cointroducer to LB 39.

### **VISITORS**

Visitors to the Chamber were Governor's Youth Advisory Council Representatives from across the state.

The Doctor of the Day was Dr. Randy Kohl from Firth.

### **ADJOURNMENT**

At 12:08 p.m., on a motion by Senator Loudon, the Legislature adjourned until 9:00 a.m., Tuesday, January 30, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**NINETEENTH DAY - JANUARY 30, 2007**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
FIRST SESSION**

**NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 30, 2007

**PRAYER**

The prayer was offered by Father Robert Tucker, Cathedral of the Risen Christ, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Pedersen who was excused; and Senators Johnson, Nantkes, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighteenth day was approved.

**COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 111.** Placed on Select File - ER8011.  
ER8011

- 1 1. On page 3, line 10, strike "Service, Food", show the
- 2 old matter as stricken, and insert "Service/Food"; and in line 25
- 3 after "Ordinance" insert ", 2005 Revision".
- 4 2. On page 6, line 15, strike the new matter and
- 5 reinstate the stricken matter.
- 6 3. On page 11, lines 1, 10, 14, 20, and 25 and 26, strike
- 7 "Nebraska Pasteurized Milk Law", show as stricken, and insert
- 8 "act".
- 9 4. On page 12, line 22, strike "(9)" and insert
- 10 "(9)(a)"; and in line 25 after "fees" insert "as provided in
- 11 this subsection".
- 12 5. On page 12, line 26; and page 13, lines 16 and 27,
- 13 strike "(a)" and insert "(b)".
- 14 6. On page 13, line 11, strike "(b)" and insert "(c)";
- 15 and in line 14 strike "(c)" and insert "(d)".

- 16 7. On page 15, line 9, strike "such law", show as  
 17 stricken, and insert "the act".
- 18 8. On page 18, line 3, after "health" insert an  
 19 underscored semicolon.
- 20 9. On page 22, line 1, after "Ordinance" insert ", 2005  
 21 Revision".
- 22 10. On page 23, line 19, strike "2-3916", show as  
 23 stricken, and insert "16 of this act".
- 1 11. On page 24, line 7, strike the first "section".
- 2 12. On page 27, line 25, strike "shall be provided" and  
 3 show as stricken.
- 4 13. On page 34, line 25, strike "; and", show as  
 5 stricken, and insert an underscored period.

**LEGISLATIVE BILL 110.** Placed on Select File - ER8005.  
 ER8005

- 1 1. On page 1, line 3, after the first semicolon insert  
 2 "to provide penalties;"; in line 5 strike "and"; and in line 8  
 3 after "Nebraska" insert "; and to declare an emergency".
- 4 2. On page 3, line 2, strike "director" and insert  
 5 "Director of Agriculture".

**LEGISLATIVE BILL 148.** Placed on Select File - ER8007.  
 ER8007

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following sections:
- 3 Section 1. Section 60-6,301, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:
- 5 60-6,301 When any motor vehicle, semitrailer, or trailer  
 6 is operated upon the highways of this state carrying a load in  
 7 excess of the maximum weight permitted by section 60-6,294, the  
 8 load shall be reduced or shifted to within such maximum tolerance  
 9 before being permitted to operate on any public highway of this  
 10 state, except that:
- 11 (1) If any motor vehicle, semitrailer, or trailer exceeds  
 12 the maximum load on only one axle, only one tandem axle, or only  
 13 one group of axles when (a) the distance between the first and last  
 14 axle of such group of axles is twelve feet or less, (b) the excess  
 15 axle load is no more than five percent in excess of the maximum  
 16 load for such axle, tandem axle, or group of axles permitted by  
 17 such section, while the vehicle or combination of vehicles is  
 18 within the maximum gross load, and (c) the load on such vehicle is  
 19 such that it can be shifted or the configuration of the vehicle can  
 20 be changed so that all axles, tandem axle, or groups of axles are  
 21 within the maximum permissible limit for such axle, tandem axle, or  
 22 group of axles, such shift or change of configuration may be made  
 23 without penalty;
- 1 (2) Any motor vehicle, semitrailer, or trailer carrying  
 2 only a load of livestock may exceed the maximum load as permitted



3 by such section on only one axle, only one tandem axle, or only one  
4 group of axles when the distance between the first and last axle  
5 of the group of axles is six feet or less if the excess load on  
6 the axle, tandem axle, or group of axles is caused by a shifting  
7 of the weight of the livestock by the livestock and if the vehicle  
8 or combination of vehicles is within the maximum gross load as  
9 permitted by such section;

10 (3) With a permit issued by the Department of Roads  
11 or the Nebraska State Patrol, a truck with an enclosed body and  
12 a compacting mechanism, designed and used exclusively for the  
13 collection and transportation of garbage or refuse, may exceed the  
14 maximum load as permitted by such section by no more than twenty  
15 percent on only one axle, only one tandem axle, or only one group  
16 of axles when the vehicle is laden with garbage or refuse if the  
17 vehicle is within the maximum gross load as permitted by such  
18 section. There shall be a permit fee of ten dollars per month or  
19 one hundred dollars per year. The permit may be issued for one or  
20 more months up to one year, and the term of applicability shall be  
21 stated on the permit;

22 (4) Any motor vehicle, semitrailer, or trailer carrying  
23 any kind of a load, including livestock, which exceeds the legal  
24 maximum gross load by five percent or less may proceed on its  
25 itinerary and unload the cargo carried thereon to the maximum legal  
26 gross weight at the first unloading facility on the itinerary where  
27 the cargo can be properly protected. All material so unloaded shall  
1 be cared for by the owner or operator of such vehicle at the risk  
2 of such owner or operator; and

3 (5) Any motor vehicle, semitrailer, or trailer carrying  
4 grain or other seasonally harvested products may operate from  
5 the field where such grain or products are harvested to storage,  
6 market, or stockpile in the field or from stockpile to market or  
7 factory up to seventy miles with a load that exceeds the maximum  
8 load permitted by section 60-6,294 by fifteen percent on any tandem  
9 axle, group of axles, and gross weight. Any truck with no more than  
10 a single rear axle carrying grain or other seasonally harvested  
11 products may operate from the field where such grain or products  
12 are harvested to storage, market, or stockpile in the field or  
13 from stockpile to market or factory up to seventy miles with a  
14 load that exceeds the maximum load permitted by section 60-6,294  
15 by fifteen percent on any single axle and gross weight. The owner  
16 or a representative of the owner of the agricultural product shall  
17 furnish the driver of the loaded vehicle a signed statement of  
18 origin and destination.

19 Nothing in this section shall be construed to permit  
20 to be operated on the National System of Interstate and Defense  
21 Highways any vehicle or combination of vehicles which exceeds any  
22 of the weight limitations applicable to such system as contained in  
23 section 60-6,294.

24 If the maximum legal gross weight or axle weight of any

25 vehicle is exceeded by five percent or less and the arresting peace  
 26 officer or carrier enforcement officer has reason to believe that  
 27 such excessive weight is caused by snow, ice, or rain, the officer  
 1 may issue a warning citation to the operator.

- 2 Sec. 2. Original section 60-6,301, Reissue Revised  
 3 Statutes of Nebraska, is repealed.

**LEGISLATIVE BILL 206.** Placed on Select File - ER8006.  
 ER8006

- 1 1. On page 1, line 3, strike the semicolon and insert a  
 2 comma.

**LEGISLATIVE BILL 207.** Placed on Select File.

**LEGISLATIVE BILL 35.** Placed on Select File.

**LEGISLATIVE BILL 43.** Placed on Select File - ER8010.  
 ER8010

- 1 1. Strike the original section and all amendments thereto  
 2 and insert the following section:  
 3 Section 1. For purposes of this section, the definitions  
 4 in section 39-1302 apply.  
 5 The Department of Roads shall issue permits which  
 6 authorize and regulate the mowing and harvesting of hay on the  
 7 right-of-way of highways of the state highway system. The applicant  
 8 for a permit shall be informed in writing and shall sign a release  
 9 acknowledging (1) that he or she will assume all risk and liability  
 10 for hay quality and for any accidents and damages that may occur as  
 11 a result of the work and (2) that the State of Nebraska assumes no  
 12 liability for the hay quality or for work done by the permittee.  
 13 The owner or the owner's assignee of land abutting the right-of-way  
 14 shall have priority to receive a permit for such land under this  
 15 section until July 30 of each year. Applicants who are not owners  
 16 of abutting land shall be limited to a permit for five miles of  
 17 right-of-way per year. The department shall allow mowing and hay  
 18 harvesting on or after July 15 of every other year unless haying  
 19 was completed the year prior due to drought or other declaration.  
 20 The department shall charge a permit fee in an amount calculated to  
 21 defray the costs of administering this section. All fees received  
 22 under this section shall be remitted to the State Treasurer for  
 23 credit to the Highway Cash Fund. The department shall adopt and  
 1 promulgate rules and regulations to carry out this section.

**LEGISLATIVE BILL 315.** Placed on Select File.

**LEGISLATIVE BILL 305.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Health and Human Services**  
 Room 1510

LB 400	Wednesday, February 7, 2007	1:30 p.m.
LB 426	Wednesday, February 7, 2007	1:30 p.m.
LB 451	Wednesday, February 7, 2007	1:30 p.m.
LB 550	Wednesday, February 7, 2007	1:30 p.m.
LB 577	Wednesday, February 7, 2007	1:30 p.m.
LB 675	Wednesday, February 7, 2007	1:30 p.m.
LB 398	Thursday, February 8, 2007	1:30 p.m.
LB 399	Thursday, February 8, 2007	1:30 p.m.
LB 479	Thursday, February 8, 2007	1:30 p.m.

(Signed) Joel Johnson, Chairperson

**COMMITTEE REPORT**  
**Nebraska Retirement Systems**

The Nebraska Retirement Systems 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.

John Dinkel - Nebraska Investment Council  
 Richard DeFusco - Nebraska Investment Council

VOTE: Aye: Erdman, Heidemann, Karpisek, Louden, Synowiecki, White.  
 Nay: None. Absent: None.

(Signed) John Synowiecki, Chairperson

**MOTION - Print in Journal**

Senator McDonald filed the following motion to LB 146:  
 Withdraw LB 146.

**MOTION - Approve Appointments**

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 386:

Nebraska Ethanol Board  
 Mark McColley  
 Michael S. Thede

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Chambers      Kruse

Excused and not voting, 4:

Johnson      Nantkes      Pedersen      Raikes

The appointments were confirmed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to picketing; to amend sections 28-1317 and 28-1318, Reissue Revised Statutes of Nebraska; to remove language held unconstitutional in United Food and Commercial Workers International Union, AFL-CIO, CLC v. IBP, Inc., 857 F.2d 422; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Nantkes            Pedersen

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

## **LEGISLATIVE BILL 2.**

A BILL FOR AN ACT relating to appropriations; to repeal sections that are obsolete; and to outright repeal sections 90-528, 90-529, and 90-530, Revised Statutes Cumulative Supplement, 2006.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Nantkes            Pedersen

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

## **LEGISLATIVE BILL 26.**

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.01, Reissue Revised Statutes of Nebraska; to redefine a term; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Nantkes            Pedersen

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

**LEGISLATIVE BILL 21.** With Emergency.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.02 and 79-1007.10, Revised Statutes Cumulative Supplement, 2006, and sections 79-1022, 79-1026, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to cost growth factor; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Nantkes          Pedersen

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 24.** With Emergency.

A BILL FOR AN ACT relating to accountants; to amend section 1-136.02, Reissue Revised Statutes of Nebraska, and section 1-124, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to a reciprocal certificate as a certified public accountant and an experience requirement; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Nantkes          Pedersen

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

**SELECT FILE**

**LEGISLATIVE BILL 341.** ER8009, found on page 405, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 25.** ER8000, printed separately and referred to on page 349, was adopted.

Senator Kopplin offered the following amendment:

FA6

Strike section 1.

Senator Kopplin withdrew his amendment.

Senator Cornett offered the following amendment:

FA7

On page 2, line 19, strike "animal" and insert "dog", and strike the second "animal" and insert "canine species".

The Cornett amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Langemeier moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Kopplin requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

Adams	Cornett	Hansen	McDonald	Rogert
Aguilar	Erdman	Harms	McGill	Synowiecki
Ashford	Fischer	Janssen	Mines	Wightman
Burling	Flood	Johnson	Pahls	
Carlson	Friend	Karpisek	Pankonin	
Chambers	Fulton	Langemeier	Pirsch	
Christensen	Gay	Louden	Preister	

Voting in the negative, 3:

Kruse	Schimek	Stuthman
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Present and not voting, 12:

Dierks	Heidemann	Kopplin	Raikes
Dubas	Howard	Lathrop	Wallman
Engel	Hudkins	Nelson	White

Excused and not voting, 3:

Avery	Nantkes	Pedersen
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Advanced to E & R for engrossment with 31 ayes, 3 nays, 12 present and not voting, and 3 excused and not voting.



The Chair declared the call raised.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1, 2, 26, 21, and 24.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 16, 17, 18, 19, 20, and 21 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 16, 17, 18, 19, 20, and 21.

### **SELECT FILE**

**LEGISLATIVE BILL 79.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 161.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 11.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 28.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 80.** ER8003, found on page 379, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 94.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 167.** ER8001, printed separately and referred to on page 383, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 44.** ER8002, found on page 383, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 115.** Advanced to E & R for engrossment.

### **GENERAL FILE**

**LEGISLATIVE BILL 166.** Title read. Considered.

Committee AM45, printed separately and referred to on page 338, was considered.

Senator Janssen renewed his amendment, AM105, found on page 394, to the

committee amendment.

The Janssen amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

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

Senator Raikes offered the following amendment:

AM157

1 1. On page 11, line 18, before the semicolon insert "  
 2 except that no additional tax shall be added to the tax roll for  
 3 any preceding years if the parcel was disqualified solely due the  
 4 revision to the definition of agricultural land and horticultural  
 5 land in section 77-1359 by Laws 2006, LB 808"; and in line 22  
 6 before the period insert "except that no additional tax shall  
 7 be added to the tax roll for any preceding years if the parcel  
 8 was disqualified solely due the revision to the definition of  
 9 agricultural land and horticultural land in section 77-1359 by Laws  
 10 2006, LB 808".

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

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 333.** Title read. Considered.

Committee AM90, found on page 373, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 99.** Title read. Considered.

Senator Chambers offered the following motion:

Indefinitely postpone LB 99.

Senator Flood asked unanimous consent to bracket LB 99 to February 1, 2007. No objections. So ordered.

### COMMITTEE REPORTS Banking, Commerce and Insurance

**LEGISLATIVE BILL 191.** Placed on General File.

**LEGISLATIVE BILL 117.** Placed on General File - Com AM137.

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

(Signed) Rich Pahls, Chairperson

### Judiciary

**LEGISLATIVE BILL 97.** Placed on General File.

**LEGISLATIVE BILL 67.** Placed on General File - Com AM142.  
AM142

- 1 1. On page 2, after line 14, insert the following:
- 2 "No person shall be guilty of contempt of court pursuant
- 3 to section 25-1629.02 for failing to respond to a summons sent by
- 4 first-class mail."

**LEGISLATIVE BILL 290.** Placed on General File.

(Signed) Brad Ashford, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 24.** Introduced by Heidemann, 1.

WHEREAS, the Auburn Bulldogs won the Class C-1 State Football Championship; and

WHEREAS, the Bulldogs compiled a season record of thirteen wins and zero losses; and

WHEREAS, the outstanding individual players, as well as the entire football team, should be recognized for their excellent football season; and

WHEREAS, we should continue to recognize the achievements of our young people in all positive areas of endeavor.

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

1. That Troy Williams, Tommy Parrish, Blake Bans, Dana Mellage, Ryan Mertes, Phillip Byfield, Garret Collin, Nate Teten, Wes Wredt, Grant Cole, Josh Jones, Seth McAtee, Jake Dea, Jason Teten, Trent Jones, Kyle McLaughlin, Luke Lundy, B. J. Wheeler, Alex Chubick, Justin Lane, Seth Kubik, Ryan Kahanca, Garret McMann, Josey Whisler, Kiefer Coatney, Brent Sherman, Royce Johnson, Chris Boden, Justin Kahanca, Travis Cole, Quentin Kieler, Joel Wilson, Zac Palmerton, Josh Garver, Caleb Carnahan, Bryce Perry, Scott McAlexander, Ryan Allgood, Josh Rezab, Ted Fischer, Spenser Mason, Nick Mann, and Drew Tanner be congratulated for their achievement in claiming the Class C-1 State Football Title.

2. That coaches Mark Oliver, Khris Buckner, Dave Carlson, Brett Schnitzer, and Mike Vinson be applauded for their efforts in teaching and providing guidance to the young men on the team.

3. That a copy of this resolution be sent to Head Coach Mark Oliver.

Laid over.

**LEGISLATIVE RESOLUTION 25.** Introduced by Heidemann, 1.

WHEREAS, the Johnson-Brock High School One-Act Play won the Class D State Championship; and

WHEREAS, Laurel Butler, Mark Neddenriep, Madison Rippe, and Matt Dierking were recognized with Outstanding Performance Awards; and

WHEREAS, Mark Neddenriep was chosen the Best Male Actor in Class D; and

WHEREAS, the outstanding individual actors and actresses, as well as the entire One-Act Play team, should be recognized for their excellent season; and

WHEREAS, we should continue to recognize the achievements of our young people in all positive areas of endeavor.

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

1. That Jamie Weiss, Zachary Volker, Josh Adams, Mark Neddenriep, Laurel Butler, Tara Meyer, Deborah Steadman, Shelby Jones, Madison Rippe, Matt Dierking, Larry Edwards, Cameron Jeanneret, Cortney Sommerhalder, Ana Cathart, Tyler Westerfield, Jimmie Bunting, Jordein McCoy, Elea Shaffer, Amy Jeanneret, Kendall Comstock, Chelsea Johnson, Jordan Broady, Brooke Wininger, Line Gauteplass, Brooke De La Cruz, Kelsey Hasselbring, Chelsea Christensen, Melanie Moerer, and Hans Christensen be congratulated for their achievement in claiming the Class D State One-Act Play title.

2. That drama coaches Tera Stutheit and Janelle Coady be applauded for their efforts in teaching and providing guidance to the young adults on the cast and crew.

3. That a copy of this resolution be sent to Head Drama Coach Tera Stutheit.

Laid over.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on January 30, 2007, at 10:23 a.m. were the following: LBs 1, 2, 26, 21e, and 24e.

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

**COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 185.** Placed on Select File.

**LEGISLATIVE BILL 283.** Placed on Select File.

**Correctly Engrossed**

The following bill was correctly engrossed: LB 341.

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Transportation and Telecommunications**  
 Room 1113

LB 266	Monday, February 12, 2007	1:30 p.m.
LB 401	Monday, February 12, 2007	1:30 p.m.
LB 663	Monday, February 12, 2007	1:30 p.m.
LB 681	Monday, February 12, 2007	1:30 p.m.
LB 598	Tuesday, February 13, 2007	1:30 p.m.
LB 360	Tuesday, February 13, 2007	1:30 p.m.
LB 570	Tuesday, February 13, 2007	1:30 p.m.
LB 419	Tuesday, February 13, 2007	1:30 p.m.
LB 421	Tuesday, February 13, 2007	1:30 p.m.
LB 93	Tuesday, February 13, 2007	1:30 p.m.
LB 437	Tuesday, February 13, 2007	1:30 p.m.

(Signed) Deb Fischer, Chairperson

**Revenue**  
 Room 1524

LB 485	Thursday, February 22, 2007 (cancel)	1:30 p.m.
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(Signed) Ray Janssen, Chairperson

**Nebraska Retirement Systems**  
 Room 1525

LB 468	Monday, February 12, 2007 (cancel)	12:15 p.m.
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(Signed) John Synowiecki, Chairperson

**MOTIONS - Print in Journal**

Senator Loudon filed the following motion to LB 485:  
 Withdraw LB 485.

Senator Chambers filed the following motion to LB 468:  
 Withdraw LB 468.

**AMENDMENTS - Print in Journal**

Senator Heidemann filed the following amendment to LB 43:  
AM134

(Amendments to E & R amendments, ER8010)

- 1 1. On page 1, line 12, after the period insert "The
- 2 applicant shall show proof of liability insurance of at least one
- 3 million dollars.".

Senator Mines filed the following amendment to LB 237:  
FA8

On page 2, line 4, strike "sixty thousand" and insert "twenty five thousand"

Senators Hudkins and Hansen filed the following amendment to LB 291:  
AM156

(Amendments to Standing Committee amendments, AM123)

- 1 1. Insert the following new amendments:
- 2 2. On page 2, strike beginning with the first "the" in
- 3 line 5 through "and" in line 8 and show as stricken; in line 8
- 4 reinstate the stricken matter and strike the new matter and strike
- 5 "citizens", show as stricken, and insert "members"; in lines 9, 11,
- 6 and 14 strike "citizen" and show as stricken; in line 15 after the
- 7 period insert "The Director of Environmental Quality, the Director
- 8 of Regulation and Licensure, the Director of Natural Resources,
- 9 the Director of Agriculture, and the secretary of the Game and
- 10 Parks Commission shall serve as ex officio nonvoting members of
- 11 the board."; and strike beginning with "eight" in line 17 through
- 12 "section" in line 18 and insert "nine members".
- 13 3. On page 3, after line 16 insert the following:
- 14 "(3) Of the nine members one appointee shall be appointed
- 15 at large.".
- 16 2. On page 1, line 5, strike "citizen" and show as
- 17 stricken.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Hudkins asked unanimous consent to add her name as cointroducer to LB 253. No objections. So ordered.

Senator Ashford asked unanimous consent to add his name as cointroducer to LB 392. No objections. So ordered.

Senator Johnson asked unanimous consent to add his name as cointroducer to LB 401. No objections. So ordered.

Senator Mines asked unanimous consent to add his name as cointroducer to LB 564. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Hudkins withdrew her name as cointroducer to LB 330.

**VISITORS**

Visitor to the Chamber was Sarah Lentz from David City.

The Doctor of the Day was Dr. Komal Bhuller from Omaha.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Nantkes, the Legislature adjourned until 9:00 a.m., Wednesday, January 31, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature





**TWENTIETH DAY - JANUARY 31, 2007**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
FIRST SESSION**

**TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 31, 2007

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Pedersen and Raikes who were excused; and Senators Cornett, Engel, and Nantkes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**COMMITTEE REPORT  
Enrollment and Review**

**LEGISLATIVE BILL 296.** Placed on Select File - ER8012.  
ER8012

- 1 1. On page 1, line 2, after the first comma insert
- 2 "80-314,".
- 3 2. On page 2, line 1; and page 23, line 27, strike
- 4 "83-3106" and insert "81-3106".
- 5 3. On page 6, line 25, after "grants" insert an
- 6 underscored comma.
- 7 4. On page 7, line 22, strike "act" and insert "Health
- 8 and Human Services System Act".
- 9 5. On page 17, line 13, strike "system" and insert
- 10 "Health and Human Services System".

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 119.** Placed on General File.

**LEGISLATIVE BILL 120.** Placed on General File - Com AM47.  
 AM47

- 1 1. On page 5, strike beginning with the comma in line
- 2 3 through line 5, show the old matter as stricken, and insert an
- 3 underscored semicolon; in line 6 strike "(c)", show as stricken,
- 4 and insert "(b)"; in line 7 strike "(d)", show as stricken, and
- 5 insert "(c)"; and in line 8 strike "(e)", show as stricken, and
- 6 insert "(d)".

**LEGISLATIVE BILL 121.** Placed on General File - Com AM87.  
 (Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Rich Pahls, Chairperson

**AMENDMENT - Print in Journal**

Senator Dierks filed the following amendment to LB 25:  
 FA9  
 Strike the enacting clause.

**GENERAL FILE**

**LEGISLATIVE BILL 80A.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 283A.** Title read. Considered.

Advanced to E & R for review with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**MOTION - Withdraw LB 146**

Senator McDonald renewed her motion, found on page 411, to withdraw LB 146.

The McDonald motion to withdraw prevailed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**MOTION - Withdraw LB 485**

Senator Loudon renewed his motion, found on page 421, to withdraw LB 485.

The Loudon motion to withdraw prevailed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**MOTION - Withdraw LB 468**

Senator Chambers renewed his motion, found on page 421, to withdraw LB 468.

The Chambers motion to withdraw prevailed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 213.** Title read. Considered.

Advanced to E & R for review with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 237.** Title read. Considered.

Senator Mines renewed his amendment, FA8, found on page 422.

Senator Synowiecki moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 10 nays, and 11 not voting.

The Mines amendment lost with 14 ayes, 25 nays, 6 present and not voting, and 4 excused and not voting.

**SPEAKER FLOOD PRESIDING**

Advanced to E & R for review with 27 ayes, 9 nays, 10 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORTS****Agriculture**

**LEGISLATIVE BILL 422.** Placed on General File - Com AM154.  
AM154

- 1 1. Insert the following section:
- 2 Sec. 5. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 2, line 4, strike "The", show as stricken,
- 5 and insert "Beginning August 28, 2007, the"; in line 19 after

6 the period insert "The Secretary of State shall remain a member  
 7 of the brand committee in the capacity as chairperson of the  
 8 brand committee until a chairperson is elected as provided in this  
 9 section."; and in line 21 after the period insert "The members of  
 10 the brand committee serving on August 28, 2007, shall be considered  
 11 appointed to serve the remainder of their terms. The Governor shall  
 12 complete any additional appointment of members as necessary to  
 13 fulfill the membership of the brand committee as prescribed by this  
 14 legislative bill on or before August 28, 2007.".

(Signed) Philip Erdman, Chairperson

### **Business and Labor**

**LEGISLATIVE BILL 204.** Placed on General File - Com AM167.  
 AM167

1 1. On page 2, line 20, strike "one hundred" and insert  
 2 "fifty"  
 3 2. On page 3, after line 26, insert the following new  
 4 subsection:  
 5 "(4) If the contractor has never been registered  
 6 under the Contractor Registration Act, the contractor shall have  
 7 sixty working days from the date of the citation to register.  
 8 No administrative penalty shall be assessed if the contractor  
 9 registers within such sixty-day period. This subsection shall  
 10 remain in effect until March 1, 2008.".

**LEGISLATIVE BILL 472.** Placed on General File.

(Signed) Abbie Cornett, Chairperson

### **Urban Affairs**

**LEGISLATIVE BILL 347.** Placed on General File.

(Signed) Mike Friend, Chairperson

### **Transportation and Telecommunications**

**LEGISLATIVE BILL 307.** Placed on General File - Com AM163.  
 AM163

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 60-6,356, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 60-6,356 (1) ~~Except as provided in subsections (2)~~  
 6 ~~through (5) of this section, an An~~ all-terrain vehicle shall  
 7 not be operated on any ~~highway of this state. The controlled-access~~  
 8 highway, and the crossing of any controlled-access highway shall

9 not be permitted.

10 (2) ~~The crossing of a highway shall be permitted only if:~~

11 (a) ~~The crossing is made at an angle of approximately~~  
 12 ~~ninety degrees to the direction of the highway and at a place where~~  
 13 ~~no obstruction prevents a quick and safe crossing;~~

14 (b) ~~The vehicle is brought to a complete stop before~~  
 15 ~~crossing the shoulder or roadway of the highway;~~

16 (c) ~~The operator yields the right of way to all oncoming~~  
 17 ~~traffic that constitutes an immediate potential hazard;~~

18 (d) ~~In crossing a divided highway, the crossing is made~~  
 19 ~~only at an intersection of such highway with another highway; and~~

20 (e) ~~Both the headlight and taillight of the vehicle are~~  
 21 ~~on when the crossing is made.~~

22 (2) An all-terrain vehicle may be operated on any  
 23 highway, other than a controlled-access highway, in accordance  
 1 with the operating requirements of subsection (3) of this section:

2 (a) Outside the corporate limits of a city, village,  
 3 or unincorporated village if incidental to the vehicle's use for  
 4 agricultural purposes;

5 (b) Within the corporate limits of a city or village  
 6 if authorized by the city or village by ordinance adopted in  
 7 accordance with this section; or

8 (c) Within an unincorporated village if authorized by the  
 9 county board of the county in which the unincorporated village is  
 10 located by resolution in accordance with this section.

11 (3) ~~An all-terrain vehicle may be operated on a highway~~  
 12 ~~as authorized in subsection (2) of this section when such operation~~  
 13 ~~occurs only between the hours of sunrise and sunset, and such~~  
 14 ~~operation is incidental to the vehicle's use for agricultural~~  
 15 ~~purposes. Any person operating an all-terrain vehicle on a highway~~  
 16 ~~as authorized in subsection (2) of this section shall have a valid~~  
 17 ~~Class O operator's license or a farm permit as provided in section~~  
 18 ~~60-4,126 and shall not operate such vehicle at a speed in excess~~  
 19 ~~of thirty miles per hour. When operated on a highway, operating~~  
 20 ~~an all-terrain vehicle as authorized in subsection (2) of this~~  
 21 ~~section, the headlight and taillight of the vehicle shall be on~~  
 22 ~~and the vehicle shall be equipped with a bicycle safety flag which~~  
 23 ~~extends not less than five feet above ground attached to the rear~~  
 24 ~~of such vehicle. The bicycle safety flag shall be triangular in~~  
 25 ~~shape with an area of not less than thirty square inches and shall~~  
 26 ~~be day-glow in color.~~

27 (4) All-terrain vehicles may be operated without  
 1 complying with subsection (3) of this section on highways in  
 2 parades which have been authorized by the State of Nebraska or  
 3 any department, board, commission, or political subdivision of the  
 4 state.

5 (5) The crossing of a highway, other than a  
 6 controlled-access highway, shall be permitted by an all-terrain  
 7 vehicle without complying with subsection (3) of this section only

8 if:

9 (a) The crossing is made at an angle of approximately  
 10 ninety degrees to the direction of the highway and at a place where  
 11 no obstruction prevents a quick and safe crossing;

12 (b) The vehicle is brought to a complete stop before  
 13 crossing the shoulder or roadway of the highway;

14 (c) The operator yields the right-of-way to all oncoming  
 15 traffic that constitutes an immediate potential hazard;

16 (d) In crossing a divided highway, the crossing is made  
 17 only at an intersection of such highway with another highway; and

18 (e) Both the headlight and taillight of the vehicle are  
 19 on when the crossing is made.

20 ~~(5)-(6)~~ All-terrain vehicles may be operated on highways,  
 21 other than controlled-access highways, outside the corporate limits  
 22 of any municipality by electric utility personnel within the course  
 23 of their employment in accordance with the operation requirements  
 24 of subsection (3) of this section, except that the operation of the  
 25 vehicle pursuant to this subsection need not be incidental to the  
 26 use of the vehicle for agricultural purposes. limited to the hours  
 27 between sunrise and sunset.

1 (7) A city or village may adopt an ordinance authorizing  
 2 the operation of all-terrain vehicles within the corporate limits  
 3 of the city or village if the operation is in accordance with  
 4 subsection (3) of this section. The city or village may place other  
 5 restrictions on the operation of all-terrain vehicles within its  
 6 corporate limits.

7 (8) A county board may adopt a resolution authorizing the  
 8 operation of all-terrain vehicles within any unincorporated village  
 9 within the county if the operation is in accordance with subsection  
 10 (3) of this section. The county may place other restrictions on  
 11 the operation of all-terrain vehicles within the unincorporated  
 12 village.

13 Sec. 2. Original section 60-6,356, Reissue Revised  
 14 Statutes of Nebraska, is repealed.

(Signed) Deb Fischer, Chairperson

### Agriculture

**LEGISLATIVE BILL 108.** Placed on General File - Com AM172.  
 AM172

- 1 1. On page 5, lines 18 and 20; and page 6, lines 1 and 5,
- 2 strike "petition" and insert "complaint".

(Signed) Philip Erdman, Chairperson

**COMMITTEE REPORT**  
**Enrollment and Review**

**LEGISLATIVE BILL 80A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Government, Military and Veterans Affairs**  
Room 1507

LB 268	Wednesday, February 7, 2007	1:30 p.m.
LB 284	Wednesday, February 7, 2007	1:30 p.m.
LB 289	Wednesday, February 7, 2007	1:30 p.m.
LB 310	Wednesday, February 7, 2007	1:30 p.m.
LB 312	Wednesday, February 7, 2007	1:30 p.m.

Wednesday, February 7, 2007		1:30 p.m.
Keith Deiml - State Emergency Response Commission		

LB 133	Thursday, February 8, 2007	1:30 p.m.
LB 135	Thursday, February 8, 2007	1:30 p.m.
LB 464	Thursday, February 8, 2007	1:30 p.m.
LB 471	Thursday, February 8, 2007	1:30 p.m.

(Signed) Ray Aguilar, Chairperson

**Judiciary**  
Room 1113

LB 78	Wednesday, February 7, 2007	1:30 p.m.
LB 197	Wednesday, February 7, 2007	1:30 p.m.
LB 373	Wednesday, February 7, 2007	1:30 p.m.
LB 274	Wednesday, February 7, 2007	1:30 p.m.
LB 228	Wednesday, February 7, 2007	1:30 p.m.
LB 448	Wednesday, February 7, 2007	1:30 p.m.

LB 242	Thursday, February 8, 2007	1:30 p.m.
LB 428	Thursday, February 8, 2007	1:30 p.m.
LB 525	Thursday, February 8, 2007	1:30 p.m.
LB 532	Thursday, February 8, 2007	1:30 p.m.
LB 179	Thursday, February 8, 2007	1:30 p.m.
LB 474	Thursday, February 8, 2007	1:30 p.m.

LB 225	Wednesday, February 14, 2007	1:30 p.m.
LB 564	Wednesday, February 14, 2007	1:30 p.m.
LB 566	Wednesday, February 14, 2007	1:30 p.m.
LB 567	Wednesday, February 14, 2007	1:30 p.m.
LB 20	Wednesday, February 14, 2007	1:30 p.m.

LB 221      Wednesday, February 14, 2007

1:30 p.m.

(Signed) Brad Ashford, Chairperson

**MESSAGE FROM THE GOVERNOR**

January 31, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 21e, 24e and 26 were received in my office on January 30, 2007.

I signed these bills and delivered them to the Secretary of State on January 31, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

**GENERAL FILE****LEGISLATIVE BILL 263.** Title read. Considered.

Committee AM100, found on page 396, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 291.** Title read. Considered.

Committee AM123, found on page 398, was considered.

Senator Hudkins renewed the Hudkins-Hansen amendment, AM156, found on page 422, to the committee amendment.

Senator Hudkins withdrew the Hudkins-Hansen amendment.

The committee amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.



**LEGISLATIVE BILL 313.** Title read. Considered.

Committee AM101, found on page 398, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 248.** Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 311.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 39.** Title read. Considered.

Pending.

### **COMMITTEE REPORTS** **General Affairs**

**LEGISLATIVE BILL 549.** Placed on General File.

(Signed) Vickie McDonald, Chairperson

### **Judiciary**

**LEGISLATIVE BILL 19.** Indefinitely postponed.

**LEGISLATIVE BILL 102.** Indefinitely postponed.

**LEGISLATIVE BILL 154.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

### **WITHDRAW - Cointroducer**

Senator McDonald withdrew her name as cointroducer to LB 153.

### **VISITORS**

Visitors to the Chamber were John Borstelman from Lincoln; and Dale and Audrey Caskey from Bassett.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Thursday, February 1, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FIRST DAY - FEBRUARY 1, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 1, 2007

**PRAYER**

The prayer was offered by Pastor Bob Chitwood, Brownville Christian Church, Brownville.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 166.** Placed on Select File - ER8013.

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

**LEGISLATIVE BILL 333.** Placed on Select File - ER8014.  
ER8014

- 1 1. On page 1, strike beginning with "81-15,237" in line
- 2 3 through line 8 and insert "81-15,236, 81-15,237, 81-15,247,
- 3 81-15,248, and 81-15,250, Revised Statutes Cumulative Supplement,
- 4 2006; to change provisions relating to private onsite wastewater
- 5 treatment systems; to change powers and duties of the Environmental
- 6 Quality Council; to provide for fees; to provide for waivers of
- 7 requirements as prescribed; to rename a fund and create a fund;
- 8 to harmonize provisions; to repeal the original sections; and to
- 9 declare an emergency."

**LEGISLATIVE BILL 283A.** Placed on Select File.

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 11, 25, 28, 44, 79, 80, 94, 115, 161, and 167.

ST9002

**Enrollment and Review Change to LB 25**

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

1. In lieu of the Cornett amendment, FA7, in the E&R amendments, ER8000, on page 1, line 23, the first occurrence of "animal" has been struck and "dog" inserted and the second occurrence of "animal" has been struck and "canine species" inserted.

ST9003

**Enrollment and Review Change to LB 79**

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

1. Sections 2 and 3 have been struck and the following sections inserted:

Sec. 2. Original section 81-1504.01, Revised Statutes Cumulative Supplement, 2006, is repealed.

Sec. 3. The following section is outright repealed: Section 81-1553, Reissue Revised Statutes of Nebraska.

2. On page 1, lines 2 through 6 have been struck and "81-1504.01, Revised Statutes Cumulative Supplement, 2006; to change duties of the Department of Environmental Quality; to eliminate obsolete provisions; to repeal the original section; and to outright repeal section 81-1553, Reissue Revised Statutes of Nebraska." inserted.

(Signed) Amanda McGill, Chairperson

**MOTION - Approve Appointments**

Senator Synowiecki moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 411:

Nebraska Investment Council

Richard DeFusco

John M. Dinkel

Voting in the affirmative, 40:

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

Voting in the negative, 0.

Present and not voting, 6:

Cornett	Friend	Kopplin
Dubas	Heidemann	Schimek

Excused and not voting, 3:

Janssen	Pedersen	Raikes
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The appointments were confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 80A.** Advanced to E & R for engrossment.

**BILL 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 341 with 39 ayes, 6 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 341.** With Emergency.

A BILL FOR AN ACT relating to children; to amend section 43-1230, Reissue Revised Statutes of Nebraska; to adopt the Uniform Child Abduction Prevention Act; to change provisions relating to international jurisdiction with respect to child abduction and abuse; to repeal the original section; 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	Raikes
Aguilar	Engel	Howard	McDonald	Rogert
Ashford	Erdman	Hudkins	McGill	Schimek
Avery	Fischer	Janssen	Mines	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Excused and not voting, 1:

Pedersen

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

### AMENDMENTS - Print in Journal

Senator Stuthman filed the following amendment to LB 283:  
AM170

- 1 1. On page 4, line 1, after the period insert "After the
- 2 effective date of this act, any registration that is renewed shall
- 3 expire two years after the date the registration would have expired
- 4 if it had not been renewed.".

Senator Fischer filed the following amendment to LB 305:  
AM179

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

### RESOLUTION

**LEGISLATIVE RESOLUTION 26.** Introduced by Dubas, 34.

WHEREAS, less than four percent of the boys in the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Matthew Voichahoske has demonstrated a strong commitment to the community of Fullerton, Nebraska, through service projects and volunteer hours; and

WHEREAS, Matthew has demonstrated diligence in his pursuit to attain the honorary status of Eagle Scout; and

WHEREAS, Matthew has earned and deserves the honor of being named "An Eagle Scout".

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

1. That the Legislature commends Matthew Voichahoske for his outstanding accomplishment of becoming an Eagle Scout.
2. That a copy of this resolution be sent to Matthew Voichahoske.

Laid over.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 305A.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, One Hundredth Legislature, First Session, 2007.

### **SPEAKER FLOOD PRESIDING**

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 341.

#### **RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 22 was adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 22.

### **SENATOR LANGEMEIER PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 39.** Committee AM116, found on page 400, was considered.

Senator Friend offered the following motion:  
Bracket LB 39 until May 31, 2007.

Senator Friend withdrew his motion.

Senator Kruse moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Senator Aguilar moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

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

Voting in the affirmative, 26:

Adams	Engel	Kruse	Pahls	White
Aguilar	Erdman	Langemeier	Pankonin	Wightman
Avery	Friend	Lathrop	Pedersen	
Christensen	Gay	McGill	Pirsch	
Cornett	Johnson	Mines	Rogert	
Dierks	Karpisek	Nelson	Synowiecki	

Voting in the negative, 9:

Carlson	Hansen	Heidemann	Louden	Wallman
Fulton	Harms	Kopplin	McDonald	

Present and not voting, 12:

Burling	Fischer	Janssen	Raikes
Chambers	Howard	Nantkes	Schimek
Dubas	Hudkins	Preister	Stuthman

Excused and not voting, 2:

Ashford	Flood
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The committee amendment was adopted with 26 ayes, 9 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 31 ayes, 11 nays, and 7 present and not voting.

**LEGISLATIVE BILL 99.** Senator Chambers withdrew his motion, found on page 418, to indefinitely postpone.

Advanced to E & R for review with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 298.** Title read. Considered.



Committee AM93, found on page 404, was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 191.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 117.** Title read. Considered.

Committee AM137, printed separately and referred to on page 418, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 1, 2007, at 9:30 a.m. was the following: LB 341e.

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

### **COMMITTEE REPORTS Business and Labor**

**LEGISLATIVE BILL 211.** Placed on General File - Com AM177.  
AM177

- 1 1. On page 2, lines 8 and 9, strike the new matter and
- 2 insert "The per diem rate shall be the daily equivalent of a county
- 3 judge's annual salary under section 24-513.".

(Signed) Abbie Cornett, Chairperson

### **Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 434.** Placed on General File.

**LEGISLATIVE BILL 527.** Placed on General File.

**LEGISLATIVE RESOLUTION 8CA.** Placed on General File.

(Signed) Ray Aguilar, Chairperson

### Transportation and Telecommunications

**LEGISLATIVE BILL 70.** Indefinitely postponed.

**LEGISLATIVE BILL 165.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

### Education

**LEGISLATIVE BILL 231.** Placed on General File.

**LEGISLATIVE BILL 101.** Indefinitely postponed.

**LEGISLATIVE BILL 238.** Indefinitely postponed.

**LEGISLATIVE BILL 241.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

### Revenue

**LEGISLATIVE BILL 145.** Placed on General File - Com AM55.  
AM55

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-3510, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 77-3510 On or before February 1 of each year, the Tax
- 6 Commissioner shall prescribe forms to be used by all claimants for
- 7 homestead exemption or for transfer of homestead exemption. Such
- 8 forms shall contain provisions for the showing of all information
- 9 which the Tax Commissioner may deem necessary to (1) enable the
- 10 county officials and the Tax Commissioner to determine whether each
- 11 claim for exemption under sections 77-3507 to 77-3509 should be
- 12 allowed and (2) enable the county assessor to determine whether
- 13 each claim for transfer of homestead exemption pursuant to section
- 14 77-3509.01 should be allowed. It shall be the duty of the county
- 15 assessor of each county in this state to furnish such forms, upon
- 16 request, to each person desiring to make application for homestead
- 17 exemption or for transfer of homestead exemption. The forms so
- 18 prescribed shall be used uniformly throughout the state, and no
- 19 application for exemption or for transfer of homestead exemption
- 20 shall be allowed unless the applicant uses the prescribed form in
- 21 making an application. The forms shall require the attachment of
- 22 an income statement as prescribed by the Tax Commissioner fully
- 23 accounting for all household income. The Tax Commissioner shall
- 1 provide to each county assessor printed claim forms and address
- 2 lists of applicants from the prior year. The application and
- 3 information contained on any attachments to the application shall
- 4 be confidential and available to tax officials only.
- 5 Sec. 2 Section 77-3513, Revised Statutes Cumulative

6 Supplement, 2006, is amended to read:

7 77-3513 (1) Except as required by section 77-3514, if  
8 an owner is granted a homestead exemption as provided in section  
9 77-3507 or 77-3509 or subdivision (1)(b)(ii) or (iii) of section  
10 77-3508, no reapplication need be filed for succeeding years, in  
11 which case the county assessor and Tax Commissioner shall determine  
12 whether the claimant qualifies for the homestead exemption in  
13 such succeeding years as otherwise provided in sections 77-3501 to  
14 77-3529 as though a claim were made.

15 (2) It shall be the duty of each claimant who wants the  
16 homestead exemption provided in subdivision (1)(b)(i) of section  
17 77-3508 to file an application therefor with the county assessor on  
18 or before June 30 of each year. Failure to do so shall constitute  
19 a waiver of the exemption for such year, except that the county  
20 board of the county in which the homestead is located may, by  
21 majority vote, extend the deadline to on or before July 20 of  
22 each year. An extension shall not be granted to an applicant who  
23 received an extension in the immediately preceding year. The county  
24 assessor shall mail a notice on or before April 1 to claimants  
25 who are the owners of a homestead which was granted an exemption  
26 under subdivision (1)(b)(i) of section 77-3508 in the preceding  
27 year unless the claimant has already filed the application for  
1 the current year or the county assessor has reason to believe  
2 there has been a change of circumstances so that the claimant no  
3 longer qualifies. The notice shall include the claimant's name, the  
4 application deadlines for the current year, a list of documents  
5 that must be filed with the application, and the county assessor's  
6 office address and telephone number.

7 Sec. 3. Section 77-3514, Revised Statutes Cumulative  
8 Supplement, 2006, is amended to read:

9 77-3514 A claimant who is the owner of a homestead which  
10 has been granted an exemption under sections 77-3507 to 77-3509,  
11 except subdivision (1)(b)(i) of section 77-3508, shall certify to  
12 the county assessor on or before June 30 of each year that a change  
13 in the homestead exemption status has occurred or that no change  
14 in the homestead exemption status has occurred. The county board  
15 of the county in which the homestead is located may, by majority  
16 vote, extend the deadline to on or before July 20 of each year.  
17 An extension shall not be granted to an applicant who received an  
18 extension in the immediately preceding year. The county assessor  
19 shall mail a notice on or before April 1 to claimants who are  
20 the owners of a homestead which has been granted an exemption  
21 under sections 77-3507 to 77-3509, except subdivision (1)(b)(i)  
22 of section 77-3508, in the preceding year unless the claimant  
23 has already filed the certification for the current year or the  
24 county assessor has reason to believe there has been a change of  
25 circumstances so that the claimant no longer qualifies. The notice  
26 shall include the claimant's name, the certification deadlines for  
27 the current year, a list of documents that must be filed with

1 the certification, and the county assessor's office address and  
 2 telephone number. For purposes of this section, change in the  
 3 homestead exemption status shall include any change in the name of  
 4 the owner, ownership, residence, occupancy, marital status, veteran  
 5 status, or rating by the United States Department of Veterans  
 6 Affairs or any other change that would affect the qualification  
 7 for or type of exemption granted, except income checked by the  
 8 Tax Commissioner under section 77-3517. The certificate shall  
 9 require the attachment of an income statement as prescribed by  
 10 the Tax Commissioner fully accounting for all household income.  
 11 The certification and the information contained on any attachments  
 12 to the certification shall be confidential and available to tax  
 13 officials only. In addition, a claimant who is the owner of  
 14 a homestead which has been granted an exemption under sections  
 15 77-3507 to 77-3509 may notify the county assessor by August 15 of  
 16 each year of any change in the homestead exemption status occurring  
 17 in the preceding portion of the calendar year as a result of a  
 18 transfer of the homestead exemption pursuant to sections 77-3509.01  
 19 and 77-3509.02. If by his or her failure to give such notice any  
 20 property owner permits the allowance of the homestead exemption for  
 21 any year, or in the year of application in the case of transfers  
 22 pursuant to sections 77-3509.01 and 77-3509.02, after the homestead  
 23 exemption status of such property has changed, an amount equal to  
 24 the amount of the taxes lawfully due but not paid by reason of such  
 25 unlawful and improper allowance of homestead exemption, together  
 26 with penalty and interest on such total sum as provided by statute  
 27 on delinquent ad valorem taxes, shall be due and shall upon entry  
 1 of the amount thereof on the books of the county treasurer be  
 2 a lien on such property while unpaid. Such lien may be enforced  
 3 in the manner provided for liens for other delinquent taxes. Any  
 4 person who has permitted the improper and unlawful allowance of  
 5 such homestead exemption on his or her property shall, as an  
 6 additional penalty, also forfeit his or her right to a homestead  
 7 exemption on any property in this state for the two succeeding  
 8 years.

9 Sec. 4. Original section 77-3510, Reissue Revised  
 10 Statutes of Nebraska, and sections 77-3513 and 77-3514, Revised  
 11 Statutes Cumulative Supplement, 2006, are repealed.

(Signed) Ray Janssen, Chairperson

### Judiciary

**LEGISLATIVE BILL 83.** Placed on General File.

**LEGISLATIVE BILL 476.** Placed on General File.

(Signed) Brad Ashford, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Health and Human Services**  
Room 1510

LB 247      Thursday, February 8, 2007

1:30 p.m.

(Signed) Joel Johnson, Chairperson

**Education**  
Room 1525

Monday, March 12, 2007

1:30 p.m.

Floyd Vrtiska - Board of Trustees of the Nebraska State Colleges

(Signed) Ron Raikes, Chairperson

**COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 213.** Placed on Select File.

**LEGISLATIVE BILL 237.** Placed on Select File - ER8016.  
ER8016

- 1      1. On page 1, line 3, after "amount" insert "relating to
- 2      judgment liens and executions as prescribed".

**LEGISLATIVE BILL 263.** Placed on Select File.

**LEGISLATIVE BILL 291.** Placed on Select File - ER8015.  
ER8015

- 1      1. Strike the original sections and all amendments
- 2      thereto and insert the following new sections:
- 3      Section 1. Section 81-15,170, Revised Statutes Cumulative
- 4      Supplement, 2006, is amended to read:
- 5      81-15,170 (1) The Nebraska Environmental Trust Board
- 6      is hereby created as an entity of the executive branch. The
- 7      board shall consist of the Director of Environmental Quality,
- 8      the Director of Regulation and Licensure, the Director of Natural
- 9      Resources, the Director of Agriculture, the secretary of the Game
- 10     and Parks Commission, and ~~nine~~ eight citizens appointed by the
- 11     Governor with the approval of a majority of the Legislature.
- 12     The citizen members shall begin serving immediately following
- 13     notice of nomination and prior to approval by the Legislature.
- 14     The citizen members shall represent the general public and shall
- 15     have demonstrated competence, experience, and interest in the
- 16     environment of the state. ~~Two~~ At least two of the citizen
- 17     appointees shall also have experience with private financing of
- 18     public-purpose projects. ~~Three appointees shall be chosen from each~~
- 19     ~~of the three congressional districts.~~

20 (2) Of the eight citizen appointees appointed pursuant to  
 21 subsection (1) of this section, one appointee shall be appointed  
 22 from each of the following districts:

23 (a) The first district shall contain the counties of  
 1 Butler, Cass, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee,  
 2 Richardson, Saline, Sarpy, Saunders, and Seward;

3 (b) The second district shall contain the county of  
 4 Douglas;

5 (c) The third district shall contain the counties of  
 6 Antelope, Boone, Burt, Cedar, Colfax, Cuming, Dakota, Dixon, Dodge,  
 7 Knox, Madison, Merrick, Nance, Pierce, Platte, Stanton, Thurston,  
 8 Washington, and Wayne;

9 (d) The fourth district shall contain the counties of  
 10 Adams, Buffalo, Clay, Fillmore, Franklin, Hall, Hamilton, Kearney,  
 11 Nuckolls, Polk, Thayer, Webster, and York;

12 (e) The fifth district shall contain the counties of  
 13 Chase, Dawson, Dundy, Frontier, Furnas, Gosper, Harlan, Hayes,  
 14 Hitchcock, Lincoln, Perkins, Phelps, and Red Willow;

15 (f) The sixth district shall contain the counties of  
 16 Arthur, Blaine, Boyd, Brown, Cherry, Custer, Garfield, Grant,  
 17 Greeley, Holt, Hooker, Howard, Keya Paha, Logan, Loup, McPherson,  
 18 Rock, Sherman, Thomas, Valley, and Wheeler;

19 (g) The seventh district shall contain the counties of  
 20 Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Keith, Kimball,  
 21 Morrill, Scotts Bluff, Sheridan, and Sioux; and

22 (h) The eighth district shall contain the county of  
 23 Lancaster.

24 (3) A citizen appointee appointed pursuant to this  
 25 section as it existed prior to the effective date of this act  
 26 may continue to serve until the expiration of his or her term of  
 27 office. Within thirty days after the effective date of this act,  
 1 the Governor shall designate which citizen appointees appointed  
 2 prior to the effective date of this act represent the districts  
 3 that become effective on the effective date of this act. As the  
 4 terms of citizen appointees appointed prior to the effective date  
 5 of this act expire as set out in section 81-15,171, appointments  
 6 shall be made pursuant to this section as it exists on and after  
 7 the effective date of this act.

8 (4) The board shall hire an executive director who shall  
 9 hire and supervise other staff members as may be authorized by  
 10 the board. The executive director shall serve at the pleasure of  
 11 the board and be solely responsible to it. The Game and Parks  
 12 Commission shall provide administrative support, including, but not  
 13 limited to, payroll and accounting functions, to the board.

14 Sec. 2. Section 81-15,171, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 81-15,171 The citizen members of the board shall be  
 17 appointed for terms of six years, ~~except that of the members first~~  
 18 appointed, ~~except directors of agencies, the terms of three shall~~

19 ~~expire at the end of the second year, three at the end of the~~  
 20 ~~fourth year, and three at the end of the sixth year, as designated~~  
 21 ~~at the time of appointment.~~ Any member appointed to fill a vacancy  
 22 occurring prior to the expiration of the term for which his or her  
 23 predecessor was appointed shall be appointed for the remainder of  
 24 such term. A vacancy on the board shall exist in the event of the  
 25 death, disability, or resignation of a member. All members shall  
 26 be reimbursed for their actual and necessary travel expenses as  
 27 provided in sections 81-1174 to 81-1177.

- 1 Sec. 3. Original section 81-15,171, Reissue Revised
- 2 Statutes of Nebraska, and section 81-15,170, Revised Statutes
- 3 Cumulative Supplement, 2006, are repealed.

**LEGISLATIVE BILL 313.** Placed on Select File.

**LEGISLATIVE BILL 248.** Placed on Select File.

**LEGISLATIVE BILL 311.** Placed on Select File.

### **Correctly Engrossed**

The following bill was correctly engrossed: LB 80A.

(Signed) Amanda McGill, Chairperson

### **UNANIMOUS CONSENT - Room Change**

Senator Synowiecki asked unanimous consent that the Nebraska Retirement Systems Committee conduct its hearing on Monday, February 5, 2007, in Room 1510 instead of Room 1525. No objections. So ordered.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Fischer asked unanimous consent to add her name as cointroducer to LB 291. No objections. So ordered.

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB 476. No objections. So ordered.

Senator Nantkes asked unanimous consent to add her name as cointroducer to LB 607. No objections. So ordered.

### **WITHDRAW - Cointroducer**

Senator Dubas withdrew her name as cointroducer to LB 487.

### **UNANIMOUS CONSENT - Room Change**

Senator Cornett asked unanimous consent that the Business and Labor Committee conduct its hearing on Monday, February 5, 2007, in Room 1524 instead of Room 2102. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Wayne Licking from Thedford and Margaret Bradley from Brewster; members of Leadership Class and sponsors from across the state; Senator Christensen's daughter, Emilee Fish, from Imperial; Juliano Noquiera and 5 student Youth Ambassadors of the Americas from Brazil and Bob Kuzelka from Lincoln; J. B. Lawless from Imperial; Senator Carlson's wife and son, Margo and Nathan Carlson, from Holdrege; and Tami and Drew Schendt from Broken Bow.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

**ADJOURNMENT**

At 12:06 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Friday, February 2, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-SECOND DAY - FEBRUARY 2, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 2, 2007

**PRAYER**

The prayer was offered by Pastor Daniel Seiker, Cathedral of the Risen Christ, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Avery, Friend, Karpisek, Kopplin, Loudon, Pankonin, and Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-first day was approved.

**MESSAGE FROM THE GOVERNOR**

February 1, 2007

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

Dear Mr. O'Donnell:

I received engrossed Legislative Bill 341e on February 1, 2007. The bill was signed and delivered to the Secretary of State on February 1, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

**COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 39.** Placed on Select File - ER8017.  
ER8017

- 1 1. On page 1, line 2, strike "32-629," and "32-1303,";
- 2 and strike beginning with "to" in line 3 through the semicolon in
- 3 line 4.

**LEGISLATIVE BILL 99.** Placed on Select File.

**LEGISLATIVE BILL 298.** Placed on Select File.

**LEGISLATIVE BILL 191.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
**Revenue**

**LEGISLATIVE BILL 223.** Placed on General File - Com AM192.  
AM192

- 1 1. Insert the following new section:
- 2 Sec. 12. Section 77-2753, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 77-2753 ~~(4)~~(1)(a) Every employer and payor maintaining
- 5 an office or transacting business within this state and making
- 6 payment of any wages or other payments as defined in subsection
- 7 (5) of this section which are taxable under the Nebraska Revenue
- 8 Act of 1967 to any individual shall deduct and withhold from
- 9 such wages for each payroll period and from such payments a tax
- 10 computed in such manner as to result, so far as practicable, in
- 11 withholding from the employee's wages and payments to the payee
- 12 during each calendar year an amount substantially equivalent to the
- 13 tax reasonably estimated to be due from the employee or payee under
- 14 such act with respect to the amount of such wages and payments
- 15 included in his or her taxable income during the calendar year. The
- 16 method of determining the amount to be withheld shall be prescribed
- 17 by rules and regulations of the Tax Commissioner. Such rules and
- 18 regulations may allow withholding to be computed at a percentage
- 19 of the federal withholding for gambling winnings or supplemental
- 20 payments, including bonuses, commissions, overtime pay, and sales
- 21 awards which are not paid at the same time as other wages. Any
- 22 withholding tables prescribed by the Tax Commissioner shall be
- 23 provided to the budget division of the Department of Administrative
- 1 Services and the Legislative Fiscal Analyst for review at least
- 2 sixty days before the tables become effective.

- 3 (b) Notwithstanding the amount of federal withholding or
- 4 the rules and regulations of the Department of Revenue determining
- 5 the amount of withholding, every employer and payor employing
- 6 twenty-five or more employees shall withhold at least three

7 percent of the gross wages minus tax qualified deductions of  
8 each employee unless the employee provides satisfactory evidence  
9 that a lesser amount of withholding is justified in the employee's  
10 particular circumstances. Such satisfactory evidence may include  
11 birth certificates or social security information for dependents  
12 or other evidence that reasonably assures the employer that the  
13 employee is not improperly or fraudulently evading or defeating the  
14 income tax by reducing or eliminating withholding.

15 (2)(a) Every payor who is either (i) making a payment or  
16 payments in excess of five thousand dollars or (ii) maintaining  
17 an office or transacting business within this state and making  
18 a payment or payments related to such business in excess of six  
19 hundred dollars, and such payment or payments are for personal  
20 services performed or to be performed substantially within this  
21 state, to a nonresident individual, other than an employee, who  
22 is not subject to withholding on such payment under the Internal  
23 Revenue Code or a corporation, partnership, or limited liability  
24 company described in subdivision (c) of this subsection, shall  
25 be deemed an employer, and the individual performing the personal  
26 services shall be deemed an employee for the purposes of this  
27 section. The payor shall deduct and withhold from such payments  
1 the percentage of such payments prescribed in subdivision (b) of  
2 this subsection. If the individual performing the personal services  
3 provides the payor with a statement of the expenses reasonably  
4 related to the personal services, the total payment or payments may  
5 be reduced by the total expenses before computing the amount to  
6 deduct and withhold, except that such reduction shall not be more  
7 than fifty percent of such payment or payments.

8 (b) For any payment or payments for the same service,  
9 award, or purse that totals less than twenty-eight thousand  
10 dollars, the percentage deducted from such payment or payments  
11 pursuant to this subsection shall be four percent, and for all  
12 other payments, the percentage shall be six percent.

13 (c) For any corporation, partnership, or limited  
14 liability company that receives compensation for personal services  
15 in this state and of which all or substantially all of the  
16 shareholders, partners, or members are the individuals performing  
17 the personal services, including, but not limited to, individual  
18 athletes, entertainers, performers, or public speakers performing  
19 such personal services, such compensation shall be deemed wages of  
20 the individuals performing the personal services and subject to  
21 the income tax imposed on individuals by the Nebraska Revenue Act  
22 of 1967.

23 (d) The withholding required by this subsection shall  
24 not apply to any payment to a nonresident alien, corporation,  
25 partnership, or limited liability company if such individual,  
26 shareholder, partner, or member provides the payor with a statement  
27 that the income earned is not subject to tax because of a treaty  
1 obligation of the United States.

2 (3) The Tax Commissioner may enter into agreements with  
 3 the tax departments of other states, which require income tax to  
 4 be withheld from the payment of wages, salaries, and such other  
 5 payments, so as to govern the amounts to be withheld from the wages  
 6 and salaries of and other payments to residents of such states.  
 7 Such agreements may provide for recognition of anticipated tax  
 8 credits in determining the amounts to be withheld and, under rules  
 9 and regulations adopted and promulgated by the Tax Commissioner,  
 10 may relieve employers and payors in this state from withholding  
 11 income tax on wages, salaries, and such other payments paid  
 12 to nonresident employees and payees. The agreements authorized  
 13 by this subsection shall be subject to the condition that the  
 14 tax department of such other states grant similar treatment to  
 15 residents of this state.

16 (4) The Tax Commissioner shall enter into an agreement  
 17 with the United States Office of Personnel Management for the  
 18 withholding of income tax imposed on individuals by the Nebraska  
 19 Revenue Act of 1967 on civil service annuity payments for those  
 20 recipients who voluntarily request withholding. The agreement shall  
 21 be pursuant to 5 U.S.C. 8345 and the rules and regulations adopted  
 22 and promulgated by the Tax Commissioner.

23 (5) Wages and other payments subject to withholding shall  
 24 mean payments that are subject to withholding under the Internal  
 25 Revenue Code of 1986 and are (a) payments made by employers to  
 26 employees, except such payments subject to 26 U.S.C. 3406, (b)  
 27 payments of gambling winnings, or (c) pension or annuity payments  
 1 when the recipient has requested the payor to withhold from such  
 2 payments.

3 2. On page 47, line 16, after "matrix" insert "or".

4 3. On page 51, lines 3 and 12, strike "the" and insert  
 5 "overstated as a"; and in line 22 after "(4)" insert "If any  
 6 taxpayer, with intent to evade or defeat any income tax imposed by  
 7 the Nebraska Revenue Act of 1967 or the payment thereof, claims an  
 8 excessive number of exemptions or in any other manner overstates  
 9 the amount of withholding, he or she shall be guilty of a Class II  
 10 misdemeanor.".

11 4. On page 55, after line 21 insert the following new  
 12 subsection:

13 "(14) If any employer or payor employing twenty-five or  
 14 more employees who is required to withhold and pay over income tax  
 15 imposed by the Nebraska Revenue Act of 1967 fails to either (a)  
 16 withhold at least three percent of the wages of any employee or (b)  
 17 obtain satisfactory evidence from the employee justifying a lower  
 18 withholding amount as required by subdivision (1)(b) of section  
 19 77-2753, the Tax Commissioner may impose, assess, and collect a  
 20 penalty of not more than one thousand dollars per violation.".

21 5. On page 57, strike line 8 and insert

22 "(3) Livestock means all animals, including cattle,  
 23 horses, sheep, goats, hogs, chickens, turkeys, and other species of

24 game birds and animals raised and produced subject to permit and  
 25 regulation by the Game and Parks Commission or the Department of  
 26 Agriculture;".

27 6. On page 93, line 5, after the last comma insert

1 "77-2753,".

2 7. Correct the operative date section so that the section  
 3 added by this amendment becomes operative on January 1, 2008.

4 8. Renumber the remaining sections and correct internal  
 5 references accordingly.

**LEGISLATIVE BILL 155.** Indefinitely postponed.

**LEGISLATIVE BILL 168.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 50.** Indefinitely postponed.

(Signed) Ray Aguilar, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

**Banking, Commerce and Insurance**

Room 1507

LB 123	Monday, February 12, 2007	1:30 p.m.
LB 386	Monday, February 12, 2007	1:30 p.m.
LB 190	Monday, February 12, 2007	1:30 p.m.
LB 379	Tuesday, February 13, 2007	1:30 p.m.
LB 383	Tuesday, February 13, 2007	1:30 p.m.
LB 188	Tuesday, February 13, 2007	1:30 p.m.
LB 378	Tuesday, February 13, 2007	1:30 p.m.
LB 262	Tuesday, February 20, 2007	1:30 p.m.
LB 350	Tuesday, February 20, 2007	1:30 p.m.
LB 425	Tuesday, February 20, 2007	1:30 p.m.
LB 368	Monday, February 26, 2007	1:30 p.m.
LB 174	Monday, February 26, 2007	1:30 p.m.
LB 113	Monday, February 26, 2007	1:30 p.m.
LB 85	Tuesday, February 27, 2007	1:30 p.m.
LB 134	Tuesday, February 27, 2007	1:30 p.m.
LB 647	Tuesday, February 27, 2007	1:30 p.m.

(Signed) Rich Pahls, Chairperson

**AMENDMENT - Print in Journal**

Senator Erdman filed the following amendment to LB 111:  
AM186

- 1 1. On page 10, line 11, strike "and" and show as  
2 stricken; and in line 12 strike "thereafter", show as stricken, and  
3 insert an underscored comma.
- 4 2. On page 12, line 2, after the second comma insert  
5 "as a condition precedent to the issuance of a permit pursuant to  
6 the Nebraska Milk Act."; in line 3 after "be" insert "paid to the  
7 department on or before August 1 of each year"; and in line 19  
8 strike "A" and insert "Beginning August 1, 2008, and on or before  
9 each August 1 thereafter a".
- 10 3. On page 17, line 3, strike "Milk" and insert  
11 "Beginning August 1, 2008, milk".
- 12 4. On page 26, strike beginning with "as" in line 15  
13 through "act" in line 16, show the old matter as stricken, and  
14 insert "for such period of time as is necessary to have the milk  
15 free from drug residues".

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 1, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Austin, Jordan  
National Rifle Association Institute for Legislative Action

Bromm, Curt  
Papillion - La Vista Public Schools

Bunger, Charles K.  
Commercial Property Owners, Nebraska Association of  
Mercy Housing, Inc.  
WAITT LLC

Canuteson, Beth  
AT&T Corporation

Connealy, Matt  
Democratic Party, Nebraska

Deppe, Jonah M.  
League of Women Voters of Nebraska

Dudley, William H.  
AFLAC

Egr, Mary Jane  
Education Association, Nebraska State

Gilpin, Vicki  
Nebraska Association of Convention and Visitors Bureaus

Goc, John J.  
Keno Operators Association, Nebraska

Pederson, Donald W.  
Assurity Life

Schmit Industries, Inc.  
Moylan, James

Wortman, Sheri A., McHenry, Haszard, Hansen, Roth and Hupp  
Lien, Susan

## REPORTS

The following reports were received by the Legislature:

### **Health and Human Services System**

Credentialing Review Reports on the Proposals for a Change in Scope of Practice for Certified Nurse Midwives and to License Direct Entry Midwives

State Disbursement Unit Report to the Legislature - Calendar Year 2006

New Hire Report to the Legislature

Number of Licenses Suspended Under the License Suspension Act - 2006 Annual Report

### **Insurance, Department of**

2005 Annual Report of the Interstate Insurance Receivership Commission

### **Motor Vehicles, Department of**

2006 Annual Report: Number of Operator's Licenses Suspended Under the License Suspension Act, LB 752 (Laws 1997)

## GENERAL FILE

**LEGISLATIVE BILL 97.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 67.** Title read. Considered.

Committee AM142, found on page 419, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 290.** Title read. Considered.

Advanced to E & R for review with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 422.** Title read. Considered.

Committee AM154, found on page 427, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 204.** Title read. Considered.

Committee AM167, found on page 428, was considered.

### **PRESIDENT SHEEHY PRESIDING**

Senator Mines 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 committee amendment was adopted with 34 ayes, 3 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 11 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 472.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 347.** Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 307.** Title read. Considered.

Committee AM163, found on page 428, 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, 7 present and not voting, and 8 excused and not voting.

**UNANIMOUS CONSENT - Time Change**

Senator Synowiecki asked unanimous consent to permit the Nebraska Retirement Systems Committee to begin the hearing scheduled for Monday, February 12, 2007, at 9:00 a.m. rather than 12:15 p.m. No objections. So ordered.

**NOTICE OF COMMITTEE HEARINGS**

**Business and Labor**

Room 2102

LB 77	Monday, February 12, 2007	1:30 p.m.
LB 222	Monday, February 12, 2007	1:30 p.m.
LB 462	Monday, February 12, 2007	1:30 p.m.
LB 588	Monday, February 12, 2007	1:30 p.m.
LB 265	Monday, February 26, 2007	1:30 p.m.
LB 339	Monday, February 26, 2007	1:30 p.m.
LB 500	Monday, February 26, 2007	1:30 p.m.
LB 31	Monday, March 5, 2007	1:30 p.m.
LB 175	Monday, March 5, 2007	1:30 p.m.
LB 432	Monday, March 5, 2007	1:30 p.m.
LB 495	Monday, March 5, 2007	1:30 p.m.
LB 88	Monday, March 12, 2007	1:30 p.m.
LB 89	Monday, March 12, 2007	1:30 p.m.
LB 609	Monday, March 12, 2007	1:30 p.m.

(Signed) Abbie Cornett, Chairperson

**COMMITTEE REPORTS**

**General Affairs**

**LEGISLATIVE BILL 441.** Placed on General File.

(Signed) Vickie McDonald, Chairperson

**Judiciary**

**LEGISLATIVE BILL 470.** Placed on General File.

(Signed) Brad Ashford, Chairperson

**AMENDMENT - Print in Journal**

Senator Cornett filed the following amendment to LB 211:  
AM59

- 1 1. Insert the following section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Pedersen asked unanimous consent to add his name as cointroducer to LBs 220 and 384. No objections. So ordered.

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

**VISITORS**

Visitors to the Chamber were Senator Christensen's son, Steven Fish, from Imperial; 28 fourth-grade students and teacher from Longfellow Elementary, Hastings; James E. Doyle from Lexington; and 23 nursing students and teacher from Union College, Lincoln.

The Doctor of the Day was Dr. David Filipi from Omaha.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Wallman, the Legislature adjourned until 10:00 a.m., Monday, February 5, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-THIRD DAY - FEBRUARY 5, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 5, 2007

**PRAYER**

The prayer was offered by Senator Kruse.

**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 Pedersen who was excused; and Senators Chambers, Gay, and McDonald who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-second day was approved.

**COMMITTEE REPORTS****Transportation and Telecommunications**

**LEGISLATIVE BILL 239.** Placed on General File.

(Signed) Deb Fischer, Chairperson

**Agriculture**

**LEGISLATIVE BILL 12.** Placed on General File - Com AM161.  
AM161

1 1. Strike section 10.

2 2. On page 2, line 3, strike "sections 9 and 10" and  
3 insert "section 9"; in lines 23 through 26, reinstate the stricken  
4 matter; in line 23 strike "may", show as stricken, and insert  
5 "shall"; and in line 26 before the period insert "as required  
6 for an initial application pursuant to section 54-630 or if a  
7 qualifying inspection of the applicant's facilities is otherwise  
8 deemed appropriate before a license is issued for any other  
9 applicant.".

10 3. On page 3, line 23, strike "annually" and insert  
 11 "at least once in a twenty-four month period"; and in line 26,  
 12 before "When" insert "The department shall employ appropriate and  
 13 sufficient personnel to carry out the inspections required by this  
 14 section and sections 54-627 and 54-630. Any additional inspector  
 15 or other field personnel employed by the department to carry out  
 16 inspections pursuant to the act that are funded through General  
 17 Fund appropriations to the Bureau of Animal Industry shall be  
 18 assigned to the Bureau of Animal Industry and shall be available  
 19 for temporary reassignment as needed to other activities and  
 20 functions of the Bureau of Animal Industry in the event of a  
 21 livestock disease emergency or any other threat to livestock and  
 22 public health.".

(Signed) Philip Erdman, Chairperson

### Natural Resources

**LEGISLATIVE BILL 390.** Placed on General File.

**LEGISLATIVE BILL 568.** Placed on General File.

**LEGISLATIVE BILL 299.** Placed on General File - Com AM189.  
 AM189

- 1 1. Insert the following section:
- 2 Sec. 13. Section 37-513, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 37-513 (1) It shall be unlawful to shoot at any wildlife
- 5 from any highway or roadway, which includes that area of land from
- 6 the center of the traveled surface to the right-of-way on either
- 7 side. Any person violating this ~~section~~ subsection shall be guilty
- 8 of a Class III misdemeanor and shall be fined at least fifty
- 9 dollars.
- 10 (2)(a) The commission shall adopt and promulgate rules
- 11 and regulations for trapping in the county road right-of-way.
- 12 Such rules and regulations may include, but are not limited to,
- 13 requirements, notification, identification, and trapping methods.
- 14 (b) For purposes of this subsection, county road
- 15 right-of-way means the area which has been designated a part of the
- 16 county road system and which has not been vacated pursuant to law.
- 17 2. On page 23, line 3, before "37-527" insert "37-513,".
- 18 3. Renumber the remaining sections accordingly.

The Natural Resources 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.

Ann Bleed - Department of Natural Resources

VOTE: Aye: Senators Carlson, Dubas, Fischer, Hudkins, Kopplin, Loudon.

Nay: None. Pass: Senator Christensen. Absent: Senator Wallman.

(Signed) LeRoy Louden, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Transportation and Telecommunications**  
 Room 1113

LB 589	Tuesday, February 20, 2007	1:30 p.m.
LB 253	Tuesday, February 20, 2007	1:30 p.m.
LB 486	Monday, February 26, 2007	1:30 p.m.
LB 676	Monday, February 26, 2007	1:30 p.m.
	Monday, February 26, 2007	1:30 p.m.
	Jack Henry - Nebraska Motor Vehicle Industry Licensing Board	
	Toby Miller - Nebraska Motor Vehicle Industry Licensing Board	
	Kelly Smith - Nebraska Motor Vehicle Industry Licensing Board	
	Linda Aerni - Nebraska Information Technology Commission	
	Patrick Flanagan - Nebraska Information Technology Commission	
	Lance Hedquist - Nebraska Information Technology Commission	
	Daniel Hoelsing - Nebraska Information Technology Commission	
	Harold Huggenberger - Nebraska Information Technology Commission	
	Doug Kristensen - Nebraska Information Technology Commission	
LB 182	Tuesday, February 27, 2007	1:30 p.m.
LB 439	Tuesday, February 27, 2007	1:30 p.m.
LB 277	Tuesday, February 27, 2007	1:30 p.m.
LB 447	Tuesday, February 27, 2007	1:30 p.m.
LB 276	Tuesday, February 27, 2007	1:30 p.m.

(Signed) Deb Fischer, Chairperson

**MESSAGES FROM THE GOVERNOR**

January 31, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as a member of the Nebraska Power Review Board:

Mark Graham, 6550 South 34th Street, Lincoln NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 31, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as a member of the Board of Public Roads Classifications and Standards:

Richard Pierce, 33560 Hwy 183, Miller NE 68858

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### **GENERAL FILE**

**LEGISLATIVE BILL 305A.** Title read. Considered.

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

### **RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 23 was adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 23.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 11.**

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-117, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation; to provide powers and duties; 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	Engel	Howard	Louden	Preister
Aguilar	Erdman	Hudkins	McDonald	Raikes
Ashford	Fischer	Janssen	McGill	Rogert
Avery	Flood	Johnson	Mines	Schimek
Burling	Friend	Karpisek	Nantkes	Stuthman
Carlson	Fulton	Kopplin	Nelson	Synowiecki
Christensen	Hansen	Kruse	Pahls	Wallman
Cornett	Harms	Langemeier	Pankonin	White
Dierks	Heidemann	Lathrop	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Dubas

Excused and not voting, 3:

Chambers      Gay              Pedersen

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

**MOTIONS - Return LB 25 to Select File**

Senator Dierks moved to return LB 25 to Select File for his specific amendment, FA9, found on page 426.

Senator Dierks withdrew his motion to return.

Senator Kopplin moved to return LB 25 to Select File for the following specific amendment:

FA10

To strike enacting language LB 25.

Senator Langemeier asked unanimous consent to bracket LB 25 until Thursday February 8, 2007. No objections. So ordered.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 28.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-503.02, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the conveyance of personal property; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Gay                      Pedersen

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

#### LEGISLATIVE BILL 44.

A BILL FOR AN ACT relating to elections; to amend sections 32-913 and 32-1026, Reissue Revised Statutes of Nebraska, and section 32-914, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the precinct list of registered voters and sign-in register; to harmonize provisions; and to repeal the original sections.



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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Gay                      Pedersen

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

**LEGISLATIVE BILL 94.**

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Cumulative Supplement, 2006; to authorize municipalities to receive information as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Gay                      Pedersen

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

### **LEGISLATIVE BILL 115.**

A BILL FOR AN ACT relating to insurance; to amend section 44-514, Reissue Revised Statutes of Nebraska; to redefine automobile liability policy; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Gay                      Pedersen

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 167 with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 167.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5003 and 77-5011, Reissue Revised Statutes of Nebraska, and sections 25-1901, 77-1504, 77-1507.01, 77-5016, 77-5017, 77-5020, 77-5023, 77-5026, and 77-5028, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to appeals, equalization, the Tax Equalization and Review Commission, and assessor certification; to harmonize provisions; to repeal the original sections; to outright repeal section 77-5014, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 1:

Pedersen

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

**SELECT FILE**

**LEGISLATIVE BILL 186.** ER8004, printed separately and referred to on page 393, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 150.** Senator Adams offered the following amendment:

AM95

1. Strike section 4.

The Adams amendment was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 64.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 63.** Advanced to E & R for engrossment.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 11, 28, 44, 94, 115, and 167.

### **SELECT FILE**

**LEGISLATIVE BILL 74.** ER8008, found on page 393, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 111.** ER8011, found on page 407, was adopted.

Senator Erdman renewed his amendment, AM186, found on page 454.

The Erdman amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 110.** ER8005, found on page 408, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 148.** ER8007, found on page 408, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 206.** ER8006, found on page 410, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 207.** Senator Friend renewed his amendment, AM111, found on page 400.

The Friend amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 35.** Senator Janssen renewed his amendment, AM104, found on page 400.

The Janssen amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 43.** ER8010, found on page 410, was adopted.

Senator Heidemann renewed his amendment, AM134, found on page 422.

The Heidemann amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 315.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 185.** Senator Johnson offered the following amendment:

(Amendment, AM220, is on file and available in the Clerk's Office, Room 2014.)

The Johnson amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Erdman offered the following amendment:  
AM221

- 1 1. Strike the original sections 10 and 12 and insert the
- 2 following new sections:
- 3 Sec. 5. Section 71-5185, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-5185 (1) No patient data received or recorded by an
- 6 emergency medical service or an out-of-hospital emergency care
- 7 provider shall be divulged, made public, or released by an
- 8 emergency medical service or an out-of-hospital emergency care
- 9 provider, except that patient data may be released ~~to the receiving~~
- 10 ~~health care facility, to the department for public health purposes,~~
- 11 ~~upon the written authorization of the patient who is the subject~~
- 12 ~~of the record, for purposes of treatment, payment, and other health~~
- 13 ~~care operations as defined and permitted under the federal Health~~
- 14 ~~Insurance Portability and Accountability Act of 1996, as such act~~
- 15 ~~existed on January 1, 2007, or as otherwise permitted by law. Such~~

16 data shall be provided to the department for public health purposes  
 17 pursuant to rules and regulations of the department. For purposes  
 18 of this section, patient data means any data received or recorded  
 19 as part of the records maintenance requirements of the Emergency  
 20 Medical Services Act.

21 (2) Patient data received by the department shall be  
 22 confidential with release only (a) in aggregate data reports  
 23 created by the department on a periodic basis or at the request  
 1 of an individual, ~~or~~ (b) as case-specific data to approved  
 2 researchers for specific research projects, (c) as protected  
 3 health information to a public health authority, as such terms  
 4 are defined under the federal Health Insurance Portability and  
 5 Accountability Act of 1996, as such act existed on January  
 6 1, 2007, and (d) as protected health information, as defined  
 7 under the federal Health Insurance Portability and Accountability  
 8 Act of 1996, as such act existed on January 1, 2007, to an  
 9 emergency medical service, to an out-of-hospital emergency care  
 10 provider, or to a licensed health care facility for purposes  
 11 of treatment. A record may be shared with the emergency medical  
 12 service or out-of-hospital emergency care provider that reported  
 13 that specific record. Approved researchers shall maintain the  
 14 confidentiality of the data, and researchers shall be approved in  
 15 the same manner as described in section 81-666. Aggregate reports  
 16 shall be public documents. ~~Emergency medical service specific data~~  
 17 ~~and out of hospital emergency care provider specific data shall be~~  
 18 ~~released only upon the written authorization of the service or the~~  
 19 ~~provider who is the subject of the record.~~

20 (3) No civil or criminal liability of any kind or  
 21 character for damages or other relief or penalty shall arise or  
 22 be enforced against any person or organization by reason of having  
 23 provided patient data pursuant to this section.

24 Sec. 9. Section 71-8249, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 71-8249 (1) All data collected under section 71-8248  
 27 shall be held confidential pursuant to sections 81-663 to 81-675.  
 1 Confidential patient medical record data shall only be released as  
 2 (a) Class I, II, or IV medical records under sections 81-663 to  
 3 81-675, (b) aggregate data to the regional trauma system quality  
 4 assurance program and the regional trauma advisory boards, (c) as  
 5 protected health information to a public health authority, as such  
 6 terms are defined under the federal Health Insurance Portability  
 7 and Accountability Act of 1996, as such act existed on January 1,  
 8 2007, and (d) as protected health information, as defined under  
 9 the federal Health Insurance Portability and Accountability Act of  
 10 1996, as such act existed on January 1, 2007, to an emergency  
 11 medical service, to an out-of-hospital emergency care provider, to  
 12 a licensed health care facility, or to a center that will treat or  
 13 has treated a specific patient.

14 A record may be shared with the emergency medical

15 service, the out-of-hospital emergency provider, the licensed  
 16 health care facility, or center that reported that specific record.

17 (2) Patient care quality assurance proceedings, records,  
 18 and reports developed pursuant to this section and section  
 19 71-8248 are confidential and are not subject to discovery by  
 20 subpoena or admissible as evidence in any civil action, except  
 21 pursuant to a court order which provides for the protection  
 22 of sensitive information of interested parties, including the  
 23 department, pursuant to section 25-12,123.

24 Sec. 10. Section 71-8252, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 71-8252 The regional trauma advisory boards:

27 (1) Shall advise the department on matters relating to  
 1 the delivery of trauma care services within the trauma care region;

2 (2) Shall ~~provide~~ evaluate data and provide analysis  
 3 required by the department to assess the effectiveness of the  
 4 statewide trauma system; and

5 (3) May apply for, receive, and accept gifts and other  
 6 payments, including property and services, from any governmental or  
 7 other public or private entity or person and may make arrangements  
 8 as to the use of these receipts, including any activities related  
 9 to the design, maintenance, or enhancements of the statewide trauma  
 10 system in the trauma care region. Regional trauma advisory boards  
 11 shall report in the regional budget the amount, source, and purpose  
 12 of all gifts and payments.

13 Sec. 13. Sections 1, 13, 14, and 16 of this act become  
 14 operative on their effective date. The other sections of this act  
 15 become operative three calendar months after adjournment of this  
 16 legislative session.

17 Sec. 15. Original sections 71-629, 71-5185, 71-6726,  
 18 71-6733, 71-8249, and 71-8252, Reissue Revised Statutes of  
 19 Nebraska, and sections 68-919, 68-921, 71-6039, 81-647, and 81-671,  
 20 Revised Statutes Cumulative Supplement, 2006, are repealed.

21 2. Renumber the remaining sections accordingly.

The Erdman amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 283.** Senator Stuthman renewed his amendment, AM170, found on page 438.

The Stuthman amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 283A.** Senator Stuthman offered the following

amendment:

AM226

- 1 1. On page 2, line 5, strike "178" and insert "177"; and
- 2 strike lines 8 through 10.

The Stuthman amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

## GENERAL FILE

**LEGISLATIVE BILL 108.** Title read. Considered.

Committee AM172, found on page 430, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 117.** Placed on Select File - ER8020.  
ER8020

- 1 1. In the Standing Committee amendments, AM137:
- 2 a. On page 18, line 4, strike the first "of" and insert
- 3 "after"; and in line 19 after "length" insert an underscored comma;
- 4 b. On page 23, strike beginning with "participations" in
- 5 line 16 through "evidences" in line 17 and insert "a participation,
- 6 certificate, or other evidence";
- 7 c. On page 34, line 7, strike the comma and show as
- 8 stricken;
- 9 d. On page 69, line 25, after "prepayment" insert an
- 10 underscored comma;
- 11 e. On page 70, line 13, strike "that";
- 12 f. On page 71, line 9, strike "to"; and in line 16 after
- 13 the second comma insert "to execute";
- 14 g. On page 72, line 6, after the second comma insert "or"
- 15 and strike ", or" and insert "of"; and in line 26 strike the first
- 16 comma;
- 17 h. On page 73, line 24, before "unless" insert "of
- 18 this section"; and in line 26 strike "application of" and insert
- 19 "applicable";
- 20 i. On page 74, strike beginning with "the" in line 3
- 21 through line 4 and insert "this subsection."; and in line 26 after
- 22 "court" insert an underscored comma; and
- 23 j. On page 76, line 12, after "securities" insert an
- 1 underscored comma; and in line 16 after "by" insert an underscored



2 comma.

3 2. On page 1, strike lines 3 through 16 and insert  
 4 "44-4519, 44-5110, 44-5111, 44-5120, 44-5137, 44-5140, 44-5141,  
 5 44-5152, 44-5501, 44-5502, 44-5504, 44-7504, and 48-446, Reissue  
 6 Revised Statutes of Nebraska, and sections 44-5103, 44-5153,  
 7 44-8101, 44-8102, 44-8103, 44-8104, 44-8105, 44-8106, 44-8107,  
 8 48-144.03, 48-146.01, and 77-908, Revised Statutes Cumulative  
 9 Supplement, 2006; to change provisions relating to the Business  
 10 Corporation Act, the Long-Term Care Insurance Act, the Surplus  
 11 Lines Insurance Act, securities, workers' compensation insurance,  
 12 fire insurance policies, standard provisions and forms, the  
 13 Viatical Settlements Act, nonadmitted insurers, and the Insurers  
 14 Investment Act; to provide training requirements for long-term care  
 15 insurance providers; to provide for a tax on premiums of policies  
 16 procured by industrial insureds and premiums received by captive  
 17 insurers; to rename the Nebraska Senior Protection in Annuity  
 18 Transactions Act; to adopt the Captive Insurers Act; to define  
 19 and redefine terms; to provide powers and duties; to harmonize  
 20 provisions; to provide a duty for the Revisor of Statutes; and to  
 21 repeal the original sections."

**LEGISLATIVE BILL 97.** Placed on Select File.

**LEGISLATIVE BILL 67.** Placed on Select File.

**LEGISLATIVE BILL 290.** Placed on Select File.

**LEGISLATIVE BILL 422.** Placed on Select File - ER8018.  
 ER8018

1 1. On page 1, line 3, strike "the chairperson" and insert  
 2 "provisions relating to membership"; in line 4 strike "and"; and in  
 3 line 5 after "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 204.** Placed on Select File.

**LEGISLATIVE BILL 472.** Placed on Select File.

**LEGISLATIVE BILL 347.** Placed on Select File.

**LEGISLATIVE BILL 307.** Placed on Select File - ER8021.  
 ER8021

1 1. On page 1, line 3, strike "restrict" and insert  
 2 "change provisions relating to the".

**LEGISLATIVE BILL 305A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
**Health and Human Services**

**LEGISLATIVE BILL 374.** Placed on General File.

**LEGISLATIVE BILL 103.** Placed on General File - Com AM201.  
AM201

- 1 1. On page 2, strike beginning with "to" in line 7  
 2 through the comma in line 10, show the old matter as stricken,  
 3 and insert "for purposes of treatment, payment, and other health  
 4 care operations as defined and permitted under the federal Health  
 5 Insurance Portability and Accountability Act of 1996, as such act  
 6 existed on January 1, 2007."; in line 10 after the period insert  
 7 "Such data shall be provided to the department for public health  
 8 purposes pursuant to rules and regulations of the department."; and  
 9 in line 20 and 22 after the comma insert "as such act existed on  
 10 January 1, 2007.".
- 11 2. On page 3, lines 21 and 23, after the first comma  
 12 insert "as such act existed on January 1, 2007.".

**LEGISLATIVE BILL 203.** Placed on General File - Com AM171.  
AM171

- 1 1. Strike the original sections and insert the following  
 2 new sections:
- 3 Section 1. Section 71-401, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:  
 5 71-401 Sections 71-401 to 71-459 and section 3 of this  
 6 act shall be known and may be cited as the Health Care Facility  
 7 Licensure Act.
- 8 Sec. 2. Section 71-403, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:  
 10 71-403 For purposes of the Health Care Facility Licensure  
 11 Act, unless the context otherwise requires, the definitions found  
 12 in sections 71-404 to 71-431 and section 3 of this act shall apply.
- 13 Sec. 3. Representative peer review organization means a  
 14 utilization and quality control peer review organization as defined  
 15 in section 1152 of the Social Security Act, 42 U.S.C. 1320c-1, as  
 16 such section existed on the effective date of this act.
- 17 Sec. 4. Section 71-434, Revised Statutes Cumulative  
 18 Supplement, 2006, is amended to read:  
 19 71-434 (1) Licensure activities under the Health Care  
 20 Facility Licensure Act shall be funded by license fees. An  
 21 applicant for an initial or renewal license under section 71-433  
 22 shall pay a license fee as provided in this section.
- 23 (2) License fees shall include a base fee of fifty  
 1 dollars and an additional fee based on:
- 2 (a) Variable costs to the department of inspections,  
 3 architectural plan reviews, and receiving and investigating  
 4 complaints, including staff salaries, travel, and other similar  
 5 direct and indirect costs;
- 6 (b) The number of beds available to persons residing at  
 7 the health care facility;
- 8 (c) The program capacity of the health care facility or  
 9 health care service; or

10 (d) Other relevant factors as determined by the  
11 department.

12 Such additional fee shall be no more than two thousand  
13 six hundred dollars for a hospital or a health clinic operating  
14 as an ambulatory surgical center, no more than two thousand  
15 dollars for an assisted-living facility, a health clinic providing  
16 hemodialysis or labor and delivery services, an intermediate care  
17 facility, an intermediate care facility for the mentally retarded,  
18 a nursing facility, or a skilled nursing facility, no more than one  
19 thousand dollars for home health agencies, hospice services, and  
20 centers for the developmentally disabled, and no more than seven  
21 hundred dollars for all other health care facilities and health  
22 care services.

23 (3) If the licensure application is denied, the license  
24 fee shall be returned to the applicant, except that the department  
25 may retain up to twenty-five dollars as an administrative fee  
26 and may retain the entire license fee if an inspection has been  
27 completed prior to such denial.

1 (4) The department shall also collect the fee provided in  
2 subsection (1) of this section for reinstatement of a license that  
3 has lapsed or has been suspended or revoked. The department shall  
4 collect a fee of ten dollars for a duplicate original license.

5 (5) The department shall collect a fee from any applicant  
6 or licensee requesting an informal conference with a representative  
7 peer review organization under section 71-452 to cover all costs  
8 and expenses associated with such conference.

9 ~~(5)-(6)~~ The department shall adopt and promulgate rules  
10 and regulations for the establishment of license fees under this  
11 section.

12 ~~(6)-(7)~~ The department shall remit all license fees  
13 collected under this section to the State Treasurer for credit  
14 to the Department of Health and Human Services Regulation and  
15 Licensure Cash Fund. License fees collected under this section  
16 shall only be used for activities related to the licensure of  
17 health care facilities and health care services.

18 Sec. 5. Section 71-452, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 71-452 Within fifteen days after service of a notice  
21 under section 71-451, an applicant or a licensee shall notify the  
22 director in writing that the applicant or licensee (1) desires  
23 to contest the notice and request an informal conference with a  
24 representative of the department in person or by other means at  
25 the request of the applicant or licensee, (2) desires to contest  
26 the notice and request an informal conference with a representative  
27 peer review organization, (3) desires to contest the notice and  
1 request a hearing, or ~~(3)-(4)~~ does not contest the notice. If the  
2 director does not receive such notification within such fifteen-day  
3 period, the action of the department shall be final.

4 Sec. 6. Section 71-453, Reissue Revised Statutes of

5 Nebraska, is amended to read:

6 71-453 (1) The director shall assign a representative of  
 7 the department, other than the individual who did the inspection  
 8 upon which the notice is based, or shall assign a representative  
 9 peer review organization to hold an informal conference with  
 10 the applicant or licensee within thirty days after receipt of  
 11 a request made under subdivision (1) or (2) of section 71-452.  
 12 Within twenty working days after the conclusion of the conference,  
 13 the representative or representative peer review organization shall  
 14 affirm, modify, or dismiss the notice. The representative or  
 15 representative peer review organization shall state in writing  
 16 the specific reasons for affirming, modifying, or dismissing the  
 17 notice and shall immediately transmit copies of the statement to  
 18 the director and the applicant or licensee. The applicant's or  
 19 licensee's copy of such statement shall be sent by certified mail  
 20 to the last address shown in the records of the department. If the  
 21 applicant or licensee desires to contest the affirmed or modified  
 22 notice, the applicant or licensee shall notify the director in  
 23 writing within five working days after receiving such statement  
 24 that the applicant or licensee requests a hearing.

25 (2) If an applicant or a licensee successfully  
 26 demonstrates during an informal conference or a hearing that the  
 27 deficiencies should not have been cited in the notice, (a) the  
 1 deficiencies shall be removed from the notice and the deficiency  
 2 statement and (b) any sanction imposed solely as a result of those  
 3 cited deficiencies shall be rescinded.

4 Sec. 7. Original sections 71-403, 71-452, and 71-453,  
 5 Reissue Revised Statutes of Nebraska, and sections 71-401 and  
 6 71-434, Revised Statutes Cumulative Supplement, 2006, are repealed.

**LEGISLATIVE BILL 385.** Placed on General File - Com AM187.  
 AM187

1 1. On page 27, line 15, strike "one-year", show as  
 2 stricken, and insert "two-year" and strike "two-year", show as  
 3 stricken, and insert "three-year"; in lines 16 and 25 strike  
 4 "three-year", show as stricken, and insert "four-year"; in lines  
 5 16 and 18 strike "four-year", show as stricken, and insert  
 6 "five-year"; and in line 24 strike "two-year", show as stricken,  
 7 and insert "three-year".

8 2. On page 28, lines 1, 2, and 6, strike "four-year",  
 9 show as stricken, and insert "five-year"; and in line 14 strike  
 10 "four", show as stricken, and insert "five".

(Signed) Joel Johnson, Chairperson

### **Transportation and Telecommunications**

**LEGISLATIVE BILL 286.** Placed on General File - Com AM178.  
 (Amendment is printed separately and available in the Bill Room, Room

1104.)

(Signed) Deb Fischer, Chairperson

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 204A.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 441A.** Introduced by McDonald, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 441, One Hundredth Legislature, First Session, 2007.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 27.** Introduced by Aguilar, 35; Adams, 24; Avery, 28; Friend, 10; Karpisek, 32; Mines, 18; Pahls, 31; Rogert, 16.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle, the protection of the United States; Operation Enduring Freedom, in Afghanistan; and Operation Iraqi Freedom, in Iraq; and

WHEREAS, Nebraska Army National Guard missions have included security, force protection, transportation, logistic support, quick reaction force, forward area support, rear area support, medical support, aviation maintenance, aviation support, medical evacuation (air and ground), reconnaissance, surveillance, law and order (police investigation), and direct support maintenance; and

WHEREAS, Nebraska Air National Guard missions have included aerial refueling, maintenance, engineering, supply mobility support, financial management, and security; and

WHEREAS, more than three thousand five hundred members of the Nebraska National Guard have deployed to more than twenty foreign countries during the last five years; and

WHEREAS, Staff Sergeant Jeffrey J. Hansen, Sergeant Germaine L. Debro, and Sergeant Joshua A. Ford made the ultimate sacrifice by giving their lives for this Nation; and

WHEREAS, the Bronze Star with Valor, awarded for heroic or meritorious achievement or service, has been presented to Staff Sergeant Mark A. Sadd, Sergeant Michael D. Belleci, Specialist Justin T. Clausen, Specialist Benjamin A. Marksmeier, and Private First Class Darin D. Nelson; and

WHEREAS, the Purple Heart, awarded to members of the United States Armed Forces wounded or killed as a direct result of enemy actions, has been presented to First Lieutenant Matthew S. York, Sergeant First Class Johnny R. Eynetich, Sergeant First Class Douglas V. Manly, Staff Sergeant George B. Goodon, Staff Sergeant Joel J. Hesterman, Staff Sergeant Lauren J. McConnell, Sergeant Shawn M. Humphrey, Sergeant Robert S. Hutt, Sergeant Donne E. McKimmey, Sergeant David T. Murphy, Sergeant Sion T. Odom, Sergeant Lucas J. Smith, Specialist Jeremy S. Borrell, Specialist Benjamin A. Marksmeier, Specialist Jordan D. Rahe, Specialist Anthony D. Revas, Specialist Bradley C. Utterback, and Private First Class Timothy D. Verbeek; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, has been presented to Captain Jeffrey C. Searcey, First Lieutenant Matthew C. Misfeldt, First Lieutenant Jacques S. Smith III, Staff Sergeant George B. Gooden, Staff Sergeant Joel J. Hestermann, Staff Sergeant Lauren J. McConnell, Staff Sergeant Mark A. Sadd, Sergeant Joseph J. Dunlap, Sergeant Christopher J. Marcello, Sergeant Sion T. Odom, Specialist Adam L. Dack, Specialist David L. Munoz, Specialist Anthony D. Revas, and Private First Class Tyler T. Schik.

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

1. That the Legislature extends its thanks to these soldiers and honors them for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be given to each of these soldiers or their families.

Laid over.

### NOTICE OF COMMITTEE HEARING

**Revenue**  
Room 1524

LB 557      Friday, March 9, 2007 (cancel)

1:30 p.m.

(Signed) Ray Janssen, Chairperson

### MOTION - Print in Journal

Senator Ashford filed the following motion to LB 557:  
Withdraw LB 557.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on February 5, 2007, at 11:12 a.m. were the following: LBs 11, 28, 44, 94, 115, and 167e.

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

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Graham, Mark - Nebraska Power Review Board - Natural Resources

Pierce, Richard - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications

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

**VISITORS**

Visitors to the Chamber were 27 Career and Tech Ed and Family and Consumer Sciences teachers from across the state; Senator Christensen's daughter, RyeLee Christensen, from Imperial; 5 members of the Lincoln County Sheriff's office from North Platte; and members of the Nebraska Bankers Association Leadership Class from across the state.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator White, the Legislature adjourned until 9:00 a.m., Tuesday, February 6, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature





**TWENTY-FOURTH DAY - FEBRUARY 6, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 6, 2007

**PRAAYER**

The prayer was offered by Pastor Michael McDonald, Grace Bible Fellowship Church, Stella.

**ROLL CALL**

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

The roll was called and all members were present except Senators Engel, Janssen, and Pedersen who were excused; and Senators Dubas, Heidemann, Nantkes, Raikes, Schimek, and Stuthman who were excused until they arrive.

**SENATOR LANGEMEIER PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-third day was approved.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 549A.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 549, One Hundredth Legislature, First Session, 2007.

**AMENDMENT - Print in Journal**

Senator Erdman filed the following amendment to LB 34:  
AM205

- 1 1. Strike the original section and insert the following  
2 new section:  
3 Section 1. The State-Tribal Relations Committee is hereby  
4 established as a special legislative committee with the intent of  
5 fostering better relationships between the state and the federally  
6 recognized Indian tribes within the state. The Executive Board  
7 of the Legislative Council shall appoint seven members of the  
8 Legislature to the committee. The chairperson and vice-chairperson  
9 of the State-Tribal Relations Committee shall also be designated  
10 by the executive board. All appointments shall be made within  
11 the first six days of the legislative session in odd-numbered  
12 years. Members shall serve two-year terms corresponding with  
13 legislative sessions and may be reappointed for consecutive terms.  
14 The committee shall meet as necessary to consider state-tribal  
15 relations issues.

**NOTICE OF COMMITTEE HEARINGS****Health and Human Services**

Room 1510

LB 236	Wednesday, February 14, 2007	1:30 p.m.
LB 397	Wednesday, February 14, 2007	1:30 p.m.
LB 482	Wednesday, February 14, 2007	1:30 p.m.
LB 523	Wednesday, February 14, 2007	1:30 p.m.
LB 555	Wednesday, February 14, 2007	1:30 p.m.
LB 481	Thursday, February 15, 2007	1:30 p.m.
LB 631	Thursday, February 15, 2007	1:30 p.m.
LB 699	Thursday, February 15, 2007	1:30 p.m.
LB 369	Thursday, February 22, 2007	1:30 p.m.
LB 610	Thursday, February 22, 2007	1:30 p.m.
LB 616	Thursday, February 22, 2007	1:30 p.m.
LB 617	Thursday, February 22, 2007	1:30 p.m.
LB 670	Thursday, February 22, 2007	1:30 p.m.
LB 417	Friday, February 23, 2007	1:30 p.m.
LB 445	Friday, February 23, 2007	1:30 p.m.
LB 469	Friday, February 23, 2007	1:30 p.m.
LB 480	Friday, February 23, 2007	1:30 p.m.

(Signed) Joel Johnson, Chairperson

**MOTION - Withdraw LB 557**

Senator Ashford renewed his motion, found on page 478, to withdraw LB 557.

The Ashford motion to withdraw prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 204A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 4 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 549.** Title read. Considered.

Senator Chambers offered the following amendment:

FA11

P. 10, line 10 strike "twenty-one" and insert "ten".

**SPEAKER FLOOD PRESIDING****SENATOR LANGEMEIER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Chambers amendment was adopted with 41 ayes, 1 nay, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 33 ayes, 7 nays, 4 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORTS**  
**Executive Board**

**LEGISLATIVE BILL 34.** Placed on General File.

**LEGISLATIVE BILL 402.** Placed on General File.

(Signed) L. Patrick Engel, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Government, Military and Veterans Affairs**  
 Room 1507

LB 196	Wednesday, February 14, 2007	1:30 p.m.
LB 232	Wednesday, February 14, 2007	1:30 p.m.
LB 300	Wednesday, February 14, 2007	1:30 p.m.
LB 497	Wednesday, February 14, 2007	1:30 p.m.
LB 256	Thursday, February 15, 2007	1:30 p.m.
LB 388	Thursday, February 15, 2007	1:30 p.m.
LB 396	Thursday, February 15, 2007	1:30 p.m.
LB 408	Thursday, February 15, 2007	1:30 p.m.
Thursday, February 15, 2007		1:30 p.m.
Keith Hansen - State Emergency Response Commission		
Larry Johnson - State Emergency Response Commission		
LB 233	Wednesday, February 21, 2007	1:30 p.m.
LB 269	Wednesday, February 21, 2007	1:30 p.m.
LB 348	Wednesday, February 21, 2007	1:30 p.m.
LB 392	Wednesday, February 21, 2007	1:30 p.m.
Wednesday, February 21, 2007		1:30 p.m.
Lucinda Glen - State Personnel Board		
LB 394	Thursday, February 22, 2007	1:30 p.m.
LB 460	Thursday, February 22, 2007	1:30 p.m.
LB 539	Thursday, February 22, 2007	1:30 p.m.
LB 433	Thursday, February 22, 2007	1:30 p.m.
Thursday, February 22, 2007		1:30 p.m.
Tim Hofbauer - State Emergency Response Commission		
LB 352	Wednesday, February 28, 2007	1:30 p.m.
LB 477	Wednesday, February 28, 2007	1:30 p.m.
LB 572	Wednesday, February 28, 2007	1:30 p.m.
LB 252	Wednesday, February 28, 2007	1:30 p.m.
LR 14	Wednesday, February 28, 2007	1:30 p.m.
LB 686	Thursday, March 1, 2007	1:30 p.m.
LB 528	Thursday, March 1, 2007	1:30 p.m.
LB 646	Thursday, March 1, 2007	1:30 p.m.
LB 694	Thursday, March 1, 2007	1:30 p.m.

(Signed) Ray Aguilar, Chairperson

**ANNOUNCEMENT**

The Chair announced today is Senator Wallman's birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 211.** Title read. Considered.

**SENATOR MCDONALD PRESIDING**

Committee AM177, found on page 441, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Cornett renewed her amendment, AM59, found on page 458.

Senator Cornett moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

The Cornett amendment was adopted with 25 ayes, 9 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA12

P. 2 in line 5 strike "judge" and insert "commissioner"; and in line 9 strike "judge" and insert "commissioner".

The Chambers amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

**ANNOUNCEMENT**

Senator Raikes announced the Education Committee will hold an executive session Tuesday, February 6, 2007, following adjournment, in Room 2102.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 12A.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 12, One Hundredth Legislature, First Session, 2007.

**VISITORS**

Visitors to the Chamber were members of the Nebraska Pharmacists Association from across the state; Senator Fischer's niece, Allison Strobel, from Omaha; members of the Nebraska Change to Win Coalition of Labor Unions from across the state; Steve Wooden from Albion; Bradley Shafer from Trumbull; and District Judge John Samson from Blair.

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, February 7, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FIFTH DAY - FEBRUARY 7, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 7, 2007

**PRAYER**

The prayer was offered by Father Michael Christensen, St. Peter's Catholic School, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fourth day was approved.

**COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 108.** Placed on Select File - ER8022.  
ER8022

- 1 1. On page 2, line 24, strike "7" and insert "6".
- 2 2. On page 4, line 8, reinstate the stricken comma.

**LEGISLATIVE BILL 204A.** Placed on Select File.

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 35, 43, 63, 64, 74, 110, 111, 148, 150, 186, 206, 207, and 315.

ST9004

Enrollment and Review Change to LB 150

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

1. On page 1, line 4, "and" has been inserted after the first semicolon; and the matter beginning with the second semicolon in line 4 through emergency" in line 5 has been struck.

(Signed) Amanda McGill, Chairperson

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 24 and 25 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 24 and 25.

### MOTION - Approve Appointment

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 460:

Department of Natural Resources  
Ann Bleed

Voting in the affirmative, 35:

Adams	Engel	Heidemann	Langemeier	Pankonin
Aguilar	Erdman	Hudkins	Louden	Pirsch
Avery	Fischer	Janssen	McDonald	Rogert
Burling	Flood	Johnson	McGill	Stuthman
Carlson	Fulton	Karpisek	Mines	Synowiecki
Dierks	Hansen	Kopplin	Nantkes	Wallman
Dubas	Harms	Kruse	Nelson	Wightman

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Christensen	Gay	Lathrop	Preister
Chambers	Friend	Howard	Pahls	Schimek

Excused and not voting, 4:

Cornett	Pedersen	Raikes	White
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The appointment was confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.



**GENERAL FILE**

**LEGISLATIVE BILL 549A.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 434.** Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 527.** Title read. Considered.

Senator Aguilar moved for a call of the house. The motion prevailed with 28 ayes, 6 nays, and 15 not voting.

Senator Aguilar requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Adams	Chambers	Gay	McDonald	Raikes
Aguilar	Dierks	Hansen	Mines	Schimek
Ashford	Fischer	Johnson	Pahls	Stuthman
Avery	Flood	Kopplin	Pankonin	Synowiecki
Carlson	Friend	Kruse	Pirsch	Wightman

Voting in the negative, 19:

Christensen	Fulton	Hudkins	Louden	Preister
Dubas	Harms	Karpisek	McGill	Wallman
Engel	Heidemann	Langemeier	Nantkes	White
Erdman	Howard	Lathrop	Nelson	

Present and not voting, 3:

Burling	Janssen	Rogert
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Excused and not voting, 2:

Cornett	Pedersen
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Advanced to E & R for review with 25 ayes, 19 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE RESOLUTION 8CA.** Read. Considered.

Senator Erdman offered the following amendment:

FA13

On page 1, line 15 strike the new language and reinstate the stricken language.

Pending.

### **COMMITTEE REPORTS** **Transportation and Telecommunications**

**LEGISLATIVE BILL 349.** Placed on General File.

**LEGISLATIVE BILL 466.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

### **Education**

**LEGISLATIVE BILL 205.** Placed on General File.

**LEGISLATIVE BILL 192.** Placed on General File - Com AM240.  
AM240

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 85-1412, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 85-1412 The commission shall have the following
- 6 additional powers and duties:
- 7 (1) Conduct surveys and studies as may be necessary to
- 8 undertake the coordination function of the commission pursuant
- 9 to section 85-1403 and request information from governing
- 10 boards and appropriate administrators of public institutions and
- 11 other governmental agencies for research projects. All public
- 12 institutions and governmental agencies receiving state funds
- 13 shall comply with reasonable requests for information under this
- 14 subdivision. Public institutions may comply with such requests
- 15 pursuant to section 85-1417;
- 16 (2) Recommend to the Legislature and the Governor
- 17 legislation it deems necessary or appropriate to improve
- 18 postsecondary education in Nebraska and any other legislation it
- 19 deems appropriate to change the role and mission provisions in
- 20 sections 85-917 to 85-966.01;
- 21 (3) Establish any advisory committees as may be necessary
- 22 to undertake the coordination function of the commission pursuant
- 23 to section 85-1403 or to solicit input from affected parties
- 1 such as students, faculty, governing boards, administrators
- 2 of the public institutions, administrators of the private
- 3 nonprofit institutions of postsecondary education and proprietary
- 4 institutions in the state, and community and business leaders

- 5 regarding the coordination function of the commission;
- 6 (4) Participate in or designate an employee or employees  
7 to participate in any committee which may be created to prepare  
8 a coordinated plan for the delivery of educational programs and  
9 services in Nebraska through the telecommunications system;
- 10 (5) Seek a close liaison with the State Board of  
11 Education and the State Department of Education in recognition  
12 of the need for close coordination of activities between elementary  
13 and secondary education and postsecondary education;
- 14 (6) Administer the Integrated Postsecondary Education  
15 Data System or other information system or systems to provide the  
16 commission with timely, comprehensive, and meaningful information  
17 pertinent to the exercise of its duties. The information system  
18 shall be designed to provide comparable data on each public  
19 institution. The commission shall also administer the uniform  
20 information system prescribed in sections 85-1421 to 85-1427 known  
21 as the Nebraska Educational Data System. Public institutions shall  
22 supply the appropriate data for the information system or systems  
23 required by the commission;
- 24 (7) Administer the ~~Community Scholarship Foundation~~  
25 Access College Early Scholarship Program Act and the Nebraska  
26 Scholarship Act;
- 27 (8) Accept and administer loans, grants, and programs  
1 from the federal or state government and from other sources, public  
2 and private, for carrying out any of its functions, including  
3 the administration of privately endowed scholarship programs. Such  
4 loans and grants shall not be expended for any other purposes than  
5 those for which the loans and grants were provided. The commission  
6 shall determine eligibility for such loans, grants, and programs,  
7 and such loans and grants shall not be expended unless approved by  
8 the Governor;
- 9 (9) Consistent with section 85-1620, approve, in a  
10 timely manner, new baccalaureate degree programs to be offered  
11 at private postsecondary career schools as defined in section  
12 85-1603. The commission may charge a reasonable fee based on  
13 its administrative costs for authorizations pursuant to this  
14 subdivision and section 85-1620. The commission shall report such  
15 action to the Commissioner of Education;
- 16 (10) Pursuant to sections 85-1101 to 85-1104, authorize  
17 out-of-state institutions of higher or postsecondary education to  
18 offer courses or degree programs in this state;
- 19 (11) Pursuant to sections 85-1105 to 85-1111, approve  
20 or disapprove petitions to establish new private colleges in this  
21 state;
- 22 (12) On or before December 1, 2000, and on or before  
23 December 1 every two years thereafter, submit to the Legislature  
24 and the Governor a report of its objectives and activities and  
25 any new private colleges in Nebraska and the implementation of any  
26 recommendations of the commission for the preceding two calendar

27 years;

1 (13) Provide staff support for interstate compacts on  
2 postsecondary education; and

3 (14) Request inclusion of the commission in any existing  
4 grant review process and information system.

5 Sec. 2. Sections 2 to 7 of this act shall be known and  
6 may be cited as the Access College Early Scholarship Program Act.

7 Sec. 3. For purposes of the Access College Early  
8 Scholarship Program Act:

9 (1) Commission means the Coordinating Commission for  
10 Postsecondary Education;

11 (2) Extreme hardship means any event including fire,  
12 illness, accident, or job loss that has recently resulted in a  
13 significant financial difficulty for a student or the student's  
14 parent or legal guardian;

15 (3) Postsecondary educational institution means a  
16 two-year or four-year college or university in Nebraska which is a  
17 member institution of an accrediting body recognized by the United  
18 States Department of Education; and

19 (4) Student means a student attending a Nebraska high  
20 school.

21 Sec. 4. The Access College Early Scholarship Program is  
22 established. The purpose of the program is to provide financial  
23 assistance to low-income students who are taking courses for credit  
24 at a postsecondary educational institution while still enrolled in  
25 high school. The program shall be administered by the commission.

26 Sec. 5. (1) A student is eligible for the Access College  
27 Early Scholarship Program if such student or the student's parent  
1 or legal guardian is eligible to receive:

2 (a) Supplemental Security Income;

3 (b) Food stamps;

4 (c) Free or reduced-price lunches under United States  
5 Department of Agriculture child nutrition programs;

6 (d) Aid to families with dependent children; or

7 (e) Assistance under the Special Supplemental Nutrition  
8 Program for Women, Infants, and Children; or

9 (2) The student or the student's parent or legal guardian  
10 has experienced an extreme hardship as defined in section 3 of this  
11 act.

12 Sec. 6. (1) An applicant for the Access College Early  
13 Scholarship Program shall complete an application form developed  
14 and provided by the commission and shall forward the form to his  
15 or her guidance counselor. The guidance counselor shall verify the  
16 student's eligibility under the Access College Early Scholarship  
17 Program Act and shall forward the information to the commission  
18 for review within fifteen days following receipt of the form from  
19 the student. Notification of tuition and fees shall be provided  
20 to the commission by the student, high school, or postsecondary  
21 educational institution as determined by the commission.

22 (2) The commission shall review the application and  
 23 verify the student's eligibility under the act. The commission  
 24 shall notify the student and the student's guidance counselor of  
 25 the estimated award amount in writing within thirty days following  
 26 receipt of the form from the student's guidance counselor. The  
 27 scholarship award shall equal the tuition and fees accrued by  
 1 the student from the postsecondary educational institution. The  
 2 commission shall forward such amount directly to the postsecondary  
 3 educational institution as payment of such student's tuition and  
 4 fees.

5 (3) The commission shall make such payments in the order  
 6 the applications are received by the commission until funds are  
 7 inadequate to fulfill any remaining scholarships.

8 (4) There is no limit on the number of scholarships a  
 9 student may receive under the act.

10 Sec. 7. The commission may adopt and promulgate rules  
 11 and regulations to carry out the Access College Early Scholarship  
 12 Program Act.

13 Sec. 8. Original section 85-1412, Revised Statutes  
 14 Cumulative Supplement, 2006, is repealed.

15 Sec. 9. The following sections are outright repealed:  
 16 Sections 85-2001, 85-2002, 85-2003, 85-2004, 85-2005, 85-2006,  
 17 85-2007, 85-2008, 85-2009, and 85-2010, Revised Statutes Cumulative  
 18 Supplement, 2006.

(Signed) Ron Raikes, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

**Appropriations**

Room 1524

LB 317	Tuesday, February 20, 2007	1:30 p.m.
LB 318	Tuesday, February 20, 2007	1:30 p.m.
LB 319	Tuesday, February 20, 2007	1:30 p.m.
LB 320	Tuesday, February 20, 2007	1:30 p.m.
LB 321	Tuesday, February 20, 2007	1:30 p.m.
LB 322	Tuesday, February 20, 2007	1:30 p.m.
LB 323	Tuesday, February 20, 2007	1:30 p.m.
LB 249	Tuesday, February 20, 2007	1:30 p.m.

Room 1003

Wednesday, February 21, 2007	1:30 p.m.
AGENCY 59 - Board of Geologists	
AGENCY 45 - Board of Barber Examiners	
AGENCY 74 - Power Review Board	
AGENCY 41 - State Real Estate Commission	
AGENCY 53 - Real Estate Appraiser Board	
AGENCY 63 - State Board of Public Accountancy	

AGENCY 32 - Board of Educational Lands and Funds  
 AGENCY 62 - State Surveyor  
 AGENCY 36 - State Racing Commission  
 AGENCY 66 - Abstracters Board of Examiners  
 AGENCY 73 - State Board of Landscape Architects  
 AGENCY 35 - Liquor Control Commission

Thursday, February 22, 2007 1:30 p.m.  
 AGENCY 57 - Oil and Gas Conservation Commission  
 AGENCY 18 - Department of Agriculture - Potato Board and Poultry/Egg  
 AGENCY 39 - Brand Committee  
 AGENCY 56 - Wheat Development, Utilization, and Marketing Board  
 AGENCY 60 - Ethanol Board  
 AGENCY 61 - Dairy Industry Development Board  
 AGENCY 86 - Dry Bean Commission  
 AGENCY 88 - Corn Development, Utilization, and Marketing Board  
 AGENCY 92 - Grain Sorghum Development, Utilization, and Marketing  
 Board

LB 33 Friday, February 23, 2007 1:30 p.m.

Friday, February 23, 2007 1:30 p.m.  
 AGENCY 16 - Department of Revenue  
 AGENCY 93 - Tax Equalization and Review Commission  
 AGENCY 96 - Department of Property Assessment and Taxation

(Signed) Lavon Heidemann, Chairperson

**Judiciary**  
 Room 1113

LR 4CA Thursday, February 15, 2007 1:30 p.m.  
 LB 107 Thursday, February 15, 2007 1:30 p.m.  
 LB 142 Thursday, February 15, 2007 1:30 p.m.  
 LB 246 Thursday, February 15, 2007 1:30 p.m.  
 LB 467 Thursday, February 15, 2007 1:30 p.m.  
 LB 475 Thursday, February 15, 2007 1:30 p.m.  
 LB 639 Thursday, February 15, 2007 1:30 p.m.

LB 65 Wednesday, February 21, 2007 1:30 p.m.  
 LB 606 Wednesday, February 21, 2007 1:30 p.m.  
 LB 672 Wednesday, February 21, 2007 1:30 p.m.  
 LB 673 Wednesday, February 21, 2007 1:30 p.m.  
 LB 450 Wednesday, February 21, 2007 1:30 p.m.  
 LB 457 Wednesday, February 21, 2007 1:30 p.m.

LB 218 Thursday, February 22, 2007 1:30 p.m.  
 LB 260 Thursday, February 22, 2007 1:30 p.m.  
 LB 407 Thursday, February 22, 2007 1:30 p.m.

LB 424	Thursday, February 22, 2007	1:30 p.m.
LB 553	Thursday, February 22, 2007	1:30 p.m.
LB 573	Thursday, February 22, 2007	1:30 p.m.
LB 68	Friday, February 23, 2007	1:30 p.m.
LB 75	Friday, February 23, 2007	1:30 p.m.
LB 254	Friday, February 23, 2007	1:30 p.m.
LB 257	Friday, February 23, 2007	1:30 p.m.
LB 280	Friday, February 23, 2007	1:30 p.m.
LB 535	Friday, February 23, 2007	1:30 p.m.
LB 556	Friday, February 23, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

### COMMITTEE REPORT Education

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

Larry Teahon - Board of Trustees of the Nebraska State Colleges

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

(Signed) Ron Raikes, Chairperson

### GENERAL FILE

**LEGISLATIVE RESOLUTION 8CA.** The Erdman amendment, FA13, found in this day's Journal, was renewed.

Senator Erdman withdrew his amendment.

Senator Nelson offered the following amendment:  
AM258

- 1 1. On page 1, line 13, strike "four percent of the" and
- 2 show the old matter as stricken; in line 14 after "state" insert
- 3 "equal to at least ten percent of the number of votes cast for
- 4 Governor at the general election next preceding the filing of the
- 5 petition"; in lines 15 and 16 strike "fifteen percent of such" and
- 6 show the old matter as stricken; and in line 16 after the first
- 7 "voters" insert "of the state equal to at least fifteen percent of
- 8 the number of votes cast for Governor at the general election next
- 9 preceding the filing of the petition".

**SENATOR LANGEMEIER PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Pending.

**AMENDMENTS - Print in Journal**

Senator Johnson filed the following amendment to LB 296:  
(Amendment, AM15, is printed separately and available in the Bill Room, Room 1104.)

Senator Hudkins filed the following amendment to LB 299:  
AM245

- 1 1. On page 3, line 22, strike "fourth" through
- 2 "November", show as stricken, and insert "Wednesday immediately
- 3 preceding Thanksgiving Day".

**COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 549.** Placed on Select File - ER8024.  
ER8024

- 1 1. On page 11, line 22, strike "twenty-one" and insert
- 2 "ten".
- 3 2. On page 13, line 3, strike "Operation of" and insert
- 4 "For a license to operate".

**LEGISLATIVE BILL 549A.** Placed on Select File.

**LEGISLATIVE BILL 211.** Placed on Select File - ER8023.  
ER8023

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 48-806, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 48-806 As soon as ~~such compensation the same~~ may be
- 6 legally paid under the Constitution of Nebraska, ~~the compensation~~
- 7 ~~of judges each commissioner~~ of the Commission of Industrial
- 8 Relations shall be ~~two hundred fifty dollars paid~~ per day for
- 9 each day's time actually engaged in the performance of the duties
- 10 of ~~their~~ his or her office. The per diem rate shall be the daily
- 11 equivalent of a county judge's annual salary under section 24-513.
- 12 ~~Each judge-commissioner~~ shall also be paid his or her necessary
- 13 traveling expenses incurred while away from his or her place
- 14 of residence upon business of the commission in accordance with
- 15 sections 81-1174 to 81-1177.
- 16 Sec. 2. Original section 48-806, Reissue Revised Statutes
- 17 of Nebraska, is repealed.
- 18 Sec. 3. Since an emergency exists, this act takes effect
- 19 when passed and approved according to law.



20 2. On page 1, line 3, strike "judges", after  
 21 "compensation" insert "of members of the commission", and strike  
 22 "and"; in line 4 after "section" insert "; and to declare an  
 23 emergency".

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
**Natural Resources**

**LEGISLATIVE BILL 295.** Placed on General File - Com AM190.  
 (Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) LeRoy Louden, Chairperson

**General Affairs**

The General 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.

David E. Gardels - Nebraska Arts Council

VOTE: Aye: McDonald, Karpisek, Dierks, Dubas, Erdman, Friend, Janssen, Preister. Nay: None. Absent: None.

(Signed) Vickie McDonald, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Natural Resources**  
 Room 1525

LB 458	Thursday, March 1, 2007 (cancel)	1:30 p.m.
LB 458	Wednesday, February 28, 2007 (reschedule)	1:30 p.m.
LB 594	Wednesday, March 7, 2007 (cancel)	1:30 p.m.
LB 594	Thursday, March 1, 2007 (reschedule)	1:30 p.m.

(Signed) LeRoy Louden, Chairperson

**Nebraska Retirement Systems**  
 Room 1525

Wednesday, February 21, 2007 8:30 a.m.  
 Phyllis G. Chambers - Public Employees Retirement Board  
 Don Pederson - Public Employees Retirement Board

(Signed) John Synowiecki, Chairperson

**MOTION - Print in Journal**

Senator Erdman filed the following motion to LB 527:  
Recommit LB 527 to the Government, Military and Veterans Affairs Committee.

**WITHDRAW - Cointroducer**

Senator Langemeier withdrew his name as cointroducer to LB 173.

**VISITORS**

Visitors to the Chamber were Mike Pittz from Lincoln; members of Leadership Scotts Bluff, Scottsbluff/Gering United Chamber, and Ogallala Chamber of Commerce from western Nebraska; 75 twelfth-grade students and teachers from Elkhorn; Katie Queen and Courtney Gray from Elkhorn; 41 fourth-grade students, teachers, and sponsors from Eagle; 35 twelfth-grade students and teachers from Hartington; Cathy Morrissey from Lincoln; members of the Nebraska Bankers Association; and Ron Kranz from Fremont.

The Doctor of the Day was Dr. Dave Ensz from Omaha.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Karpisek, the Legislature adjourned until 9:00 a.m., Thursday, February 8, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-SIXTH DAY - FEBRUARY 8, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 8, 2007

**PRAYER**

The prayer was offered by Pastor Harold Bickford, Peru Community Church and Tecumseh Lutheran Church, Peru.

**ROLL CALL**

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

The roll was called and all members were present except Senators Dierks, Heidemann, Loudon, Nantkes, Pedersen, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 434.** Placed on Select File.

**LEGISLATIVE BILL 527.** Placed on Select File.

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 185, 283, and 283A.

ST9005

Enrollment and Review Change to LB 185

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

1. In the Erdman amendment, AM221:
  - a. Section 13 has been struck;
  - b. Sections 5, 9, 10, and 15 have been renumbered as sections 42, 46, 47, and 52, respectively.

2. In the Johnson amendment, AM220, on page 32, line 9, "47, 48, and 52" has been struck and "50, 51, and 55" inserted; in line 12 "50, and 51" has been struck and "53, and 54" inserted; in line 26 "71-1761 and 71-1762, Reissue Revised Statutes of Nebraska, and sections" has been inserted after "Sections"; and in line 27 "71-1761, 71-1762," has been struck.

3. On page 1, lines 2 through 11 have been struck and "sections 71-629, 71-1734, 71-1748, 71-1752, 71-1756, 71-1764, 71-1765, 71-5185, 71-6726, 71-6733, 71-8249, and 71-8252, Reissue Revised Statutes of Nebraska, and sections 68-906, 68-919, 68-921, 71-1707, 71-1722, 71-1723, 71-1723.01, 71-1723.02, 71-1724, 71-1724.01, 71-1726.01, 71-1726.02, 71-1729, 71-1730, 71-1731, 71-1735, 71-1737, 71-1749, 71-1755, 71-1757, 71-17,118, 71-17,119, 71-17,121, 71-17,122, 71-17,123, 71-17,124, 71-17,128, 71-17,129, 71-17,134, 71-17,135, 71-17,137, 71-17,138, 71-17,139, 71-17,140, 71-6039, 81-647, and 81-671, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Medical Assistance Act, birth certificates, nursing assistants, medication aides, regional trauma advisory boards, and the cancer registry; to change provisions relating to recovery of medical assistance; to change and eliminate provisions relating to licensure and certification of certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners; to authorize the release of patient information as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1761 and 71-1762, Reissue Revised Statutes of Nebraska, and sections 71-1724.02, 71-1725, 71-1725.01, 71-1726, 71-1736.01, 71-1736.02, 71-1736.03, 71-1758, 71-17,125, 71-17,126, and 71-17,127, Revised Statutes Cumulative Supplement, 2006; and to declare an emergency." inserted.

(Signed) Amanda McGill, Chairperson

## **COMMITTEE REPORTS**

### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 136.** Placed on General File.

**LEGISLATIVE BILL 381.** Indefinitely postponed.

(Signed) Rich Pahls, Chairperson

## **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 470A.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, One Hundredth Legislature, First Session, 2007.

**AMENDMENT - Print in Journal**

Senator Erdman filed the following amendment to LB 211:  
AM253

(Amendments to E & R amendments, ER8023)

- 1 1. On page 1, lines 6 and 7, reinstate "the compensation
- 2 of"; in line 8 strike "paid" and insert "four hundred seventy-five
- 3 dollars"; and strike beginning with "The" in line 10 through line
- 4 11.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 7, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Arnold, Stanley R.  
Reynolds American (formerly RJ Reynolds Tobacco)

Case, David  
Astellas Pharma

Cox, William D.  
Opticians, NE Society of Dispensing

Goc, John J.  
League of Nebraska Municipalities

Hedberg, Matthew  
Schering-Plough External Affairs, Inc.

Jensen, Ronald L./Jensen Associates, Inc.  
Eli Lilly and Company

Karnes, David  
Big Red Lottery Services, Ltd.

Liken, F. John  
Opticians, NE Society of Dispensing

Loontjer, Pat  
Gambling With the Good Life

McBride, David S.  
Health Underwriters, Nebraska Association of

O'Hara, Lindsay & Associates, Inc.  
First National of Nebraska, Inc.

Pappas, James E.  
Bellevue Public Schools  
League of Human Dignity

Peeetz, Natalie, Peeetz & Company  
Gamebird and Hunting Association, Nebraska

Ptacek, Patrick J.  
Grain and Feed Association, Nebraska

Wickman-Byrd, Barbara J.  
Metro Omaha Builders Association

### REPORTS

The following reports were received by the Legislature:

#### **Administrative Services, Department of**

Comprehensive Annual Financial Report Year ended June 30, 2006

#### **Auditor of Public Accounts**

Nebraska Public Employees Retirement Systems - School Employees, Judges, and State Patrol Retirement Plans for the year ended June 30, 2006 audit report

#### **Legislative Performance Audit Committee**

State Department of Education's School-Based Teacher-Led Assessment and Reporting System (STARS)

### GENERAL FILE

**LEGISLATIVE RESOLUTION 8CA.** Senator Nelson renewed his amendment, AM258, found on page 495.

Senator Chambers offered the following motion:  
Bracket until 2/12/07.

Senator Chambers withdrew his motion.

The Nelson amendment, AM258, found on page 495 and considered in this day's Journal, was renewed.

Senator Burling moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 6 nays, and 14 not voting.

The Nelson amendment lost with 7 ayes, 34 nays, 6 present and not voting,

and 2 excused and not voting.

Pending.

**ANNOUNCEMENT**

Senator Johnson designates LB 395 as his priority bill.

**COMMITTEE REPORTS**  
**Urban Affairs**

**LEGISLATIVE BILL 309.** Indefinitely postponed.

(Signed) Mike Friend, Chairperson

**Business and Labor**

**LEGISLATIVE BILL 210.** Placed on General File - Com AM252.  
AM252

- 1 1. On page 4, line 10, reinstate the stricken matter and
- 2 strike "Twenty" and insert "majority of the".

(Signed) Abbie Cornett, Chairperson

**NOTICE OF COMMITTEE HEARING**  
**Health and Human Services**  
Room 1510

LB 171	Wednesday, February 21, 2007	1:30 p.m.
LB 292	Wednesday, February 21, 2007	1:30 p.m.
LB 518	Wednesday, February 21, 2007	1:30 p.m.
LB 666	Wednesday, February 21, 2007	1:30 p.m.
LR 10	Wednesday, February 21, 2007	1:30 p.m.

(Signed) Joel Johnson, Chairperson

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 8CA.** Senator Wightman offered the following amendment:

AM271

- 1 1. On page 1, line 13, strike "four" and insert "five".

**SENATOR LANGEMEIER PRESIDING**

Senator Wightman moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Wightman requested a roll call vote, in reverse order, on his

amendment.

Voting in the affirmative, 20:

Adams	Burling	Karpisek	Mines	Stuthman
Aguilar	Carlson	Kruse	Pankonin	Synowiecki
Ashford	Engel	McDonald	Raikes	Wallman
Avery	Johnson	McGill	Schimek	Wightman

Voting in the negative, 23:

Chambers	Erdman	Hansen	Kopplin	Nelson
Christensen	Fischer	Harms	Langemeier	Rogert
Cornett	Flood	Howard	Lathrop	White
Dierks	Fulton	Hudkins	Louden	
Dubas	Gay	Janssen	Nantkes	

Present and not voting, 4:

Friend	Pahls	Pirsch	Preister
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Excused and not voting, 2:

Heidemann	Pedersen
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The Wightman amendment lost with 20 ayes, 23 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Hudkins offered the following amendment:

AM275

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. At the general election in November 2008 the  
 4 following proposed amendment to the Constitution of Nebraska shall  
 5 be submitted to the electors of the State of Nebraska for approval  
 6 or rejection:  
 7 To amend Article III, section 3:  
 8 III-3 The second power reserved is the referendum which  
 9 may be invoked, by petition, against any act or part of an act of  
 10 the Legislature, except those making appropriations for the expense  
 11 of the state government or a state institution existing at the time  
 12 of the passage of such act. Petitions invoking the referendum shall  
 13 be signed by not less than five percent of the registered voters  
 14 of the state, distributed as required for initiative petitions, and  
 15 filed in the office of the Secretary of State within ninety days  
 16 after the Legislature at which the act sought to be referred was  
 17 passed shall have adjourned sine die or for more than ninety days.



18 Each such petition shall set out the title of the act against which  
 19 the referendum is invoked and, in addition thereto, when only a  
 20 portion of the act is sought to be referred, the number of the  
 21 section or sections or portion of sections of the act designating  
 22 such portion. No more than one act or portion of an act of the  
 23 Legislature shall be the subject of each referendum petition. When  
 1 the referendum is thus invoked, the Secretary of State shall refer  
 2 the same to the electors for approval or rejection at the first  
 3 general election to be held not less than thirty days after the  
 4 filing of such petition.

5 When the referendum is invoked as to any act or part  
 6 of act, other than emergency acts or those for the immediate  
 7 preservation of the public peace, health, or safety, by petition  
 8 signed by not less than ~~ten~~five percent of the registered voters  
 9 of the state distributed as aforesaid, it shall suspend the taking  
 10 effect of such act or part of act until the same has been approved  
 11 by the electors of the state.

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

15 A constitutional amendment to change the number of  
 16 signatures required on referendum petitions to suspend the taking  
 17 effect of the law being referred.

18 For  
 19 Against.

Senator Avery requested a ruling of the Chair on whether the Hudkins amendment is germane to the resolution.

The Chair ruled the Hudkins amendment is germane to the resolution.

Senator Hudkins moved for a call of the house. The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Senator Hudkins requested a roll call vote on her amendment.

Voting in the affirmative, 8:

Dierks	Erdman	Gay	Louden
Dubas	Flood	Hudkins	Nelson

Voting in the negative, 28:

Adams	Chambers	Hansen	McDonald	Raikes
Aguilar	Christensen	Harms	McGill	Schimek
Ashford	Cornett	Howard	Mines	Synowiecki
Avery	Engel	Karpisek	Nantkes	Wightman
Burling	Fischer	Kopplin	Pankonin	
Carlson	Fulton	Lathrop	Preister	

Present and not voting, 12:

Friend	Kruse	Pedersen	Stuthman
Janssen	Langemeier	Pirsch	Wallman
Johnson	Pahls	Rogert	White

Excused and not voting, 1:

Heidemann

The Hudkins amendment lost with 8 ayes, 28 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Avery moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Avery requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 20:

Adams	Chambers	Janssen	McGill	Stuthman
Aguilar	Cornett	Karpisek	Pedersen	Synowiecki
Ashford	Engel	Kruse	Preister	Wallman
Avery	Howard	McDonald	Schimek	Wightman

Voting in the negative, 22:

Christensen	Flood	Harms	Louden	Pankonin
Dierks	Friend	Hudkins	Mines	Pirsch
Dubas	Fulton	Kopplin	Nantkes	
Erdman	Gay	Langemeier	Nelson	
Fischer	Hansen	Lathrop	Pahls	

Present and not voting, 6:

Burling	Johnson	Rogert
Carlson	Raikes	White

Excused and not voting, 1:

Heidemann

Failed to advance to E & R for review with 20 ayes, 22 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORTS**  
**Business and Labor**

**LEGISLATIVE BILL 226.** Placed on General File - Com AM244.  
 AM244

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

3 Section 1. Section 48-720, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 48-720 As used in the Boiler Inspection Act, unless the  
 6 context otherwise requires:

7 (1) Authorized inspection agency means an authorized  
 8 inspection agency as defined in NB-369, National Board  
 9 Qualifications and Duties for Authorized Inspection Agencies (AIAs)  
 10 Performing Inservice Inspection Activities and Qualifications for  
 11 Inspectors of Boilers and Pressure Vessels;

12 ~~(1)-(2)~~ Board means the Boiler Safety Code Advisory  
 13 Board;

14 ~~(2)-(3)~~ Boiler means a closed vessel in which water or  
 15 other liquid is heated, steam or vapor is generated, steam or  
 16 vapor is superheated, or any combination thereof, under pressure  
 17 or vacuum, for internal or external use to itself, by the direct  
 18 application of heat and an unfired pressure vessel in which the  
 19 pressure is obtained from an external source or by the application  
 20 of heat from an indirect or direct source. Boiler includes a fired  
 21 unit for heating or vaporizing liquids other than water only when  
 22 such unit is separate from processing systems and complete within  
 23 itself; ~~and~~

1 ~~(3)-(4)~~ Commissioner means the Commissioner of Labor; and

2 -  
 3 (5) Department means the Department of Labor.

4 Sec. 2. Section 48-722, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6 48-722 (1) Except as provided in subsection ~~(2)-(3)~~ of  
 7 this section, the state boiler inspector shall inspect or cause  
 8 to be inspected at least once every twelve months all boilers  
 9 required to be inspected by the Boiler Inspection Act to determine  
 10 whether the boilers are in a safe and satisfactory condition and  
 11 properly constructed and maintained for the purpose for which the  
 12 boiler is used, except that (a) hobby boilers, steam farm traction  
 13 engines, portable and stationary show engines, and portable and  
 14 stationary show boilers, which are not otherwise exempted from the  
 15 act pursuant to section 48-726, shall be subject to inspection  
 16 at least once every twenty-four months and (b) the commissioner  
 17 may, by rule and regulation, establish inspection periods for  
 18 pressure vessels of more than twelve months, but not to exceed the  
 19 inspection period recommended in the National Board Inspection Code

20 or the American Petroleum Institute Pressure Vessel Inspection Code  
 21 API-510 for pressure vessels being used for similar purposes. In  
 22 order to ensure that inspections are performed in a timely manner,  
 23 the department may contract with an authorized inspection agency  
 24 to perform any inspection authorized under the Boiler Inspection  
 25 Act. If the department contracts with an authorized inspection  
 26 agency to perform inspections, such contract shall be in writing  
 27 and shall contain an indemnification clause wherein the authorized  
 1 inspection agency agrees to indemnify and defend the department  
 2 for loss occasioned by negligent or tortious acts committed by  
 3 special inspectors employed by such authorized inspection agency  
 4 when performing inspections on behalf of the department.

5 (2) No boilers required to be inspected by the act shall  
 6 be operated without valid and current certification pursuant to  
 7 rules and regulations adopted and promulgated by the commissioner  
 8 in accordance with the requirements of the Administrative Procedure  
 9 Act. The owner of any boiler installed after September 2, 1973,  
 10 shall file a manufacturer's data report covering the construction  
 11 of such boiler with the state boiler inspector. Such reports shall  
 12 be used to assist the state boiler inspector in the certification  
 13 of boilers. No boiler required to be inspected by the Boiler  
 14 Inspection Act shall be operated at any type of public gathering or  
 15 show without first being inspected and certified as to its safety  
 16 by the state boiler inspector or a special inspector commissioned  
 17 pursuant to section 48-731. Antique engines with boilers may be  
 18 brought into the state from other states without inspection, but  
 19 inspection as provided in this section shall be made and the boiler  
 20 certified as safe before being operated.

21 (2)-(3) The commissioner may, by rule and regulation,  
 22 waive the inspection of unfired pressure vessels registered with  
 23 the State of Nebraska if the commissioner finds that the owner or  
 24 user of the unfired pressure vessel follows a safety inspection and  
 25 repair program that is based upon nationally recognized standards.

26 Sec. 3. Section 48-730, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 48-730 Before any boiler required to be inspected by the  
 2 Boiler Inspection Act is installed, a ten days' written notice of  
 3 intention to install the boiler shall be given to the commissioner,  
 4 except that the commissioner may, upon application and good cause  
 5 shown, waive the ten-day prior notice requirement. The notice shall  
 6 designate the proposed place of installation, the type and capacity  
 7 of the boiler, the use to be made of the boiler, the name of the  
 8 company which manufactured the boiler, and whether the boiler is  
 9 new or used. A boiler moved from one location to another shall be  
 10 reinspected prior to being placed back into use.

11 Sec. 4. Section 48-731, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:

13 48-731 (1)(a) The ~~Division~~ Office of Safety and Labor  
 14 Standards of the Department of Labor may issue a special inspector

15 commission to an inspector in the employ of a company if the  
16 inspector has previously passed the examination prescribed by  
17 the National Board of Boiler and Pressure Vessel Inspectors and  
18 the company is an insurance company authorized to insure boilers  
19 in this state against loss from explosion or is an authorized  
20 inspection agency.

21 (b) Each ~~insurance company which special inspector~~  
22 employed by an insurance company or authorized inspection agency  
23 who has been issued a special inspector commission under this  
24 section shall submit to the state boiler inspector complete data of  
25 each boiler required to be inspected by the Boiler Inspection Act  
26 which is insured or inspected by such ~~company insurance company or~~  
27 authorized inspection agency on forms approved by the commissioner.

1 (c) Insurance companies shall notify the ~~division~~  
2 department of new, canceled, or suspended risks relating to insured  
3 boilers. Insurance companies shall notify the ~~division department~~  
4 of all boilers which the company insures, or any boiler for which  
5 insurance has been canceled, not renewed, or suspended within  
6 thirty days after such action. Authorized inspection agencies shall  
7 notify the department of any new or canceled agreements relating to  
8 the inspection of boilers or pressure vessels within thirty days  
9 after such action.

10 (d) Insurance companies and authorized inspection  
11 agencies shall immediately notify the division department of  
12 defective boilers. If a special inspector employed by an insurance  
13 company, upon the first inspection of new risk, finds that the  
14 boiler or any of the appurtenances are in such condition that  
15 the inspector's company refuses insurance, the company shall  
16 immediately submit a report of the defects to the state boiler  
17 inspector.

18 (2) The inspection required by the act shall not be ~~made~~  
19 required if (a) an annual inspection is made under a city ordinance  
20 which meets the standards set forth in the act, (b) a certificate  
21 of inspection of the boiler is filed with the commissioner with  
22 a certificate fee, and (c) the inspector for the city making  
23 such inspection is required by such ordinance to either hold a  
24 commission from the National Board of Boiler and Pressure Vessel  
25 Inspectors commensurate with the type of inspections performed by  
26 the inspector for the city or acquire the commission within twelve  
27 months after appointment.

1 (3) The commissioner may, by rule and regulation, provide  
2 for the issuance of a special inspector commission to an inspector  
3 in the employ of a company using or operating an unfired pressure  
4 vessel subject to the act for the limited purpose of inspecting  
5 unfired pressure vessels used or operated by such company.

6 (4) All inspections made by a special inspector shall be  
7 performed in accordance with the act, and a complete report of such  
8 inspection shall be filed with the ~~division department~~ in the time,  
9 manner, and form prescribed by the commissioner.

10 (5) The state boiler inspector may, at his or her  
 11 discretion, inspect any boiler to which a special inspector  
 12 commission applies.

13 (6) The commissioner may, for cause, suspend or revoke  
 14 any special inspector commission.

15 (7) No authorized inspection agency shall perform  
 16 inspections of boilers in the State of Nebraska unless  
 17 the authorized inspection agency has insurance coverage for  
 18 professional errors and omissions and comprehensive and general  
 19 liability under a policy or policies written by an insurance  
 20 company authorized to do business in this state in effect at the  
 21 time of such inspection. Such insurance policy or policies shall  
 22 be in an amount not less than the minimum amount per occurrence  
 23 as established by the commissioner. Such minimum amount shall  
 24 be established with due regard to the protection of the general  
 25 public and the availability of insurance coverage, but such minimum  
 26 insurance coverage shall not be less than one million dollars per  
 27 occurrence for professional errors and omissions and one million  
 1 dollars for comprehensive and general liability.

2 Sec. 5. Section 48-736, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 48-736 Any person, persons, corporations, and the  
 5 directors, managers, superintendents, and officers of such  
 6 corporations violating the Boiler Inspection Act shall be guilty of  
 7 a Class ~~V-III~~ misdemeanor.

8 Sec. 6. Original sections 48-720, 48-722, 48-730, 48-731,  
 9 and 48-736, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Abbie Cornett, Chairperson

## Revenue

**LEGISLATIVE BILL 304.** Placed on General File - Com AM277.  
 AM277

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

3 Section 1. Section 77-6102, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:

5 77-6102 For purposes of the Long-Term Care Savings Plan  
 6 Act:

7 (1) Long-term care expense means the cost of long-term  
 8 care in a long-term care facility and the cost of care provided in  
 9 a person's home when the person receiving the care is unable to  
 10 perform multiple basic life functions independently;

11 (2) Long-term care insurance premiums means premiums  
 12 paid for a long-term care insurance policy issued pursuant to  
 13 the Long-Term Care Insurance Act that offers coverage to the  
 14 individual, ~~or~~ the individual's spouse, or another person for whom  
 15 the taxpayer has an insurable interest;

16 (3) Participant means an individual who has entered  
 17 into a participation agreement or established an account with  
 18 a financial institution with which the State Treasurer has an  
 19 agreement under subsection (1) of section 77-6103; and  
 20 (4) Qualified individual means (a) a person who ~~turned~~  
 21 ~~sixty five years of age or older during the taxable year who has~~  
 22 ~~a medical necessity for long term care during the taxable year;~~  
 23 ~~(b) a disabled person who has a medical necessity for long term~~  
 1 ~~care incurred long-term care expenses during the taxable year; or~~  
 2 ~~(c) or (b) a person who turned sixty two fifty years of age or~~  
 3 older during the taxable year who made payments for long-term care  
 4 insurance premiums during the taxable year.  
 5 Sec. 2. Original section 77-6102, Revised Statutes  
 6 Cumulative Supplement, 2006, is repealed.

**LEGISLATIVE BILL 537.** Placed on General File - Com AM282.  
 AM282

1 1. On page 2, line 8, after "a" insert "Nebraska-based".

**LEGISLATIVE BILL 22.** Indefinitely postponed.  
**LEGISLATIVE BILL 240.** Indefinitely postponed.  
**LEGISLATIVE BILL 403.** Indefinitely postponed.  
**LEGISLATIVE BILL 423.** Indefinitely postponed.  
**LEGISLATIVE BILL 442.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

**Health and Human Services**

**LEGISLATIVE BILL 395.** Placed on General File - Com AM276.  
 AM276

1 1. Strike original sections 17 and 19 and insert the  
 2 following new sections:  
 3 Sec. 16. Tobacco retail outlet means a retail store that  
 4 sells only tobacco and related products and in which the sale of  
 5 other products is only incidental.  
 6 Sec. 19. A proprietor shall post a no-smoking sign or the  
 7 international no-smoking symbol clearly and conspicuously at every  
 8 entrance to a place of employment or public place where smoking is  
 9 prohibited under the Nebraska Clean Indoor Air Act and shall take  
 10 other necessary and appropriate steps to ensure compliance with the  
 11 act at such place.  
 12 2. On page 4, line 15, after "who" insert "or which"; in  
 13 line 22, strike "includes" and insert "means"; and strike line 25  
 14 and insert "medical officer, (2) a local health officer, a health  
 15 director".  
 16 3. On page 5, line 1, after "of" insert "a" and strike  
 17 "departments" and insert "department"; in line 3 strike "authorized  
 18 representatives" and insert "an authorized representative"; strike

- 19 line 4 and insert "officer or a local health officer."; in line  
 20 18 strike beginning with "A" through the second period; and strike  
 21 beginning with "A" in line 24 through line 25.  
 22 4. On page 6, line 12, strike "sections 16 and 17" and  
 23 insert "section 16"; strike lines 13 and 14 and insert "(1) Private  
 1 residences, except when used (a) as a place of employment for one  
 2 or more employees who are not the occupants of such residence, (b)  
 3 as a child care, adult day care, or health care facility, or (c)  
 4 as a public place."; strike beginning with the period in line 20  
 5 through "(3)" in line 23 and insert ";  
 6 (3) Tobacco retail outlets; and  
 7 (4)".  
 8 5. On page 7, line 15, strike "(1)"; and strike lines 21  
 9 through 23.  
 10 6. On page 8, strike beginning with the second "and" in  
 11 line 12 through "such" in line 13; in line 17 strike "punished in  
 12 the same manner" and insert "subject to the same penalty"; and in  
 13 line 20 strike "a continuing" and insert "an ongoing".  
 14 7. On page 9, line 1, strike the third "and"; and in line  
 15 2 strike "reasonable".  
 16 8. Renumber the remaining sections and correct internal  
 17 references accordingly.

(Signed) Joel Johnson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Business and Labor**  
 Room 2102

LB 495	Monday, March 5, 2007 (cancel)	1:30 p.m.
LB 495	Monday, March 12, 2007 (reschedule)	1:30 p.m.
LB 609	Monday, March 12, 2007 (cancel)	1:30 p.m.
LB 609	Monday, March 5, 2007 (reschedule)	1:30 p.m.

(Signed) Abbie Cornett, Chairperson

**MOTIONS - Print in Journal**

Senator Erdman filed the following motion to LB 205:  
 Indefinitely postpone.

Senator Erdman filed the following motion to LB 402:  
 Recommit to the Executive Board.



**AMENDMENT - Print in Journal**

Senator Erdman filed the following amendment to LB 185:  
AM230

(Amendments to Final Reading copy)

- 1 1. Strike section 50 and insert the following new  
2 sections:  
3 Section 1. Section 30-2483, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 30-2483 Unless notice has already been given under this  
6 article and except when an appointment of a personal representative  
7 is made pursuant to subdivision (4) of section 30-2408, the clerk  
8 of the court upon the appointment of a personal representative  
9 shall publish a notice once a week for three successive weeks  
10 in a newspaper of general circulation in the county announcing  
11 the appointment and the address of the personal representative,  
12 and notifying creditors of the estate to present their claims  
13 within two months after the date of the first publication of  
14 the notice or be forever barred. The first publication shall  
15 be made within thirty days after the appointment. The party  
16 instituting or maintaining the proceeding or his or her attorney  
17 is required to mail the published notice and give proof thereof  
18 in accordance with section 25-520.01. For all decedents fifty-five  
19 years of age or older or who resided in a medical institution  
20 as defined in subsection (1) of section 68-919, not later than  
21 fourteen days after appointment of a personal representative other  
22 than a special administrator, the personal representative shall  
1 give written notice of his or her appointment to the Department  
2 of Health and Human Services Finance and Support. The notice  
3 shall include the decedent's name and social security number  
4 and, if available upon reasonable investigation, the name and  
5 social security number of the decedent's spouse if such spouse is  
6 deceased, but the notice need not include a copy of the decedent's  
7 will.  
8 Sec. 51. Sections 2, 51, 52, and 56 of this act become  
9 operative on their effective date. Sections 6, 7, 8, 9, 10, 11, 12,  
10 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,  
11 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 54, and 55 of  
12 this act become operative on July 1, 2007. The other sections of  
13 this act become operative three calendar months after adjournment  
14 of this legislative session.  
15 2. On page 1, line 2; and page 49, line 21, after  
16 "sections" insert "30-2483".  
17 3. Renumber the remaining sections accordingly.

**UNANIMOUS CONSENT - Room Change**

Senator Cornett asked unanimous consent that the Business and Labor Committee conduct its hearing on Monday, February 12, 2007, in Room

1524 instead of Room 2102. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were members of Aurora Leadership Tomorrow from Aurora.

The Doctor of the Day was Dr. Kevin Wycoff from Hastings.

### **ADJOURNMENT**

At 11:51 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 12, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-SEVENTH DAY - FEBRUARY 12, 2007**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
FIRST SESSION**

**TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 12, 2007

**PRAYER**

The prayer was offered by Senator McDonald.

**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 Dierks who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-sixth day was approved.

**COMMITTEE REPORTS  
Health and Human Services**

**LEGISLATIVE BILL 247.** Placed on General File.

**LEGISLATIVE BILL 463.** Placed on General File - Com AM302.  
AM302

- 1 1. On page 59, line 13, reinstate the stricken "(1)";
- 2 in line 20 reinstate the stricken "(2) A person"; reinstate the
- 3 stricken matter beginning with "whose" in line 20 through "may"
- 4 in line 22; in line 22 after the stricken "recommend" insert
- 5 "apply for", reinstate the stricken "reinstatement", and after the
- 6 reinstated "reinstatement" insert "of the credential"; reinstate
- 7 the stricken matter beginning with "after" in line 22 through
- 8 line 23; and in line 23 after the reinstated period insert "The
- 9 application shall include such information as may be required by
- 10 the department.".
- 11 2. On page 123, line 2, after "times" insert ", except
- 12 that at any time after the expiration of two years, application may
- 13 be made for reinstatement pursuant to section 48 of this act".
- 14 3. On page 181, line 12, strike "licensed as".

15 4. On page 238, line 9, after "specialist" insert "or,  
 16 when such certification is not available, an alternative method of  
 17 competency assessment by any means approved by the board".

18 5. On page 408, line 9, after the stricken "(7)" insert  
 19 "(4)"; reinstate the stricken matter beginning with "Authorize" in  
 20 line 9 through line 14; in line 15 strike "(4)" and insert "(5)";  
 21 in line 20 strike "(5)" and insert "(6)"; and in line 23 strike  
 22 "(6)" and insert "(7)".

23 6. On page 409, line 7, strike "(7)" and insert "(8)";  
 1 and in line 12 strike "(8)" and insert "(9)".

2 7. On page 410, line 2, strike "(9)" and insert "(10)";  
 3 in line 5 strike "(10)" and insert "(11)"; and in line 11 strike  
 4 "(11)" and insert "(12)".

5 8. On page 420, line 16, strike "(6)" and insert "(7)".

6 9. On page 705, lines 4 through 6, strike the new  
 7 matter and reinstate the stricken matter; and in line 6 after the  
 8 reinstated "revoked" insert "as provided in section 48 of this  
 9 act".

10 10. On page 782, line 2, after "a" insert "licensed";  
 11 in line 9 strike the second "or" and insert an underscored comma  
 12 and after "Columbia" insert ", or a Canadian province"; in line 16  
 13 after the second "a" insert "licensed"; and in line 18 strike "or"  
 14 and insert an underscored comma and after "Columbia" insert ", or a  
 15 Canadian province".

(Signed) Joel Johnson, Chairperson

### **Transportation and Telecommunications**

**LEGISLATIVE BILL 358.** Placed on General File - Com AM214.  
 AM214

1 1. Strike original section 11 and insert the following  
 2 new sections:

3 Sec. 11. Section 75-302, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:

5 75-302 For purposes of sections 75-301 to 75-322 and in  
 6 all rules and regulations adopted and promulgated by the commission  
 7 pursuant to such sections, unless the context otherwise requires:

8 (1) Carrier enforcement division means the carrier  
 9 enforcement division of the Nebraska State Patrol or the Nebraska  
 10 State Patrol;

11 (2) Certificate means a certificate of public convenience  
 12 and necessity issued under Chapter 75, article 3, to common  
 13 carriers by motor vehicle;

14 (3) Civil penalty means any monetary penalty assessed by  
 15 the commission or carrier enforcement division due to a violation  
 16 of Chapter 75, article 3, or section 75-126 as such section applies  
 17 to any person or carrier specified in Chapter 75, article 3; any  
 18 term, condition, or limitation of any certificate or permit issued

19 pursuant to Chapter 75, article 3; or any rule, regulation, or  
20 order of the commission, the Division of Motor Carrier Services,  
21 or the carrier enforcement division issued pursuant to Chapter 75,  
22 article 3;

23 (4) Commission means the Public Service Commission;

1 (5) Common carrier means any person who or which  
2 undertakes to transport passengers or household goods for the  
3 general public in intrastate commerce by motor vehicle for hire,  
4 whether over regular or irregular routes, upon the highways of this  
5 state;

6 (6) Contract carrier means any motor carrier which  
7 transports passengers or household goods for hire other than  
8 as a common carrier designed to meet the distinct needs of each  
9 individual customer or a specifically designated class of customers  
10 without any limitation as to the number of customers it can serve  
11 within the class;

12 (7) Division of Motor Carrier Services means the Division  
13 of Motor Carrier Services of the Department of Motor Vehicles;

14 (8) Escort services means an attendant or caregiver  
15 accompanying a minor or persons who are physically, mentally,  
16 or developmentally disabled and unable to travel or wait without  
17 assistance or supervision;

18 (9) Highway means the roads, highways, streets, and ways  
19 in this state;

20 (10) Household goods means personal effects and property  
21 used or to be used in a dwelling, when a part of the equipment  
22 or supply of such dwelling, and similar property as the commission  
23 may provide by regulation if the transportation of such effects or  
24 property, is:

25 (a) Arranged and paid for by the householder, including  
26 transportation of property from a factory or store when the  
27 property is purchased by the householder with the intent to use in  
1 his or her dwelling; or

2 (b) Arranged and paid for by another party;

3 (11) Intrastate commerce means commerce between any place  
4 in this state and any other place in this state and not in part  
5 through any other state;

6 (12) Motor carrier means any person other than a  
7 regulated motor carrier who or which owns, controls, manages,  
8 operates, or causes to be operated any motor vehicle used to  
9 transport passengers or property over any public highway in this  
10 state;

11 (13) Motor vehicle means any vehicle, machine, tractor,  
12 trailer, or semitrailer propelled or drawn by mechanical power  
13 and used upon the highways in the transportation of passengers  
14 or property but does not include any vehicle, locomotive, or car  
15 operated exclusively on a rail or rails;

16 (14) Permit means a permit issued under Chapter 75,  
17 article 3, to contract carriers by motor vehicle;

18 (15) Person means any individual, firm, partnership,  
 19 limited liability company, corporation, company, association,  
 20 or joint-stock association and includes any trustee, receiver,  
 21 assignee, or personal representative thereof;

22 (16) Private carrier means any motor carrier which  
 23 owns, controls, manages, operates, or causes to be operated a  
 24 motor vehicle to transport passengers or property to or from  
 25 its facility, plant, or place of business or to deliver to  
 26 purchasers its products, supplies, or raw materials (a) when such  
 27 transportation is within the scope of and furthers a primary  
 1 business of the carrier other than transportation and (b) when  
 2 not for hire. Nothing in sections 75-301 to 75-322 shall apply to  
 3 private carriers except sections ~~75-307 to 75-307.03-1~~ 7 of this  
 4 act as they apply to private carriers; and

5 (17) Regulated motor carrier means any person who or  
 6 which owns, controls, manages, operates, or causes to be operated  
 7 any motor vehicle used to transport passengers, other than those  
 8 excepted under section 75-303, or household goods over any public  
 9 highway in this state.

10 Sec. 12. Section 75-307, Reissue Revised Statutes of  
 11 Nebraska, is amended to read:

12 ~~75-307 (1) Intrastate-Certificated intrastate motor~~  
 13 ~~carriers, including common, and contract, and private carriers,~~  
 14 shall comply with reasonable rules and regulations prescribed  
 15 by the commission governing the filing with the commission, the  
 16 approval of the filings, and the maintenance of proof at such  
 17 carrier's principal place of business of surety bonds, policies of  
 18 insurance, qualifications as a self-insurer, or other securities  
 19 or agreements, in such reasonable amount as required by the  
 20 commission, conditioned to pay, within the amount of such surety  
 21 bonds, policies of insurance, qualifications as a self-insurer,  
 22 or other securities or agreements, any final judgment recovered  
 23 against such motor carrier for bodily injuries to or the death of  
 24 any person resulting from the negligent operation, maintenance,  
 25 or use of motor vehicles under such certificate or permit or for  
 26 loss or damage to property of others. No certificate or permit  
 27 shall be issued to a common or contract carrier or remain in force  
 1 unless such carrier complies with this section and the rules and  
 2 regulations prescribed by the commission pursuant to this section.

3 (2) The commission may, in its discretion and under  
 4 its rules and regulations, require any certificated carrier to  
 5 file a surety bond, policies of insurance, qualifications as a  
 6 self-insurer, or other securities or agreements, in a sum to be  
 7 determined by the commission, to be conditioned upon such carrier  
 8 making compensation to shippers or consignees for all property  
 9 belonging to shippers or consignees and coming into the possession  
 10 of such carrier in connection with its transportation service. Any  
 11 carrier which may be required by law to compensate a shipper or  
 12 consignee for any loss, damage, or default for which a connecting

13 motor common carrier is legally responsible shall be subrogated  
 14 to the rights of such shipper or consignee under any such bond,  
 15 policies of insurance, or other securities or agreements to the  
 16 extent of the sum so paid.

17 (3) In carrying out this section, the commission may  
 18 classify motor carriers and regulated motor carriers taking into  
 19 consideration the hazards of the operations of such carriers and  
 20 the value of the household goods carried. Nothing contained in this  
 21 section shall be construed to authorize the commission to compel  
 22 motor carriers other than common carriers of household goods to  
 23 carry cargo insurance.

24 Sec. 14. Section 75-370, Revised Statutes Cumulative  
 25 Supplement, 2006, is amended to read:

26 75-370 Enforcement of sections 75-307 ~~to 75-307.03~~ and  
 27 75-309 and sections 1 to 7 of this act shall be carried out by the  
 1 carrier enforcement division of the Nebraska State Patrol or the  
 2 Nebraska State Patrol pursuant to the rules and regulations adopted  
 3 and promulgated by the commission to enforce such sections. Any  
 4 violation of such sections by any regulated motor carrier, motor  
 5 carrier, or private carrier shall be referred to the commission for  
 6 disposition under section 75-156, and the commission may take any  
 7 other action provided by section 75-133.

8 Sec. 15. Section 75-371, Revised Statutes Cumulative  
 9 Supplement, 2006, is amended to read:

10 75-371 Any person, private carrier, common carrier, or  
 11 contract carrier which operates any motor vehicle in violation of  
 12 section 75-307, ~~75-307.01, 75-307.02, or 75-307.03~~ or sections 1 to  
 13 7 of this act or any rule, regulation, or order of the commission  
 14 pertaining to any of such sections shall be guilty of a Class IV  
 15 misdemeanor. Each day of such violation shall constitute a separate  
 16 offense.

17 2. On page 13, line 12, strike "75-307," and show as  
 18 stricken.

19 3. On page 14, line 14, after the semicolon insert "and";  
 20 strike lines 15 through 18 and show as stricken; and in line 19  
 21 strike "(8)", show as stricken, and insert "(7)".

22 4. On page 15, line 19, strike "75-307.01,"; and in line  
 23 22 after "Sections" insert "75-307.01, 75-307.02, 75-307.03,".

24 5. Renumber the remaining sections and correct repealer  
 25 accordingly.

(Signed) Deb Fischer, Chairperson

### **Business and Labor**

**LEGISLATIVE BILL 543.** Placed on General File - Com AM249.  
 AM249

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

3 Section 1. The Mechanical Safety Inspection Fund is  
 4 created. All fees collected by the Department of Labor pursuant to  
 5 the Nebraska Amusement Ride Act and the Conveyance Safety Act shall  
 6 be remitted to the State Treasurer for credit to the Mechanical  
 7 Safety Inspection Fund. Fees so collected shall not lapse into the  
 8 General Fund. Fees so collected shall be used for the sole purpose  
 9 of administering the provisions of the Nebraska Amusement Ride Act  
 10 and the Conveyance Safety Act. Any money in the Mechanical Safety  
 11 Inspection Fund available for investment shall be invested by the  
 12 state investment officer pursuant to the Nebraska Capital Expansion  
 13 Act and the Nebraska State Funds Investment Act. All funds existing  
 14 in the Elevator Inspection Fund and the Nebraska Amusement Ride  
 15 Fund on the operative date of this act shall be transferred to the  
 16 Mechanical Safety Inspection Fund.

17 Sec. 2. Section 48-1809, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:

19 48-1809 The commissioner shall establish by rules and  
 20 regulations a schedule of permit fees not to exceed fifty dollars  
 21 for each amusement ride. Such permit fees shall be established with  
 22 due regard for the costs of administering the Nebraska Amusement  
 23 Ride Act and shall be remitted to the State Treasurer for credit to  
 1 the Mechanical Safety Inspection Fund.

2 Sec. 3. Section 48-2501, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:

4 48-2501 Sections 48-2501 to 48-2533 and section 4 of this  
 5 act shall be known and may be cited as the Conveyance Safety Act.

6 Sec. 4. Section 48-418, Revised Statutes Cumulative  
 7 Supplement, 2006, is amended to read:

8 ~~48-418~~ The Commissioner of Labor shall, ~~on or before the~~  
 9 ~~first day of July 1965,~~ appoint a state elevator inspector, subject  
 10 to the approval of the Governor, who shall work under the direct  
 11 supervision of the commissioner. The state elevator inspector  
 12 serving on the operative date of this act shall continue to  
 13 serve unless removed by the commissioner. The person so appointed  
 14 shall be qualified by (a) not less than five years' experience  
 15 in the installation, maintenance, and repair of elevators as  
 16 determined by the commissioner, (b) certification as a qualified  
 17 elevator inspector by an association accredited by the American  
 18 Society of Mechanical Engineers, or (c) not less than five years'  
 19 journeyman experience in elevator installation, maintenance, and  
 20 inspection as determined by the Commissioner of Labor and shall  
 21 be familiar with the inspection process provided by the Nebraska  
 22 Elevator Code provided under section 48-418.12 and the inspection  
 23 process and rules and regulations adopted and promulgated under the  
 24 Conveyance Safety Act. The commissioner, subject to the approval  
 25 of the Governor, may appoint deputy inspectors possessing the  
 26 same qualifications as the state elevator inspector. A qualified  
 27 individual may apply for the position of inspector or deputy  
 1 inspector and such application shall include the applicant's social



2 security number, but such social security number shall not be a  
3 public record.

4 Sec. 5. Section 48-2503, Revised Statutes Cumulative  
5 Supplement, 2006, is amended to read:

6 48-2503 (1) The Conveyance Advisory Committee is created.

7 One member shall be the state elevator inspector appointed pursuant  
8 to section ~~48-418.4~~ 4 of this act. One member shall be the State  
9 Fire Marshal or his or her designee. The Governor shall appoint the  
10 remaining members of the committee as follows: One representative  
11 from a major elevator manufacturing company; one representative  
12 from an elevator servicing company; one representative who is a  
13 building manager; one representative who is an elevator mechanic;  
14 and one representative of the general public from each county that  
15 has a population of more than one hundred thousand inhabitants. The  
16 committee shall be appointed within ninety days after January 1,  
17 2008.

18 (2) The members of the committee appointed by the  
19 Governor shall serve for terms of three years, except that of  
20 the initial members appointed, two shall serve for terms of one  
21 year and three shall serve for terms of two years. The state  
22 elevator inspector and the State Fire Marshal or his or her  
23 designee shall serve continuously. The appointed members shall be  
24 reimbursed for their actual and necessary expenses for service  
25 on the committee as provided in sections 81-1174 to 81-1177. The  
26 members of the committee shall elect a chairperson who shall be the  
27 deciding vote in the event of a tie vote.

1 (3) The committee shall meet and organize within thirty  
2 days after the appointment of the members. The committee shall meet  
3 quarterly at a time and place to be fixed by the committee for the  
4 consideration of code regulations and for the transaction of such  
5 other business as properly comes before it. Special meetings may be  
6 called by the chairperson or at the request of two or more members  
7 of the committee. Any appointed committee member absent from three  
8 consecutive meetings shall be dismissed.

9 Sec. 6. Section 48-2506, Revised Statutes Cumulative  
10 Supplement, 2006, is amended to read:

11 ~~48-2506 (1) The Conveyance Inspection Fund is created.~~  
12 ~~The commissioner shall use the fund for the administration of the~~  
13 ~~Conveyance Safety Act. Fees collected in the administration of the~~  
14 ~~act shall be remitted to the State Treasurer for credit to the fund~~  
15 ~~and shall not lapse into the General Fund. Any money in the fund~~  
16 ~~available for investment shall be invested by the state investment~~  
17 ~~officer pursuant to the Nebraska Capital Expansion Act and the~~  
18 ~~Nebraska State Funds Investment Act.~~

19 ~~(2)-(1)~~ The commissioner shall, after a public hearing  
20 conducted by the commissioner or his or her designee, establish a  
21 reasonable schedule of fees for licenses, permits, certificates,  
22 and inspections authorized under the Conveyance Safety Act. The  
23 commissioner shall establish the fees at a level necessary

24 to meet the costs of administering the act. Inspection fee  
 25 schedules relating to the inspection of conveyances adopted by  
 26 the commissioner prior to the operative date of this act shall  
 27 continue to be effective until they are amended or repealed by the  
 1 commissioner.

2 (2) The commissioner shall administer the Conveyance  
 3 Safety Act. It is the intent of the Legislature that, beginning  
 4 in fiscal year 2008-09, the funding for the administration of the  
 5 act shall be entirely from cash funds remitted to the ~~Conveyance~~  
 6 ~~Inspection Fund.~~ Mechanical Safety Inspection Fund that are fees  
 7 collected in the administration of the act.

8 Sec. 7. Section 48-2507, Revised Statutes Cumulative  
 9 Supplement, 2006, is amended to read:

10 48-2507 (1) The Conveyance Safety Act applies to the  
 11 ~~design,~~ construction, operation, inspection, testing, maintenance,  
 12 alteration, and repair of conveyances. Conveyances include the  
 13 following equipment, associated parts, and hoistways which are not  
 14 exempted under section 48-2508:

15 (a) Hoisting and lowering mechanisms equipped with a car  
 16 which moves between two or more landings. This equipment includes  
 17 elevators;

18 (b) Power driven stairways and walkways for carrying  
 19 persons between landings. This equipment includes:

20 (i) Escalators; and

21 (ii) Moving sidewalks; and

22 (c) Hoisting and lowering mechanisms equipped with a car,  
 23 which serves two or more landings and is restricted to the carrying  
 24 of material by its limited size or limited access to the car. This  
 25 equipment includes:

26 (i) Dumbwaiters;

27 (ii) Material lifts and dumbwaiters with automatic  
 1 transfer devices; and

2 (iii) Conveyors and related equipment within the scope of  
 3 American Society of Mechanical Engineers B20.1.

4 (2) The act applies to the ~~design,~~ construction,  
 5 operation, inspection, maintenance, alteration, and repair of  
 6 automatic guided transit vehicles on guideways with an exclusive  
 7 right-of-way. This equipment includes automated people movers.

8 (3) The act applies to conveyances in private residences  
 9 at the time of installation. ~~Such, and such~~ conveyances are  
 10 subject to inspection at installation, ~~but and~~ are not subject to  
 11 periodic inspections.

12 Sec. 8. Section 48-2512, Revised Statutes Cumulative  
 13 Supplement, 2006, is amended to read:

14 48-2512 (1) No person shall wire, alter, replace, remove,  
 15 or dismantle an existing conveyance contained within a building  
 16 or structure located in a county that has a population of more  
 17 than one hundred thousand inhabitants unless such person is a  
 18 licensed elevator mechanic or he or she is working under the

19 direct supervision of a person who is a licensed elevator mechanic.  
 20 Neither a licensed elevator mechanic nor a licensed elevator  
 21 contractor is required to perform nonmechanical maintenance of  
 22 a conveyance. Neither a licensed elevator contractor nor a  
 23 licensed elevator mechanic is required for removing or dismantling  
 24 conveyances which are destroyed as a result of a complete  
 25 demolition of a secured building.

26 (2) It shall be the responsibility of licensed  
 27 elevator mechanics and licensed elevator contractors to ensure  
 1 that installation and service of a conveyance is performed in  
 2 compliance with applicable fire and safety codes. It shall be the  
 3 responsibility of the owner of the conveyance to ensure that the  
 4 conveyance is maintained in compliance with applicable fire and  
 5 safety codes.

6 (3) All new conveyance installations shall be performed  
 7 by a licensed elevator mechanic under the control of a licensed  
 8 elevator contractor or by a licensed elevator contractor.  
 9 Subsequent to installation, a licensed elevator contractor shall  
 10 certify compliance with the Conveyance Safety Act.

11 Sec. 9. This act becomes operative on January 1, 2008.

12 Sec. 10. Original section 48-1809, Reissue Revised  
 13 Statutes of Nebraska, and sections 48-418, 48-2501, 48-2503,  
 14 48-2506, 48-2507, and 48-2512, Revised Statutes Cumulative  
 15 Supplement, 2006, are repealed.

16 Sec. 11. The following sections are outright repealed:  
 17 Sections 48-418.01, 48-418.02, 48-418.03, 48-418.05, 48-418.06,  
 18 48-418.07, 48-418.08, 48-418.10, 48-418.11, 48-418.12, 48-418.14,  
 19 and 48-1810, Reissue Revised Statutes of Nebraska, and sections  
 20 48-418.04, 48-418.09, and 48-2505, Revised Statutes Cumulative  
 21 Supplement, 2006.

(Signed) Abbie Cornett, Chairperson

**AMENDMENT - Print in Journal**

Senator Burling filed the following amendment to LB 204:  
 AM274

1 1. On page 3, line 4, after the period insert "A  
 2 relative of the contractor employed by the contractor is not an  
 3 employee under this section. For purposes of this section relative  
 4 means a parent, grandparent, spouse, child, or grandchild of the  
 5 contractor.".

**MESSAGE FROM THE GOVERNOR**

February 9, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 11, 28, 44, 94, 115, and 167e were received in my office on February 5, 2007.

I signed these bills and delivered them to the Secretary of State on February 9, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

**ATTORNEY GENERAL'S OPINION**Opinion 07004

DATE: February 9, 2007

SUBJECT: Authority Of The Legislative Performance Audit Committee To Review Agency Records Subject To The Attorney/Client Privilege

REQUESTED BY: Former Senator Chris Beutler  
Legislative Performance Audit Committee

WRITTEN BY: Jon Bruning, Attorney General  
Dale A. Comer, Assistant Attorney General

The Legislative Performance Audit Committee (the "Committee") is created under the Legislative Performance Audit Act (the "Act"), Neb. Rev. Stat. §§ 50-1201 through 50-1215 (2004, Cum. Supp. 2006). The Committee is authorized to conduct performance audits of state agencies and their programs and activities in order to provide an independent legislative assessment of those agencies and programs. Performance audits consider such things as the effectiveness and results of programs, agency economy and efficiency, internal control by state agencies and agency compliance with legal and other requirements. The Committee is assisted in the performance of its duties by the Legislative Auditor and those employees of Legislature within the Legislative Performance Audit Section (the "Section").

The Section recently conducted a performance audit of the School-Based Teacher-Led Assessment and Reporting System ("STARS") managed by the Nebraska Department of Education (the "Department"). In the course of that performance audit, the Department declined to provide the Section with access to eight letters which the Department had previously received from this office pursuant to our review of agency rules and regulations. In declining to provide the Section with those letters, the Department relied on the attorney/client privilege, since the letters did not involve published opinions of the Attorney General. The Department's refusal to provide the Section with those letters led to this opinion request and the four separate questions which you have posed to us. After a brief discussion of the background circumstances in this case, we will discuss each of your questions in turn.

### BACKGROUND

We have previously considered questions similar to the matters at issue in your current opinion request. In 2004, you asked us, "[w]hether the Legislative Performance Audit Committee has the inherent authority to access any and all of an agency's information and records, confidential or otherwise, in whatever form they may be." Op. Att'y Gen. No. 04022 at 3, 4 (August 14, 2004). We will quote at length from Opinion No. 04022 because our discussion there is germane to the questions currently under consideration:

We have found no Nebraska cases which directly address the scope of the Committee's authority to obtain "confidential" or privileged information as it goes about its responsibilities to conduct performance audits. Nor are there any Nebraska statutes which directly address that issue. Our research also indicates that there is little law from other jurisdictions which is helpful in this area. Therefore, we would first point out that the law concerning your initial inquiry is not clear. However, we can again offer several observations concerning the Committee's authority to obtain "confidential" information.

\* \* \*

There are also evidentiary privileges set out at Neb. Rev. Stat. " 27-501 through 27-513 (1995) and in common law. Those privileges allow certain communications such as those between an attorney and client or a physician and patient to be kept confidential. Authorities which have considered application of those privileges in the context of audits have come to varying conclusions.

The Attorney General of North Dakota has indicated that privileges set out in the North Dakota Rules of Evidence such as the attorney/client privilege apply only to court proceedings, and do not prevent the release of attorney billing information to the North Dakota State Auditor. Op. N.D. Att'y Gen. No. L-1 (January 17, 1995). Similarly, the

Attorney General of Delaware opined that a county auditor could review certain county billing records, even if they included potential information subject to the attorney/client privilege. Op. Del. Att'y Gen. No. 04-IB09 (April 15, 2004). On the other hand, in *Kyle v. Louisiana Public Service Commission*, 2004 WL 691662 (La. Ct. App. April 2, 2004), the Louisiana Court of Appeals held that the Public Service Commission in Louisiana could assert both the attorney/client privilege and the deliberative process privilege to limit access to information sought by the legislative auditor in Louisiana in connection with a performance audit. And, the Attorney General of Missouri has indicated that in situations where the attorney/client privilege or the attorney work product privilege is properly assertable in pending or imminent litigation, the state auditor is not entitled to access to the litigation records of an agency. Op. Mo. Att'y Gen. No. 74-87 (October 5, 1987).

As a result, it is not at all clear whether evidentiary or common law privileges may be properly asserted with respect to a performance audit by the Committee. Moreover, we would also point out that a performance audit by the Committee is an audit of executive branch agencies by the Legislature and the legislative branch of government. Floor Debate on LB 607, 98th Neb. Leg., 1st Sess. 41 (February 12, 2003)(Statement of Sen. Schimek). That, in turn, raises questions regarding whether certain privileges which might be raised by an executive agency such as the executive privilege or the deliberative process privilege could raise separation of powers issues under art. II, § 1 of the Nebraska Constitution. For example, the Attorney General of Maryland has indicated that a statute which purports to give a legislative auditor authority to examine any record pertinent to an executive agency's performance cannot exceed those powers allocated to the legislative branch under the constitution and separation of powers principles. Op. Md. Att'y Gen. No. 91-014 (March 18, 1991).

\* \* \*

To summarize the discussion above, we believe that the [State] Auditor's general authority to review records in the context of an audit is broader than that of the Committee. That result may allow an argument that the Committee has less authority to review confidential records than does the Auditor. We also do not believe that the confidentiality provisions of the Public Records Statutes limit access by the Committee to agency records. However, agencies may well be able to assert evidentiary privileges in response to records requests from the Committee in connection with an audit, particularly when the records at issue implicate separation of powers issues and privileges. Some of the current uncertainties in the statutes could be remedied by clarifying legislation. In that regard, we would point out that it may be easier to overcome an evidentiary privilege in an audit by the Committee if there is a statutory provision similar to Neb. Rev. Stat. § 84-311 (1999) which places strictures on the Committee and its staff with respect to

the unauthorized release of information obtained in an audit.

Op. Att'y Gen. No. 04022 at 4-7 (August 14, 2004)(footnotes omitted).

Subsequent to issuance of our Opinion No. 04022 in 2004, the Legislature passed 2006 Neb. Laws LB 588, and that bill is now codified, in part, at Neb. Rev. Stat. § 50-1213 (1)(Cum. Supp. 2006). Section 50-1213 (1) added new language to the Nebraska Statutes, and provides:

The [Legislative Performance Audit] section shall have access to any and all information and records, confidential or otherwise, of any agency, in whatever form they may be, unless the section is denied such access by federal law or explicitly named and denied such access by state law. If such a law exists, the agency shall provide the committee with a written explanation of its inability to produce such information and records and, after reasonable accommodations are made, shall grant the section access to all information and records or portions thereof that can legally be reviewed. Accommodations that may be negotiated between the agency and the committee include, but are not limited to, a requirement that specified information or records be reviewed on agency premises and a requirement that specified working papers be securely stored on agency premises.

Question No. 1: Are there any circumstances in which the attorney-client privilege would bar [Legislative Performance Audit] Section access to an agency's confidential or privileged information and records that relate to a program being audited under the Legislative Performance Audit Act?

We have reviewed the various authorities cited in our Opinion No. 04022, and there has been little change in the status of the law since we wrote that opinion in 2004. There are no Nebraska cases which directly address the precise issue raised in your first question, and authorities from other jurisdictions arrive at differing results when considering an auditor's access to materials subject to the attorney/client privilege. Consequently, we are left with the language of the statutes at issue. The pertinent portion of § 50-1213 (1) provides that the Legislative Performance Audit Section "shall have access to any and all information and records, confidential or otherwise, of any agency, in whatever form they may be, unless the section is denied such access by federal law or explicitly named and denied such access by state law." Neb. Rev. Stat. § 27-503 (1995) codifies the attorney/client privilege.

Both sides of this debate have raised legitimate arguments in support of their positions. Among other things, the Section argues that the language of § 50-1213 (1) is clear, and gives it access to all records, confidential or otherwise, unless it is explicitly denied such access by state law. In that regard, the Section alleges that § 27-503 does not explicitly deny the Section access to information subject to the attorney/client privilege in connection with a legislative performance audit. On the other hand, the Department

argues that performance audits are "proceedings" subject to the attorney/client privilege, that one statute should not be interpreted to nullify another, that statutes changing the common law should be strictly construed so as to abrogate the common law no further than required, and that "confidential" as it is used in § 50-1213 (1) is different than "privileged." The arguments raised by both sides make the initial inquiry presented in your opinion request a close question.

In Nebraska, statutes should be construed in *pari materia* and from their language as a whole to determine the intent of the Legislature. *Alegent Health Bergan Mercy Medical Center v. Haworth*, 260 Neb. 63, 615 N.W.2d 460 (2000). A court must attempt to give effect to all parts of a statute, and if it can be avoided, no word, clause or sentence will be rejected as superfluous or meaningless. *Sydow v. City of Grand Island*, 263 Neb. 389, 639 N.W.2d 913 (2002). Absent clear legislative intent, a construction of a statute will not be adopted which has the effect of nullifying another statute. *Keller v. Tavarone*, 262 Neb. 2, 628 N.W.2d 222 (2001). With those various rules of statutory construction in mind, it seems to us that it is possible to construe and apply § 50-1213 (1) and § 27-503 in a way that would give effect to both statutes by taking into account the confidentiality provisions contained in the latter subsections of § 50-1213.

After § 50-1213 establishes the Section's right to access information in connection with a performance audit in subsection (1), additional subsections of that same statute impose confidentiality requirements upon the Section and members of the Committee:

(2) Except as provided in this section, any confidential information or confidential records shared with the section shall remain confidential and shall not be shared by an employee of the section with any person who is not an employee of the section, including any member of the committee. If necessary for the conduct of the performance audit, the section may discuss or share confidential information with the chairperson of the committee. If a dispute arises between the section and the agency as to the accuracy of a performance audit or preaudit inquiry involving confidential information or confidential records, the Speaker of the Legislature, as a member of the committee, will be allowed access to the confidential information or confidential records for the purpose of assessing the accuracy of the performance audit or preaudit inquiry.

(3) Except as provided in subdivision (10)(c) of section 77-27,119, if the speaker or chairperson knowingly divulges or makes known, in any manner not permitted by law, confidential information or confidential records, he or she shall be guilty of a Class III misdemeanor. Except as provided in subsection (11) of section 77-2711 and subdivision (10)(c) of section 77-27,119, if any employee or former employee of the section knowingly divulges or makes known, in any manner not permitted by law, confidential information or confidential records, he or



she shall be guilty of a Class III misdemeanor and, in the case of an employee, shall be dismissed.

(4) No proceeding of the committee or opinion or expression of any member of the committee or section employee acting at the direction of the committee shall be reviewable in any court. No member of the committee or section employee acting at the direction of the committee shall be required to testify or produce evidence in any judicial or administrative proceeding concerning matters relating to the work of the section except in a proceeding brought to enforce the Legislative Performance Audit Act.

(5) Pursuant to sections 84-712 and 84-712.01 and subdivision (5) of section 84-712.05, the working papers obtained or produced by the committee or section shall not be considered public records. The committee may make the working papers available for purposes of an external quality control review as required by generally accepted government auditing standards. However, any reports made from such external quality control review shall not make public any information which would be considered confidential when in the possession of the section.

Neb. Rev. Stat. § 50-1213 (2) – (5)(Cum. Supp. 2006)(emphasis added). As a result, the latter subsections of § 50-1213 impose strict confidentiality requirements on the Section, its employees, and on the Committee. And, those confidentiality requirements apply to both to confidential "records" and to confidential "information." In the context of the attorney/client privilege, we read that language broadly to include both actual correspondence or records subject to the privilege, and any privileged information contained in those records. For example, for purposes of a performance audit report, a privileged record such as an informal opinion from this office cannot be quoted or otherwise included in the report. Neither can any conclusions or other information contained in that opinion even be discussed in the report. Disclosure of any of that privileged material would subject the individuals enumerated in §§ 50-1213 (2) – (5) to potential prosecution.

Section 50-1213 (1) clearly grants the Section broad access to confidential information for the purpose of performance audits. However, if the latter subsections of § 50-1213 are also read to strictly prohibit the disclosure and dissemination of confidential information in addition to that broad access, then both § 50-1213 (1) and § 27-503 can be given effect. Such a construction of the statute would allow the Section to have access to confidential material subject to the attorney/client privilege, yet the privilege could be preserved, since the material could not be disclosed. Such a construction of those statutes would also comport with the underlying purpose for the attorney/client privilege, i.e., to promote the freedom of consultation of legal advisors by clients. *State v. Hawes*, 251 Neb. 305, 556 N.W.2d 634 (1996). For those reasons, we believe that the Section can

access information and records belonging to an agency which is subject to the attorney/client privilege in connection with a performance audit of that agency or its programs. However, that privileged material may neither be included nor discussed in the Section's ensuing performance audit report. Nor may the Section, its employees, or the Committee disclose that privileged material in any manner contrary to § 50-1213.

We would also point out that the attorney/client privilege can be waived voluntarily by clients. 98 C.J.S. Witnesses § 378 (2006); 81 Am. Jur. 2d Witnesses § 334 (2006). In addition, such a waiver may be created by self-disclosure of confidential information. 98 C.J.S. Witnesses § 385 (2006). However, it is also true that information subject to the attorney/client privilege retains its privileged character until the client has consented to its disclosure. *Mayberry v. State*, 670 N.E.2d 1262 (Ind. 1996); *Buntin v. Becker*, 727 N.E.2d 734 (Ind. Ct. App. 2000); 98 C.J.S. Witnesses § 385 (2006); 81 Am. Jur. 2d Witnesses § 334 (2006). Consequently, to avoid any potential issues with waiver and to make it clear that there is no consent to disclose privileged material, we expect that most agencies which provide confidential material to the Section for a performance audit will make it clear by correspondence or otherwise that certain materials are confidential and subject to the attorney/client privilege, and that the agency does not consent to their disclosure. Presumably, that notification will also serve as a designation of confidentiality which will trigger the provisions of § 50-1213 (2) – (5).

Question No. 2: Is the approval of the Attorney General required before an agency may release to the Section unpublished communications from the Attorney General's office that relate to a program being audited under the Legislative Performance Audit Act?

In 1995, a state agency requested written advice from this office concerning the agency's obligation to release copies of a numbered informal opinion of the Attorney General.<sup>1</sup> We indicated to that agency in 1995 that release of informal opinions from this office, which might be privileged, is within the discretion of the recipient agency. We believe that a similar rule applies to unpublished communications from this office, including informal opinions, which relate to a program being audited under the Act.

Question No. 3: If attorney-client privilege does not bar access to an agency's confidential or privileged information and records, how long must the Section wait to gain access to them? In other words, at what point can the Section, suspecting an agency of purposely delaying compliance with a request to produce information or records, demand immediate access to such documents?

The Legislative Performance Audit Act contains no provisions which set out time parameters for production of records in connection with a performance audit. Absent any specific time frames in that Act, we assume that an agency undergoing a performance audit may produce records to the Section in a

time frame that is reasonable under the circumstances. In addition, it seems to us that agencies undergoing a performance audit also have a reasonable time to review their records or have their records reviewed by counsel to determine if there is a basis to assert the attorney/client or other privileges and to establish confidentiality for particular records under § 50-1213 (2) – (5). As discussed above, such a designation and denial of consent for disclosure may be necessary to prevent any issues of waiver.

Question No. 4. If an agency refuses to grant the Section access to confidential or privileged information and records not specifically excluded under Section 50-1213 (1) of the Act, what remedies are available?

Neb. Rev. Stat. § 50-1215 (Cum. Supp. 2006) provides that persons who willfully obstruct or hinder the conduct of a performance audit are guilty of a Class II misdemeanor. Presumably, that statute would be enforced by this office or the appropriate county attorney. Apart from those criminal sanctions, the Legislative Performance Audit Act contains no remedies for refusal to grant the Section access to confidential or privileged information. If such a refusal occurs, we assume the Section or the Committee could approach this office and ask us to file some sort of legal action to obtain access to the records. Alternatively, the Section or Committee could seek approval from this office to hire outside counsel to proceed with some form of litigation on behalf of the Section.

<sup>1</sup>The Department of Justice issues Official Opinions of the Attorney General which are stamped as such, numbered and dated. Official opinions of the Attorney General are released to the public and otherwise published. In addition, since 1991, the Department of Justice has also issued Informal Opinions of the Attorney General which are marked with an I designation and also given a number. Informal opinions are not published, and are generally considered by this office to be subject to the attorney-client privilege.

Sincerely,  
JON BRUNING  
Attorney General  
(Signed) Dale A. Comer  
Assistant Attorney General

cc. Patrick J. O'Donnell,  
Clerk of the Legislature  
05-473-21

### **MOTIONS - Approve Appointments**

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 495:

Board of Trustees of the Nebraska State Colleges  
Larry Teahon

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Dubas	Heidemann	Lathrop	White
Cornett	Erdman	Kruse	McDonald	

Excused and not voting, 1:

Dierks

The appointment was confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator McDonald moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 497:

Nebraska Arts Council  
David E. Gardels

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 4:

Kruse	Lathrop	Rogert	Synowiecki
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Excused and not voting, 1:

Dierks

The appointment was confirmed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 35.** With Emergency.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,186, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Cumulative Supplement, 2006; to clarify speed limits on certain freeways; to harmonize provisions; to delete obsolete provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 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	Langemeier	Pedersen	Wightman
Cornett	Hansen	Lathrop	Pirsch	
Dierks	Harms	Louden	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Kruse

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 43.**

A BILL FOR AN ACT relating to highways; to provide for mowing and hay

harvesting permits for right-of-ways; to provide fees; and to provide duties for the Department of Roads.

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

### **LEGISLATIVE BILL 63.**

A BILL FOR AN ACT relating to insurance; to amend section 44-784, Reissue Revised Statutes of Nebraska; to change a provision relating to coverage for childhood immunizations; 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, 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 majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 64.**

A BILL FOR AN ACT relating to gaming; to eliminate a fee and tax on certain gaming activity adopted by Initiative 419; and to outright repeal sections 9-901, 9-902, 9-903, and 9-904, Revised Statutes Cumulative Supplement, 2006.

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, 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 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 74 with 44 ayes, 3 nays, and 2 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 74.** With Emergency.

A BILL FOR AN ACT relating to food regulation; to amend sections 81-2,244.01, 81-2,257, 81-2,272.10, 81-2,272.17, 81-2,272.24, and 81-2,272.25, Reissue Revised Statutes of Nebraska, and sections 81-2,239 and 81-2,270, Revised Statutes Cumulative Supplement, 2006; to change

and eliminate provisions relating to the Nebraska Pure Food Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 81-2,272.03, 81-2,272.04, 81-2,272.05, 81-2,272.06, 81-2,272.14, 81-2,272.15, 81-2,272.16, 81-2,272.19, 81-2,272.20, 81-2,272.21, 81-2,272.22, 81-2,272.23, 81-2,272.26, 81-2,272.28, 81-2,272.29, 81-2,272.30, 81-2,272.33, 81-2,272.35, and 81-2,272.37, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 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.

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 79.**

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1504.01, Revised Statutes Cumulative Supplement, 2006; to change duties of the Department of Environmental Quality; to eliminate obsolete provisions; to repeal the original section; and to outright repeal section 81-1553, 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, 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 majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 80.**

A BILL FOR AN ACT relating to drinking water; to amend sections 71-5318 and 71-5322, Reissue Revised Statutes of Nebraska; to authorize the transfer of funds, financial assistance for certain political subdivisions with financial hardships, and emergency funding; 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, 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 majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 80A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 80, 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, 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 majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 110.** With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend section 2-3918, Reissue Revised Statutes of Nebraska; to adopt the Bovine Tuberculosis Act; to provide penalties; to harmonize provisions; to eliminate provisions relating to tuberculin testing; to repeal the original section; to outright repeal sections 54-706, 54-707, 54-708, 54-709, 54-710, 54-711, 54-712, 54-713, 54-714, 54-715, 54-716, 54-717, 54-718, 54-719, 54-720, 54-721, and 54-722, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 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 111 with 41 ayes, 5 nays, and 3 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 111.**

A BILL FOR AN ACT relating to milk; to amend sections 2-3903, 2-3904, 2-3909, 2-3911, 2-3913, 2-3916, 2-3919, 2-3920, 2-3921, 2-3922, 2-3923, 2-3925, 2-3935, 2-3937, and 2-3942, Reissue Revised Statutes of Nebraska, and sections 2-3901, 2-3902, 2-3906, 2-3907, 2-3908, 2-3910, 2-3914, 2-3915, 2-3917, 2-3917.01, 2-3924, and 81-2,270, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the regulation and processing of milk; to rename a law; to adopt federal and other national milk standards; to provide powers and duties for the Director of Agriculture and the Department of Agriculture; to provide and eliminate penalties; to eliminate an act and a fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-3905, 2-3918, 2-3926, 2-3927, 2-3931, 2-3932, 2-3934, 2-3936, 2-3937.01, 2-3939, 2-3940, 2-3941, 2-3943, 2-3944, 2-3945, and 2-3946, Reissue Revised Statutes of Nebraska, and sections 2-3917.02, 2-3928, 2-3929, 2-3930, and 2-3938, Revised Statutes Cumulative Supplement, 2006.

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, 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 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 148.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,301, Reissue Revised Statutes of Nebraska; to provide an exception to load and weight limits for trucks; 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, 47:

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

Voting in the negative, 1:

Raikes

Present and not voting, 1:

Synowiecki

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

**LEGISLATIVE BILL 150.**

A BILL FOR AN ACT relating to schools; to amend sections 79-809 and 79-810, Reissue Revised Statutes of Nebraska; to change provisions relating to certificate fees; 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, 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 majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 161.**

A BILL FOR AN ACT relating to the Wastewater Treatment Operator Certification Act; to amend section 81-15,130, Reissue Revised Statutes of Nebraska; to change a provision regarding applicant's fees; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Christensen Stuthman

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 186 with 41 ayes, 4 nays, and 4 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 186.**

A BILL FOR AN ACT relating to real property appraisers; to amend sections 76-2210, 76-2210.01, 76-2210.02, 76-2213, 76-2213.01, 76-2217.01, 76-2219, 76-2223, 76-2226, 76-2227, 76-2228, 76-2228.01, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2236, 76-2237, 76-2241, 76-2242, 76-2247.01, and 77-5004, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to credentialing of real property appraisers; to update references; to delete obsolete provisions; 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, 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 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 206.**

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-553 and 14-554, Reissue Revised Statutes of Nebraska, and section 14-1821, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions regarding the city treasurer; to eliminate the requirement of county treasurer serving as ex officio city treasurer; to repeal the original sections; and to outright repeal sections 14-551, 14-552, and 14-561, Reissue Revised Statutes of Nebraska, and section 14-555, Revised Statutes Cumulative Supplement, 2006.

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

**LEGISLATIVE BILL 207.**

A BILL FOR AN ACT relating to public utilities; to amend sections 14-2110 and 14-2147, Reissue Revised Statutes of Nebraska, and sections 14-2109 and 14-2146, Revised Statutes Cumulative Supplement, 2006; to provide a power for the board of directors of a metropolitan utilities district; 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, 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 majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 315.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2006; to update references to the Internal Revenue Code of 1986; to repeal the original section; 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:





Keith Deiml - State Emergency Response Commission

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

**LEGISLATIVE BILL 195.** Placed on General File.

**LEGISLATIVE BILL 199.** Placed on General File.

**LEGISLATIVE BILL 312.** Placed on General File.

**LEGISLATIVE BILL 289.** Placed on General File - Com AM316.  
AM316

- 1 1. On page 3, line 17; and page 5, line 18, strike "(5)",
- 2 show as stricken, and insert "(4)".
- 3 2. On page 4, strike lines 10 through 21 and show as
- 4 stricken; and in line 22 strike "(4)", show as stricken, and insert
- 5 "(3)".
- 6 3. On page 6, line 20, strike "(6)", show as stricken,
- 7 and insert "(5)"; and in line 26 strike "(7)", show as stricken,
- 8 and insert "(6)".

(Signed) Ray Aguilar, Chairperson

### Revenue

**LEGISLATIVE BILL 177.** Placed on General File - Com AM279.  
AM279

- 1 1. Strike the original sections and insert the following
- 2 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 or
- 20 fewer equivalent employees. Microbusiness does not include a farm

21 or livestock operation unless (a) the person actively engaged in  
22 the operation of the microbusiness has a net worth of not more than  
23 two hundred thousand dollars, including any holdings by a spouse  
1 or dependent, based on fair market value, or (b) the investment  
2 or employment is in the processing or marketing of agricultural  
3 products, aquaculture, agricultural tourism, or the production of  
4 fruits, herbs, tree products, vegetables, tree nuts, dried fruits,  
5 organic crops, or nursery crops;

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

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

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

13 (8) Taxpayer means any person subject to the income tax  
14 imposed by the Nebraska Revenue Act of 1967, any corporation,  
15 partnership, limited liability company, cooperative, including a  
16 cooperative exempt under section 521 of the Internal Revenue Code  
17 of 1986, as amended, or joint venture that is or would otherwise  
18 be a member of the same unitary group, if incorporated, which is,  
19 or whose partners, members, or owners representing an ownership

20 interest of at least ninety percent of such entity are, subject  
 21 to such tax, and any other partnership, limited liability company,  
 22 subchapter S corporation, cooperative, including a cooperative  
 23 exempt under section 521 of the Internal Revenue Code of 1986,  
 24 as amended, or joint venture when the partners, shareholders,  
 25 or members representing an ownership interest of at least ninety  
 26 percent of such entity are subject to such tax.

27 Sec. 2. Original section 77-5903, Revised Statutes

1 Cumulative Supplement, 2006, is repealed.

2 Sec. 3. This act shall be operative for all applications

3 for benefits received on or after the effective date of this act.

(Signed) Ray Janssen, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 231.** Title read. Considered.

### SENATOR LANGEMEIER PRESIDING

Advanced to E & R for review with 38 ayes, 0 nays, and 11 present and not voting.

### COMMITTEE REPORTS

#### Natural Resources

**LEGISLATIVE BILL 314.** Placed on General File - Com AM289.  
 AM289

1 1. Insert the following new sections:

2 Sec. 2. Section 46-602, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:

4 46-602 (1) Each water well completed in this state on  
 5 or after July 1, 2001, excluding test holes and dewatering wells  
 6 to be used for less than ninety days, shall be registered with  
 7 the Department of Natural Resources as provided in this section  
 8 within sixty days after completion of construction of the water  
 9 well. The water well contractor as defined in section 46-1213  
 10 constructing the water well, or the owner of the water well if  
 11 the owner constructed the water well, shall file the registration  
 12 on a form made available by the department and shall also file  
 13 with the department the information from the well log required  
 14 pursuant to section 46-1241. The department shall, by January 1,  
 15 2002, provide water well contractors with the option of filing such  
 16 registration forms electronically. No signature shall be required  
 17 on forms filed electronically. The fee required by subsection (3)  
 18 of section 46-1224 shall be the source of funds for any required  
 19 fee to a contractor which provides the on-line services for such  
 20 registration. Any discount in the amount paid the state by a credit  
 21 card, charge card, or debit card company or a third-party merchant

22 bank for such registration fees shall be deducted from the portion  
23 of the registration fee collected pursuant to section 46-1224.

1 (2)(a) If the newly constructed water well is a  
2 replacement water well, the registration form shall include  
3 (i) the registration number of the water well being replaced,  
4 if applicable, and (ii) the date the original water well was  
5 decommissioned or a certification that the water well will be  
6 decommissioned within one hundred eighty days or a certification  
7 that the original water well will be modified and equipped to  
8 pump fifty gallons per minute or less and will be used only for  
9 livestock, monitoring, observation, or any other nonconsumptive use  
10 or de minimus use approved by the applicable natural resources  
11 district.

12 (b) For purposes of this section, replacement water well  
13 means a water well which is constructed to provide water for  
14 the same purpose as the original water well and is operating in  
15 accordance with any applicable permit from the department and any  
16 applicable rules and regulations of the natural resources district  
17 and, if the purpose is for irrigation, the replacement water well  
18 delivers water to the same tract of land served by the original  
19 water well and (i) replaces an abandoned water well within three  
20 years after the last operation of the abandoned water well and  
21 the original water well is decommissioned either before or within  
22 one hundred eighty days after such construction, (ii) replaces a  
23 water well that has not been abandoned but will not be used after  
24 construction of the new water well and the original water well  
25 will be decommissioned within one hundred eighty days after such  
26 construction, except that in the case of a municipal water well,  
27 the original municipal water well may be used after construction  
1 of the new water well but shall be decommissioned within one year  
2 after completion of the replacement water well, or (iii) will  
3 continue to be used but will be modified and equipped within one  
4 hundred eighty days after such construction of the replacement  
5 water well to pump fifty gallons per minute or less and will  
6 be used only for livestock, monitoring, observation, or any other  
7 nonconsumptive or de minimus use and approved by the applicable  
8 natural resources district.

9 (c) No water well shall be registered as a replacement  
10 water well until the Department of Natural Resources has received  
11 a properly completed notice of decommissioning for the water well  
12 being replaced on a form made available by the department, or  
13 properly completed notice, prepared in accordance with subsection  
14 (7) of this section, of the modification and equipping of the  
15 original water well to pump fifty gallons per minute or less  
16 for use only for livestock, monitoring, observation, or any other  
17 nonconsumptive or de minimus use approved by the applicable natural  
18 resources district. Such notices, as required, shall be completed  
19 by (i) the water well contractor as defined in section 46-1213  
20 who decommissions the water well or modifies and equips the water

21 well, (ii) the pump installation contractor as defined in section  
22 46-1209 who decommissions the water well or modifies and equips the  
23 water well, or (iii) the owner if the owner decommissions a driven  
24 sandpoint well which is on land owned by him or her for farming,  
25 ranching, or agricultural purposes or as his or her place of  
26 abode. The Department of Health and Human Services Regulation and  
27 Licensure shall, by rule and regulation, determine which contractor  
1 or owner shall be responsible for such notice in situations in  
2 which more than one contractor or owner may be required to provide  
3 notice under this subsection.

4 (3) For a series of two or more water wells completed and  
5 pumped into a common carrier as part of a single site plan for  
6 irrigation purposes, a registration form and a detailed site plan  
7 shall be filed for each water well. The registration form shall  
8 include the registration numbers of other water wells included in  
9 the series if such water wells are already registered.

10 (4) A series of water wells completed for purposes  
11 of installation of a ground heat exchanger for a structure  
12 for utilizing the geothermal properties of the ground shall be  
13 considered as one water well. One registration form and a detailed  
14 site plan shall be filed for each such series.

15 (5) One registration form shall be required along with  
16 a detailed site plan which shows the location of each such water  
17 well in the site and a log from each such water well for water  
18 wells constructed as part of a single site plan for (a) monitoring  
19 ground water, obtaining hydrogeologic information, or extracting  
20 contaminants from the ground, (b) water wells constructed as part  
21 of remedial action approved by the Department of Environmental  
22 Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, and  
23 (c) water well owners who have a permit issued pursuant to the  
24 Industrial Ground Water Regulatory Act and also have an underground  
25 injection control permit issued by the Department of Environmental  
26 Quality.

27 (6) The Department of Natural Resources shall be notified  
1 by the owner of any change in the ownership of a water well  
2 required to be registered under this section. Notification shall be  
3 in such form and include such evidence of ownership as the Director  
4 of Natural Resources by rule and regulation directs. The department  
5 shall use such notice to update the registration on file. The  
6 department shall not collect a fee for the filing of the notice.

7 (7) The water well contractor or pump installation  
8 contractor responsible therefor shall notify the department within  
9 sixty days on a form provided by the department of any pump  
10 installation or any modifications to the construction of the water  
11 well or pump, after the initial registration of the well. For  
12 a change of use resulting in modification and equipping of an  
13 original water well which is being replaced in accordance with  
14 subsection (2) of this section, the water well contractor or pump  
15 installation contractor shall notify the department within sixty

16 days on a form provided by the department of the water well and  
17 pump modifications and equipping of the original water well. A  
18 water well owner shall notify the department within sixty days on  
19 a form provided by the department of any other changes or any  
20 inaccuracies in recorded water well information, including, but not  
21 limited to, changes in use. The department shall not collect a fee  
22 for the filing of the notice.

23 (8) Whenever a water well becomes an illegal water well  
24 as defined in section 46-706, the owner of the water well shall  
25 either correct the deficiency that causes the well to be an illegal  
26 water well or shall cause the proper decommissioning of the water  
27 well in accordance with rules and regulations adopted pursuant  
1 to the Water Well Standards and Contractors' Licensing Act. The  
2 water well contractor who decommissions the water well, the pump  
3 installation contractor who decommissions the water well, or the  
4 owner if the owner decommissions a driven sandpoint well which is  
5 on land owned by him or her for farming, ranching, or agricultural  
6 purposes or as his or her place of abode, shall provide a properly  
7 completed notice of abandonment to the Department of Natural  
8 Resources within sixty days. The Department of Health and Human  
9 Services Regulation and Licensure shall, by rule and regulation,  
10 determine which contractor or owner shall be responsible for such  
11 notice in situations in which more than one contractor or owner may  
12 be required to provide notice under this subsection. The Department  
13 of Natural Resources shall not collect a fee for the filing of the  
14 notice.

15 (9) Except for water wells which are used solely for  
16 domestic purposes and were constructed before September 9, 1993,  
17 and for test holes and dewatering wells used for less than ninety  
18 days, each water well which was completed in this state before  
19 July 1, 2001, and which is not registered on that date shall be an  
20 illegal water well until it is registered with the Department of  
21 Natural Resources. Such registration shall be completed by a water  
22 well contractor or by the current owner of the water well, shall  
23 be on forms provided by the department, and shall provide as much  
24 of the information required by subsections (1) through (5) of this  
25 section for registration of a new water well as is possible at the  
26 time of registration.

27 (10) Water wells which are or were used solely for  
1 injecting any fluid other than water into the underground water  
2 reservoir, which were constructed before July 16, 2004, and which  
3 have not been properly decommissioned on or before July 16, 2004,  
4 shall be registered on or before July 1, 2005.

5 (11) Water wells described in subdivision (1)(b) of  
6 section 46-601.01 shall be registered with the Department of  
7 Natural Resources as provided in subsection (1) of this section  
8 within sixty days after the water well is constructed. Water wells  
9 described in subdivision (1)(b) of section 46-601.01 which were  
10 constructed prior to the effective date of this act shall be

11 registered within one hundred eighty days of such date.

12 Sec. 4. If any section in this act or any part of any  
13 section is declared invalid or unconstitutional, the declaration  
14 shall not affect the validity or constitutionality of the remaining  
15 portions.

16 Sec. 6. Since an emergency exists, this act takes effect  
17 when passed and approved according to law.

18 2. On page 3, line 15, after the comma insert "and  
19 section 46-602, Revised Statutes Cumulative Supplement, 2006,".

20 3. Renumber the remaining sections accordingly.

(Signed) LeRoy Loudon, Chairperson

### General Affairs

**LEGISLATIVE BILL 637.** Placed on General File.

**LEGISLATIVE BILL 638.** Placed on General File.

**LEGISLATIVE BILL 301.** Placed on General File - Com AM204.  
AM204

1 1. On page 2, line 18; and page 3, line 2, strike

2 "January", show as stricken, and insert "July".

(Signed) Vickie McDonald, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 211A.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 211, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on February 12, 2007, at 11:25 a.m. were the following: LBs 35e, 43, 63, 64, 74e, 79, 80, 80A, 110e, 111, 148, 150, 161, 186, 206, 207, and 315e.

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

### RESOLUTION

**LEGISLATIVE RESOLUTION 28.** Introduced by Fischer, 43.

WHEREAS, in May 2005, the United States Congress enacted the REAL



ID Act of 2005 (REAL ID Act) as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror Act, and Tsunami Relief, 2005 (Public Law 109-13); and

WHEREAS, Congress passed the REAL ID Act as a rider on a military spending bill without a hearing in either the House or the Senate; and

WHEREAS, the implementation of the REAL ID Act intrudes upon the states' sovereign power contained in the Tenth Amendment to the United States Constitution to determine their own policies for the identification, licensure, and credentialing of individuals residing therein; and

WHEREAS, the REAL ID Act mandates an unfunded national driver's license on the people of Nebraska by requiring the state to conform its process of issuing driver's licenses and identification cards to federal standards by May 2008; and

WHEREAS, the REAL ID Act creates the potential of a massive public sector data base containing information on every American that is accessible to motor vehicle employees and law enforcement officers nationwide that can be used to gather and manage information on citizens; and

WHEREAS, the REAL ID Act converts the state driver licensing function into federal law enforcement and national security functions that are outside the purpose and core competency of driver licensing bureaus; and

WHEREAS, the National Governor's Association, National Conference of State Legislatures, and American Association of Motor Vehicle Administrators predict state compliance with the REAL ID Act provisions will require all of the estimated 245 million driver's license and identification card holders in the United States to renew their current identity documents in person, thereby placing enormous burdens on current driver's license and identification card holders such as higher license and card costs, longer lines to obtain licenses and cards, increased license and card requests, and a waiting period to obtain licenses and cards; and

WHEREAS, the REAL ID Act will cost the states over \$11 billion to implement according to a recent survey of forty-seven licensing authorities conducted by the National Governor's Association, the National Conference of State Legislatures, and the American Association of Motor Vehicle Administrators, with the Nebraska Department of Motor Vehicles estimating that the implementation of the REAL ID Act will cost Nebraska \$26 million, none of which are costs that will be paid for by the federal government; and

WHEREAS, the REAL ID Act wrongly coerces states into doing the federal government's bidding by threatening to refuse noncomplying states' citizens the privileges and immunities enjoyed by other states' citizens; and

WHEREAS, the REAL ID Act threatens the privacy and liberty of every driver's license and identification card holder in the United States of America.

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

1. That the Legislature opposes enactment or enforcement in this state of the REAL ID Act.

2. That Congress should repeal the REAL ID Act to avoid the significant problems it currently poses to state sovereignty, individual liberty, and limited government.

3. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, the President pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and the Nebraska congressional delegation.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR 28 was referred to the Reference Committee.

### **AMENDMENT - Print in Journal**

Senator Harms filed the following amendment to LB 192:  
AM285

(Amendments to Standing Committee amendments, AM240)

- 1 1. Insert the following new sections:
- 2 Sec. 7. The commission shall prepare a biennial report
- 3 on scholarships awarded pursuant to the Access College Early
- 4 Scholarship Program Act and shall submit the report to the Clerk of
- 5 the Legislature. The report shall include, but not be limited to,
- 6 the number and amount of scholarships awarded and the postsecondary
- 7 educational institutions attended by scholarship recipients.
- 8 Sec. 8. A student or the student's parent or legal
- 9 guardian may request in writing a review of any adverse decision by
- 10 requesting such review within twenty days of notice of the adverse
- 11 decision, addressed to the executive director of the commission.
- 12 The review shall be pursuant to the Administrative Procedure Act.
- 13 2. On page 4, line 5, strike "7" and insert "9"; in line
- 14 26, strike "(1)"; and in line 27 strike "such" and insert "
- 15 (1) Such".
- 16 3. On page 5, line 24, after "of" insert "the
- 17 verification of eligibility and".
- 18 4. Renumber the remaining sections accordingly.

### **MOTION - Print in Journal**

Senator Flood filed the following motion to LB 476:  
Bracket LB 476 to May 31, 2007.

### **AMENDMENTS - Print in Journal**

Senator Flood filed the following amendment to LB 476:  
AM307

- 1 1. Strike original sections 20, 21, 22, and 23 and insert
- 2 the following new sections:
- 3 Sec. 10. Section 29-1602, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 29-1602 All informations shall be filed in the court
- 6 having jurisdiction of the offense specified therein, by the

7 prosecuting attorney of the proper county as informant. The  
8 prosecuting attorney shall subscribe his or her name thereto  
9 and endorse thereon the names of the witnesses known to him or her  
10 at the time of filing. After the information has been filed, the  
11 prosecuting attorney shall endorse on the information the names of  
12 such other witnesses as shall then be known to him or her as the  
13 court in its discretion may prescribe, ~~except that if a notice of~~  
14 ~~aggravation is contained in the information as provided in section~~  
15 ~~29-1603, the prosecuting attorney may endorse additional witnesses~~  
16 ~~at any time up to and including the thirtieth day prior to the~~  
17 ~~trial of guilt.~~

18 Sec. 19. Section 29-2261, Revised Statutes Cumulative  
19 Supplement, 2006, is amended to read:

20 29-2261 (1) Unless it is impractical to do so, when an  
21 offender has been convicted of a felony, ~~other than murder in the~~  
22 ~~first degree,~~ the court shall not impose sentence without first  
23 ordering a presentence investigation of the offender and according  
1 due consideration to a written report of such investigation. ~~When~~  
2 ~~an offender has been convicted of murder in the first degree and~~  
3 ~~(a) a jury renders a verdict finding the existence of one or more~~  
4 ~~aggravating circumstances as provided in section 29-2520 or (b)(i)~~  
5 ~~the information contains a notice of aggravation as provided in~~  
6 ~~section 29-1603 and (ii) the offender waives his or her right to~~  
7 ~~a jury determination of the alleged aggravating circumstances, the~~  
8 ~~court shall not commence the sentencing determination proceeding as~~  
9 ~~provided in section 29-2521 without first ordering a presentence~~  
10 ~~investigation of the offender and according due consideration to a~~  
11 ~~written report of such investigation.~~

12 (2) A court may order a presentence investigation in any  
13 case, except in cases in which an offender has been convicted  
14 of a Class IIIA misdemeanor, a Class IV misdemeanor, a Class V  
15 misdemeanor, a traffic infraction, or any corresponding city or  
16 village ordinance.

17 (3) The presentence investigation and report shall  
18 include, when available, an analysis of the circumstances attending  
19 the commission of the crime, the offender's history of delinquency  
20 or criminality, physical and mental condition, family situation and  
21 background, economic status, education, occupation, and personal  
22 habits, and any other matters that the probation officer deems  
23 relevant or the court directs to be included. All local and state  
24 police agencies and Department of Correctional Services adult  
25 correctional facilities shall furnish to the probation officer  
26 copies of such criminal records, in any such case referred to  
27 the probation officer by the court of proper jurisdiction, as the  
1 probation officer shall require without cost to the court or the  
2 probation officer.

3 Such investigation shall also include:

4 (a) Any written statements submitted to the county  
5 attorney by a victim; and

6 (b) Any written statements submitted to the probation  
7 officer by a victim.

8 (4) If there are no written statements submitted to the  
9 probation officer, he or she shall certify to the court that:

10 (a) He or she has attempted to contact the victim; and

11 (b) If he or she has contacted the victim, such officer  
12 offered to accept the written statements of the victim or to reduce  
13 such victim's oral statements to writing.

14 For purposes of subsections (3) and (4) of this section,  
15 the term victim shall be as defined in section 29-119.

16 (5) Before imposing sentence, the court may order the  
17 offender to submit to psychiatric observation and examination for  
18 a period of not exceeding sixty days or such longer period as the  
19 court determines to be necessary for that purpose. The offender  
20 may be remanded for this purpose to any available clinic or mental  
21 hospital, or the court may appoint a qualified psychiatrist to make  
22 the examination. The report of the examination shall be submitted  
23 to the court.

24 (6) Any presentence report or psychiatric examination  
25 shall be privileged and shall not be disclosed directly or  
26 indirectly to anyone other than a judge, probation officers  
27 to whom an offender's file is duly transferred, the probation  
1 administrator or his or her designee, or others entitled by law  
2 to receive such information, including personnel and mental health  
3 professionals for the Nebraska State Patrol specifically assigned  
4 to sex offender registration and community notification for the  
5 sole purpose of using such report or examination for assessing  
6 risk and for community notification of registered sex offenders.

7 For purposes of this subsection, mental health professional means

8 (a) a practicing physician licensed to practice medicine in this  
9 state under the provisions of section 71-102, (b) a practicing  
10 psychologist licensed to engage in the practice of psychology in  
11 this state as provided in section 71-1,206.14, or (c) a practicing  
12 mental health professional licensed or certified in this state as  
13 provided in section 71-1,333. The court may permit inspection of  
14 the report or examination of parts thereof by the offender or his  
15 or her attorney, or other person having a proper interest therein,  
16 whenever the court finds it is in the best interest of a particular  
17 offender. The court may allow fair opportunity for an offender to  
18 provide additional information for the court's consideration.

19 (7) If an offender is sentenced to imprisonment, a copy  
20 of the report of any presentence investigation or psychiatric  
21 examination shall be transmitted immediately to the Department of  
22 Correctional Services. Upon request, the Board of Parole or the  
23 Office of Parole Administration may receive a copy of the report  
24 from the department.

25 (8) Notwithstanding subsection (6) of this section, the  
26 Nebraska Commission on Law Enforcement and Criminal Justice under  
27 the direction and supervision of the Chief Justice of the Supreme

1 Court shall have access to presentence investigations and reports  
 2 for the sole purpose of carrying out the study required under  
 3 subdivision (7) of section 81-1425. The commission shall treat such  
 4 information as confidential, and nothing identifying any individual  
 5 shall be released by the commission.

6 (9) Notwithstanding subsection (6) of this section, the  
 7 Supreme Court or an agent of the Supreme Court acting under the  
 8 direction and supervision of the Chief Justice shall have access to  
 9 psychiatric examinations and presentence investigations and reports  
 10 for research purposes. The Supreme Court and its agent shall  
 11 treat such information as confidential and nothing identifying any  
 12 individual shall be released.

13 2. On page 19, strike beginning with "The" in line 4  
 14 through line 8 and show the old matter as stricken; and strike  
 15 lines 16 through 25 and show the old matter as stricken.

16 3. On page 20, strike lines 1 through 5 and show as  
 17 stricken; and in line 6 strike "(3)", show as stricken, and insert  
 18 "(2)".

19 4. On page 21, line 25, strike "If an information  
 20 charging a" and show as stricken.

21 5. On page 22, strike beginning with "violation" in line  
 22 1 through the period in line 4 and show the old matter as stricken.

23 6. On page 25, strike beginning with "or" in line 17  
 24 through line 19, show the old matter as stricken, and insert an  
 25 underscored period.

26 7. On page 39, strike beginning with "imposed" in line 20  
 27 through "29-2523" in line 21; and in line 25 strike "pursuant to  
 1 section 29-2520".

2 8. On page 40, line 1, strike "to 29-2523".

3 9. On page 51, line 25, after "28-303," insert  
 4 "29-1602,".

5 10. On page 52, line 1, strike "29-2520, 29-2521,  
 6 29-2522, 29-2523," and insert "29-2261,,"; in line 11 after the  
 7 last comma insert "29-2520, 29-2521,,"; and in line 11 after  
 8 "29-2521.02," insert "29-2521.05, 29-2522, 29-2523,".

9 11. Renumber the remaining sections accordingly.

Senator Flood filed the following amendment to LB 476:  
 AM287

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

3 Section 1. Section 29-2524, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:

5 29-2524 Nothing in sections 25-1140.09, 28-303, 28-313,  
 6 and 29-2519 to 29-2546 and sections 7 and 8 of this act shall be in  
 7 any way deemed to repeal or limit existing procedures for automatic  
 8 review of capital cases, nor shall they in any way limit the right  
 9 of the Supreme Court to reduce a sentence of death to a sentence of  
 10 life imprisonment without parole in accordance with the provisions

11 of section 29-2308, nor shall they limit the right of the Board  
12 of Pardons to commute any sentence of death to a sentence of life  
13 imprisonment without parole.

14 Sec. 2. Section 29-2532, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 29-2532 (1)(a) The mode of inflicting the punishment  
17 of death, in all cases, shall be cases in which the crime for  
18 which the punishment of death has been imposed was committed  
19 prior to the effective date of this act, shall be, at the  
20 option of the convicted person being punished and as provided  
21 in subdivisions (1)(b) and (c) of this subsection, (i) by  
22 causing to pass through the body of the convicted person a  
23 current or currents of electricity of sufficient intensity to  
1 cause death; and the application of such current or currents  
2 shall be continued until such convicted person is dead; or  
3 (ii) by intravenous administration of a lethal quantity of an  
4 ultra-short-acting barbiturate in combination with a chemical  
5 paralytic agent and potassium chloride, or other equally effective  
6 substances, sufficient to cause death.

7 (b) If the convicted person being punished was sentenced  
8 to death prior to the effective date of this act, then the warden  
9 of the Department of Correctional Services facility designated by  
10 the Director of Correctional Services to carry out the sentence  
11 of death, or his or her designee, shall provide written notice  
12 to the convicted person of the requirement to choose a mode of  
13 inflicting the punishment of death set forth in this section within  
14 thirty days after the effective date of this act. Such notice shall  
15 state that a failure to choose shall result in the punishment of  
16 death being inflicted pursuant to subdivision (1)(a)(ii) of this  
17 subsection. If a choice is made by the convicted person, it shall  
18 be made in writing and received by the warden or his or her  
19 designee within thirty days after receipt by the convicted person  
20 of the warden's written notice.

21 (c) If the convicted person being punished was sentenced  
22 to death on or after the effective date of this act, then  
23 the warden of the Department of Correctional Services facility  
24 designated by the Director of Correctional Services to carry out  
25 the sentence of death, or his or her designee, shall provide  
26 written notice to the convicted person of the requirement to choose  
27 a mode of inflicting the punishment of death set forth in this  
1 section within thirty days after the sentence has been affirmed by  
2 the Nebraska Supreme Court pursuant to section 29-2528. Such notice  
3 shall state that a failure to choose shall result in the punishment  
4 of death being inflicted pursuant to subdivision (1)(a)(ii) of  
5 this subsection. If a choice is made by the convicted person, it  
6 shall be made in writing and received by the warden or his or her  
7 designee within thirty days after receipt by the convicted person  
8 of the warden's written notice.

9 (d) If the convicted person being punished fails to

10 choose as provided in this subsection, the mode of inflicting the  
 11 punishment of death shall be pursuant to subdivision (1)(a)(ii) of  
 12 this section.

13 (2) The mode of inflicting the punishment of death, in  
 14 cases in which the crime for which the punishment of death has  
 15 been imposed was committed on or after the effective date of this  
 16 act, shall be by intravenous administration of a lethal quantity  
 17 of an ultra-short-acting barbiturate in combination with a chemical  
 18 paralytic agent and potassium chloride, or other equally effective  
 19 substances, sufficient to cause death.

20 (3) The warden of the ~~Nebraska Penal and Correctional~~  
 21 ~~Complex, Department of Correctional Services~~ facility designated by  
 22 the Director of Correctional Services to carry out the sentence  
 23 of death, and in case of ~~his such warden's~~ death, sickness,  
 24 absence, or inability to act, then the deputy warden, shall be the  
 25 executioner. ~~The ; PROVIDED, the~~ warden may in writing specially  
 26 designate and appoint a suitable and competent person to act for  
 27 him or her, and under his or her direction, as executioner in  
 1 any particular case. A crime punishable by death ~~must~~ shall be  
 2 punished according to ~~the provisions herein made~~ this section and  
 3 not otherwise.

4 (4) If the Supreme Court of the United States declares  
 5 that the mode of inflicting the punishment of death under  
 6 subdivision (1)(a)(i) or (ii) of this section violates the  
 7 United States Constitution, or if the Nebraska Supreme Court  
 8 declares that the mode of inflicting the punishment of death under  
 9 subdivision (1)(a)(i) or (ii) of this section violates the United  
 10 States Constitution of the Constitution of Nebraska, the mode of  
 11 inflicting the punishment of death shall be by the other remaining  
 12 statutory mode of inflicting the punishment of death.

13 Sec. 3. Section 29-2533, Reissue Revised Statutes of  
 14 Nebraska, is amended to read:

15 29-2533 When any convicted person shall be sentenced  
 16 to be electrocuted, is punished by death, such punishment shall  
 17 be inflicted within the walls of the Department of Correctional  
 18 Services adult correctional facility, or within the yard or  
 19 enclosure adjacent thereto, at a Department of Correctional  
 20 Services facility under the supervision of the warden of such  
 21 facility and in such a manner as to exclude the view of all persons  
 22 save except those permitted to be present as provided in sections  
 23 29-2534 and 29-2535.

24 Sec. 4. Section 29-2542, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 29-2542 If any person escapes who has been convicted  
 27 of a crime punishable by death, ~~and has been sentenced to be~~  
 1 electrocuted, shall escape, and shall not be death, and has not  
 2 been retaken before the time fixed for his or her execution,  
 3 it shall be lawful for the warden, the Director of Correctional  
 4 Services or his or her designee may rearrest such person, or any

5 sheriff or other officer or person ~~to~~ may rearrest such person and  
 6 return him or her to the custody of the ~~warden of the Nebraska~~  
 7 ~~Penal and Correctional Complex, who shall thereupon make return~~  
 8 ~~thereof to Department of Correctional Services. The director shall~~  
 9 then notify the Governor of the state, and the Governor shall  
 10 ~~thereupon~~ issue a warrant, fixing and appointing a day for the  
 11 execution. The director shall ensure that the designated warden  
 12 carries out the execution, which shall be carried into effect by  
 13 ~~the warden~~ in the same manner as ~~herein~~ provided for the execution  
 14 of ~~an original~~ a sentence of death.

15 Sec. 5. Section 29-2543, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 29-2543 Whenever any person has been tried and convicted  
 18 before any district court in this state of a crime punishable by  
 19 death and under the conviction has been sentenced ~~by the court to~~  
 20 ~~suffer to~~ death, it shall be the duty of the clerk of the court  
 21 before which the conviction was had to issue a warrant, under the  
 22 seal of the court, reciting therein the conviction and sentence  
 23 directed to the ~~warden of the Nebraska Penal and Correctional~~  
 24 ~~Complex, Director of Correctional Services, commanding him or her~~  
 25 ~~to proceed at the time named in the sentence to carry the same~~  
 26 ~~into execution by causing the person so convicted and sentenced to~~  
 27 ~~be electrocuted by the passage of an electric current through the~~  
 1 ~~body until dead. the director to cause the death of the convicted~~  
 2 person. The clerk shall deliver the warrant to the sheriff of  
 3 the county in which conviction was had and such sheriff shall  
 4 thereupon forthwith remove such convicted person to a Department  
 5 of Correctional Services ~~adult correctional~~ facility of the state  
 6 and there deliver him or her, together with the warrant, into the  
 7 custody of the ~~warden~~ director who shall receive and safely keep  
 8 such ~~convict~~ convicted person within a Department of Correctional  
 9 Services ~~adult correctional~~ facility until the time of execution or  
 10 until otherwise ordered by competent authority.

11 Sec. 6. Section 29-2544, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:

13 29-2544 It shall be the duty of the ~~warden of the~~  
 14 ~~Nebraska Penal and Correctional Complex~~ Director of Correctional  
 15 Services on receipt of such warrant, if the Supreme Court or a  
 16 judge thereof shall not have ordered a suspension of the execution,  
 17 and if the Board of Pardons shall not have commuted such sentence,  
 18 or granted a reprieve or pardon to such ~~convict~~ convicted person,  
 19 to proceed at the time named in the warrant to carry the sentence  
 20 into execution in the manner herein provided; and of the manner of  
 21 his or her executing the warrant, and of his or her doings thereon,  
 22 he or she shall forthwith make return to the clerk, who shall cause  
 23 the warrant and return to be recorded as a part of the records of  
 24 the case.

25 Sec. 7. Notwithstanding any other provision of law, the  
 26 assistance with, participation in, or performance of ancillary or



27 other functions pursuant to the administration of the substance or  
 1 substances described in subdivision (1)(a)(ii) or subsection (2) of  
 2 section 29-2532 in order to carry out the punishment of death as  
 3 provided by law shall not be construed to constitute the practice  
 4 of medicine and shall not be a violation of the Uniform Controlled  
 5 Substances Act or sections 71-2501 to 71-2512.

6 Sec. 8. Notwithstanding any other provision of law,  
 7 any pharmacist or pharmaceutical supplier is authorized to  
 8 distribute drugs to the Director of Correctional Services or his  
 9 or her designee, without prescription, in order to carry out the  
 10 punishment of death as provided by law.

11 Sec. 9. If any section in this act or any part of any  
 12 section is declared invalid or unconstitutional, the declaration  
 13 shall not affect the validity or constitutionality of the remaining  
 14 portions.

15 Sec. 10. Original sections 29-2532, 29-2533, 29-2542,  
 16 29-2543, and 29-2544, Reissue Revised Statutes of Nebraska, and  
 17 section 29-2524, Revised Statutes Cumulative Supplement, 2006, are  
 18 repealed.

19 Sec. 11. Since an emergency exists, this act takes effect  
 20 when passed and approved according to law.

Senator Johnson filed the following amendment to LB 395:  
 AM321

- 1 1. Strike section 3.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Nelson asked unanimous consent to add his name as cointroducer to LB 235. No objections. So ordered.

### **VISITOR**

The Doctor of the Day was Dr. Mike Meeker from Bellevue.

### **ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Raikes, the Legislature adjourned until 9:00 a.m., Tuesday, February 13, 2007.

Patrick J. O'Donnell  
 Clerk of the Legislature



**TWENTY-EIGHTH DAY - FEBRUARY 13, 2007**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
FIRST SESSION**

**TWENTY-EIGHTH DAY**

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

**PRAYER**

The prayer was offered by Senator Burling.

**ROLL CALL**

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

The roll was called and all members were present except Senator Wallman who was excused; and Senators Chambers, Pedersen, Preister, Raikes, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-seventh day was approved.

**COMMITTEE REPORT  
Enrollment and Review**

**LEGISLATIVE BILL 231.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARING  
Health and Human Services  
Room 1510**

LB 513      Wednesday, February 21, 2007

1:30 p.m.

(Signed) Joel Johnson, Chairperson

**AMENDMENTS - Print in Journal**

Senator Burling filed the following amendment to LB 204:  
AM273

- 1 1. On page 3, lines 1 through 5, strike the new matter
- 2 and reinstate the stricken matter.

Senator Erdman filed the following amendment to LB 205:  
AM337

- 1 1. Strike original section 1.
- 2 2. On page 2, line 24, after the comma insert "at a
- 3 designated school bus stop"; in line 26 after the last comma
- 4 insert "bullying"; and in line 27 after the first "a" insert
- 5 "physical, verbal, or electronic".
- 6 3. On page 3, lines 25, 26, and 27; and page 4, lines 13
- 7 and 16, strike the new matter and reinstate the stricken matter.
- 8 4. Renumber the remaining sections accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 395.** Title read. Considered.

Committee AM276, found on page 511, was considered.

Senator Fischer requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

FA15

- 3 Sec. 16. Tobacco retail outlet means a retail store that
- 4 sells only tobacco and related products and in which the sale of
- 5 other products is only incidental.
- 22 4. On page 6, line 12, strike "sections 16 and 17" and
- 23 insert "section 16"; strike lines 13 and 14 and insert "(1) Private
- 1 residences, except when used (a) as a place of employment for one
- 2 or more employees who are not the occupants of such residence, (b)
- 3 as a child care, adult day care, or health care facility, or (c)
- 4 as a public place"; strike beginning with the period in line 20
- 5 through "(3)" in line 23 and insert ";
- 6 (3) Tobacco retail outlets; and
- 7 (4)".

Senator Howard offered the following amendment to the first committee amendment:

AM333

(Amendments to Standing Committee amendments, AM276)

- 1 On page 2, line 3, after the second comma insert "a
- 2 foster care home licensed under section 71-1902.".

**SPEAKER FLOOD PRESIDING**

**SENATOR LANGEMEIER PRESIDING**

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?"

Senator Stuthman moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Stuthman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

Aguilar	Erdman	Harms	Lathrop	Pirsch
Ashford	Flood	Heidemann	Louden	Raikes
Avery	Friend	Hudkins	McDonald	Stuthman
Burling	Fulton	Janssen	McGill	Wightman
Carlson	Gay	Johnson	Nelson	
Cornett	Hansen	Kruse	Pankonin	

Voting in the negative, 14:

Adams	Dierks	Howard	Mines	Rogert
Chambers	Dubas	Karpisek	Nantkes	White
Christensen	Engel	Langemeier	Pahls	

Present and not voting, 4:

Fischer	Kopplin	Schimek	Synowiecki
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Excused and not voting, 3:

Pedersen	Preister	Wallman
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The motion to cease debate prevailed with 28 ayes, 14 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Howard moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Howard requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Adams	Cornett	Harms	Kruse	Raikes
Ashford	Dierks	Howard	Lathrop	Schimek
Avery	Dubas	Janssen	Louden	Wightman
Chambers	Flood	Kopplin	McGill	

Voting in the negative, 17:

Burling	Friend	Heidemann	Mines	Rogert
Carlson	Fulton	Hudkins	Nelson	
Christensen	Gay	Karpisek	Pahls	
Erdman	Hansen	Langemeier	Pankonin	

Present and not voting, 10:

Aguilar	Fischer	McDonald	Pirsch	Synowiecki
Engel	Johnson	Nantkes	Stuthman	White

Excused and not voting, 3:

Pedersen	Preister	Wallman
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The Howard amendment lost with 19 ayes, 17 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

### **COMMITTEE REPORTS** **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 124.** Placed on General File - Com AM299.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Rich Pahls, Chairperson

### **Education**

**LEGISLATIVE BILL 230.** Indefinitely postponed.  
**LEGISLATIVE BILL 630.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR**            **Committee**  
LR 28            Transportation and Telecommunications

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

**AMENDMENT - Print in Journal**

Senator Burling filed the following amendment to LB 204:  
AM346

- 1     1. Insert the following new section:
- 2     Sec. 2. Section 48-2103, Reissue Revised Statutes of
- 3     Nebraska, is amended to read:
- 4     48-2103 For purposes of the Contractor Registration Act:
- 5     (1) Commissioner ~~shall mean~~ means the Commissioner of
- 6     Labor;
- 7     (2) Construction ~~shall mean~~ means work on real property
- 8     and annexations, including new work, additions, alterations,
- 9     reconstruction, installations, and repairs performed at one or more
- 10    different sites which may be dispersed geographically;
- 11    (3) Contractor ~~shall mean~~ means a person who engages
- 12    in the business of construction and ~~shall include~~ includes a
- 13    subcontractor, a general contractor, and any other person arranging
- 14    for the performance of construction. A person who earns less than
- 15    ~~one two~~ thousand dollars annually or who performs work or has work
- 16    performed on ~~the person's his or her~~ own property is not ~~shall not~~
- 17    ~~be a contractor; for purposes of the act;~~
- 18    (4) Department ~~shall mean~~ means the Department of Labor;
- 19    and
- 20    (5) Working days ~~shall mean~~ means Mondays through Fridays
- 21    but ~~shall does~~ not include Saturdays, Sundays, or federal or state
- 22    holidays. In computing fifteen working days, the day of receipt of
- 23    any notice ~~shall not be~~ is not included and the last day of the
- 1    fifteen working days ~~shall be~~ is included.
- 2    2. On page 4, line 11, after "48-2102," insert
- 3    "48-2103,".
- 4    3. Renumber the remaining sections accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 395.** Senator Erdman offered the following amendment to the first committee amendment:

FA19

On page 2, line 3 strike the new matter on line 3 and insert "as a licensed child care facility, licensed adult day care facility, or licensed health care facility, or (c)"

Senator Erdman withdrew his amendment.

Senator Johnson offered the following amendment to the first committee amendment:

FA21

On page 2, strike beginning with the comma in line 1 through "place" in line 4.

**SPEAKER FLOOD PRESIDING**

Pending.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 27 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 27.

**GENERAL FILE**

**LEGISLATIVE BILL 395.** The Johnson amendment, FA21, found in this day's Journal, to the first committee amendment, was renewed.

**SENATOR LANGEMEIER PRESIDING**

Pending.

**NOTICE OF COMMITTEE HEARINGS**

**Appropriations**  
Room 1524

Monday, February 26, 2007

1:30 p.m.

AGENCY 5 - Supreme Court and State Court Administrator

AGENCY 11 - Attorney General

AGENCY 15 - Board of Pardons and Board of Parole

AGENCY 94 - Commission on Public Advocacy



LB 55	Tuesday, February 27, 2007	1:30 p.m.
LB 56	Tuesday, February 27, 2007	1:30 p.m.
LB 71	Tuesday, February 27, 2007	1:30 p.m.
LB 229	Tuesday, February 27, 2007	1:30 p.m.
LB 281	Tuesday, February 27, 2007	1:30 p.m.
LB 327	Tuesday, February 27, 2007	1:30 p.m.

Tuesday, February 27, 2007 1:30 p.m.

AGENCY 20 - Department of Health and Human Services Regulation and Licensure

AGENCY 25 - Department of Health and Human Services

AGENCY 26 - Department of Health and Human Services Finance and Support

Room 1003

LB 452	Wednesday, February 28, 2007	1:30 p.m.
LB 587	Wednesday, February 28, 2007	1:30 p.m.

Wednesday, February 28, 2007 1:30 p.m.

AGENCY 21 - State Fire Marshal

AGENCY 30 - State Electrical Division

AGENCY 64 - State Patrol

AGENCY 78 - Commission on Law Enforcement and Criminal Justice

AGENCY 46 - Department of Correctional Services

Thursday, March 1, 2007 1:30 p.m.

AGENCY 81 - Commission for the Blind and Visually Impaired

AGENCY 38 - Commission on the Status of Women

AGENCY 68 - Commission on Mexican-Americans

AGENCY 70 - State Foster Care Review Board

AGENCY 76 - Commission on Indian Affairs

AGENCY 82 - Commission for the Deaf and Hard of Hearing

(Signed) Lavon Heidemann, Chairperson

### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 296:  
AM251

- 1 1. In the Standing Committee amendment, AM74:
- 2 a. On page 1, lines 4, 6, and 13; and page 2, lines 2,
- 3 3, and 11, strike "System";
- 4 b. On page 1, lines 16 and 20; page 2, line 4; and page
- 5 5, line 9, strike "system" and insert "department";
- 6 c. On page 1, lines 13 and 14; and page 2, lines 2 and
- 7 11, before "Health" insert "Department of";
- 8 d. On page 1, lines 14 and 16; page 2, line 4; and page
- 9 3, line 14, strike "departments" and insert "divisions";

- 10 e. On page 2, lines 20 and 22, strike "department" and  
 11 insert "division"; and
- 12 f. On page 2, lines 5, 6, 7, and 8; page 3, lines 17  
 13 and 21; page 4, lines 1, 5, 9, 14, and 24; and page 5, lines 17,  
 14 18, 19, 21, 22, and 23, strike all occurrences of "Department" and  
 15 insert "Division".
- 16 2. On page 5, line 21; page 6, line 10; page 8, line 6;  
 17 page 10, lines 1, 7, and 12; page 11, lines 1, 24, and 25; page 12,  
 18 lines 10, 16, 23, and 24; page 13, lines 4, 14, 15, 21, and 25;  
 19 page 18, line 15; page 19, line 4; page 20, line 6; and page 22,  
 20 line 12, strike "System".
- 21 3. On page 5, line 20; page 8, line 5; page 10, line 11;  
 22 page 11, lines 1 and 24; page 12, lines 10 and 23; page 13, lines  
 23 3, 13, and 20; page 19, line 4; page 20, line 6; and page 22, line  
 1 12, before "Health" insert "Department of".
- 2 4. On page 5, line 24; page 6, lines 1, 12, 14, 15,  
 3 and 26; page 7, lines 1, 5, 7, 14, 18, and 24; page 8, lines 3  
 4 and 8; page 11, lines 3, 5, 10, 13, and 17; page 12, line 17;  
 5 page 13, line 15; and page 14, line 6, strike "system" and insert  
 6 "department".
- 7 5. On page 5, line 27; page 6, lines 14 and 15; page 7,  
 8 lines 1 and 12; page 8, lines 1 and 9; and page 9, line 20, strike  
 9 "department" and insert "division".
- 10 6. On page 8, lines 8, 9, 12, and 14; and page 9, lines  
 11 16 and 22, strike "departments" and insert "divisions".
- 12 7. On page 12, line 25, strike "system" and insert  
 13 "Department of Health and Human Services".
- 14 8. On page 20, strike beginning with "of" in line 5  
 15 through the first "System" in line 6.
- 16 9. In ER8012, on page 1, line 8, strike "System"; and in  
 17 line 10 strike the new matter and insert "Department of Health and  
 18 Human Services".

Senator Johnson filed the following amendment to LB 395:  
 AM345

(Amendments to Standing Committee amendments, AM276)

- 1 1. On page 1, line 19, after the semicolon insert  
 2 "in line 6 after the first comma insert 'a' and strike  
 3 'floor-to-ceiling'; in line 8 after 'windows' insert 'and that has  
 4 less than twenty percent of the total wall area permanently open to  
 5 the outdoors. For walls in excess of eight feet in height, only the  
 6 first eight feet shall be used in determining such percentage;"

Senator Johnson filed the following amendment to LB 395:  
 FA14

Amend committee amendment (AM276)

On page 2, strike from "in" in line 12 through line 13 and insert "strike  
 beginning with '(1)' in line 19 through '(2)' in line 25."

Senator Nantkes filed the following amendment to LB 395:  
AM340

- 1 1. Strike section 26.
- 2 2. Renumber the remaining section accordingly.

Senator Rogert filed the following amendment to LB 395:  
AM349

- 1 1. On page 6, line 5, before the period insert "within
- 2 the incorporated boundaries of cities of the metropolitan, primary,
- 3 and first classes".

Senator Erdman filed the following amendment to LB 395:  
FA22

On page 2, lines 15-18 strike the new matter beginning with "nothing" in line 15. Strike Section 24.

### **ANNOUNCEMENT**

Senator Cornett announced the Business and Labor Committee will hold an executive session Wednesday, February 14, 2007, at 10:00 a.m., in Room 2102.

### **VISITORS**

Visitors to the Chamber were Dalan Hiatt and Wendall Gaston from Sidney; and NSEA retired educators from across the state.

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

### **ADJOURNMENT**

At 11:58 a.m., on a motion by Senator McGill, the Legislature adjourned until 9:00 a.m., Wednesday, February 14, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-NINTH DAY - FEBRUARY 14, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 14, 2007

**PRAYER**

The prayer was offered by Senator Hudkins.

**ROLL CALL**

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

The roll was called and all members were present except Senator Nantkes who was excused; and Senators Ashford, Carlson, Erdman, Friend, Heidemann, Howard, Kruse, Loudon, Pedersen, and Preister who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 567, strike the last five lines.

The Journal for the twenty-eighth day was approved as corrected.

**COMMITTEE REPORT  
Health and Human Services**

**LEGISLATIVE BILL 398.** Placed on General File.

(Signed) Joel Johnson, Chairperson

**MOTION - Approve Appointment**

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 545:

State Emergency Response Commission  
Keith Deiml

Voting in the affirmative, 31:

Adams	Dierks	Hansen	McDonald	Stuthman
Aguilar	Dubas	Harms	McGill	Wallman
Avery	Engel	Janssen	Mines	Wightman
Burling	Fischer	Karpisek	Nelson	
Chambers	Flood	Kopplin	Pahls	
Christensen	Fulton	Langemeier	Pirsch	
Cornett	Gay	Lathrop	Rogert	

Voting in the negative, 0.

Present and not voting, 7:

Hudkins	Pankonin	Schimek	White
Johnson	Raikes	Synowiecki	

Excused and not voting, 11:

Ashford	Friend	Kruse	Pedersen
Carlson	Heidemann	Louden	Preister
Erdman	Howard	Nantkes	

The appointment was confirmed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 211A.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 395.** The Johnson amendment, FA21, found on page 568, to the first committee amendment, FA15, found on page 564, was renewed.

Senator Chambers offered the following motion:  
Bracket LB 395 until February 21, 2007.

**SENATOR CORNETT PRESIDING**

**SPEAKER FLOOD PRESIDING**

Pending.

### COMMITTEE REPORT Enrollment and Review

**LEGISLATIVE BILL 211A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 379.** Placed on General File.

**LEGISLATIVE BILL 380.** Placed on General File.

**LEGISLATIVE BILL 383.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 29.** Introduced by Christensen, 44.

WHEREAS, Jubal E. Joslyn, of Troop 200, Imperial, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jubal has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, on Sunday, March 4, 2007, Jubal E. Joslyn will receive the rank of Eagle Scout, and, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jubal E. Joslyn on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jubal E. Joslyn, in care of Mr. Wyatt Croft, Scoutmaster, Troop 200.

Laid over.

**LEGISLATIVE RESOLUTION 30.** Introduced by Christensen, 44.

WHEREAS, Randy J. Matheny, a sergeant with the Nebraska National Guard and a 2004 graduate of McCook High School, was killed on February 4, 2007, while on duty in Iraq in the service of his country; and

WHEREAS, Randy Matheny joined the National Guard on March 28, 2005, and was a gunner with the 1074th Transportation Company providing security for transportation missions in Iraq; and

WHEREAS, Randy Matheny's sister, Karen, is serving her second tour of duty in Iraq and Randy's brother, Paul, is preparing to be deployed; and

WHEREAS, Randy Matheny is the thirty-ninth soldier with Nebraska connections to die in Iraq or Afghanistan since the beginning of military operations after September 11, 2001.

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

1. That the Legislature commends the Matheny family for its sacrifice in the service of the United States and extends its condolences to the family for the death of Randy Matheny.

2. That a copy of this resolution be sent to the family of Sergeant Randy J. Matheny.

Laid over.

**LEGISLATIVE RESOLUTION 31.** Introduced by Stuthman, 22.

WHEREAS, the cast and crew of the play production for Clarkson School displayed remarkable ability and perseverance; and

WHEREAS, the cast and crew of the play production for Clarkson School achieved remarkable success this season; and

WHEREAS, the cast and crew of the play production for Clarkson School qualified for the 2006 NSAA State Play Contest with their performance of "Robin Hood"; and

WHEREAS, the school won the Class C-2 championship; and

WHEREAS, actor Aaron Konicek was selected as outstanding male performer.

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

1. That the cast and crew of the Clarkson School play production be congratulated for its success.

2. That a copy of this resolution be sent to the Clarkson High School and Director Ann Cerv.

Laid over.

**NOTICE OF COMMITTEE HEARINGS**

**Appropriations**

Room 1524

Monday, March 5, 2007

1:30 p.m.

AGENCY 48 - Coordinating Commission for Postsecondary Education

AGENCY 50 - State College System

AGENCY 83 - Community College System

LB 105 Tuesday, March 6, 2007

1:30 p.m.



LB 109	Tuesday, March 6, 2007	1:30 p.m.
LB 438	Tuesday, March 6, 2007	1:30 p.m.
LB 275	Tuesday, March 6, 2007	1:30 p.m.
LB 483	Tuesday, March 6, 2007	1:30 p.m.

Tuesday, March 6, 2007 1:30 p.m.  
 AGENCY 51 - University of Nebraska  
 AGENCY 69 - Arts Council

Room 1003

Wednesday, March 7, 2007 1:30 p.m.  
 AGENCY 18 - Department of Agriculture  
 AGENCY 31 - Military Department  
 AGENCY 33 - Game and Parks Commission  
 AGENCY 54 - State Historical Society

LB 42	Thursday, March 8, 2007	1:30 p.m.
LB 446	Thursday, March 8, 2007	1:30 p.m.

Thursday, March 8, 2007 1:30 p.m.  
 AGENCY 24 - Department of Motor Vehicles  
 AGENCY 40 - Motor Vehicle Industry Licensing Board  
 AGENCY 17 - State Aeronautics Department  
 AGENCY 27 - Department of Roads

Friday, March 9, 2007 1:30 p.m.  
 AGENCY 28 - Department of Veterans' Affairs  
 AGENCY 37 - Workers' Compensation Court  
 AGENCY 75 - Investment Council  
 AGENCY 77 - Commission of Industrial Relations  
 AGENCY 85 - Public Employees Retirement Systems

Room 1524

LB 420	Monday, March 12, 2007	1:30 p.m.
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Monday, March 12, 2007 1:30 p.m.  
 AGENCY 29 - Department of Natural Resources  
 AGENCY 52 - State Fair Board  
 AGENCY 84 - Department of Environmental Quality  
 AGENCY 72 - Department of Economic Development

Tuesday, March 13, 2007 1:30 p.m.  
 AGENCY 13 - Department of Education  
 AGENCY 34 - Library Commission  
 AGENCY 47 - Educational Telecommunications Commission  
 AGENCY 58 - Board of Engineers and Architects

## Room 1003

LB 574      Wednesday, March 14, 2007      1:30 p.m.

Wednesday, March 14, 2007      1:30 p.m.

AGENCY 19 - Department of Banking and Finance

AGENCY 22 - Department of Insurance

AGENCY 23 - Department of Labor

AGENCY 67 - Equal Opportunity Commission

AGENCY 87 - Accountability and Disclosure Commission

AGENCY 65 - Department of Administrative Services

Thursday, March 15, 2007      1:30 p.m.

AGENCY 7 - Governor

AGENCY 8 - Lieutenant Governor

AGENCY 9 - Secretary of State

AGENCY 10 - Auditor of Public Accounts

AGENCY 12 - State Treasurer

AGENCY 14 - Public Service Commission

AGENCY 3 - Legislative Council

## Room 1524

LB 536      Monday, March 19, 2007      1:30 p.m.

LB 542      Monday, March 19, 2007      1:30 p.m.

LB 545      Monday, March 19, 2007      1:30 p.m.

LB 548      Monday, March 19, 2007      1:30 p.m.

LB 559      Monday, March 19, 2007      1:30 p.m.

LB 576      Monday, March 19, 2007      1:30 p.m.

(Signed) Lavon Heidemann, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 395.** The Chambers motion, found in this day's Journal, to bracket LB 395 until February 21, 2007, was renewed.

**SENATOR ERDMAN PRESIDING****SENATOR CORNETT PRESIDING**

Senator Chambers withdrew his motion to bracket.

Senator Johnson asked unanimous consent to bracket LB 395 until February 28, 2007. No objections. So ordered.

**MESSAGE FROM THE GOVERNOR**

February 8, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as Director of Services of the Health and Human Services System:

Scot Adams, 3116 South 58th Street, Omaha NE 68106

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Adams, Scot - Health and Human Services System - Health and Human Services

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

**NOTICE OF COMMITTEE HEARING**  
**Transportation and Telecommunications**  
Room 1113

LR 28 Monday, February 26, 2007

1:30 p.m.

(Signed) Deb Fischer, Chairperson

**AMENDMENTS - Print in Journal**

Senator Stuthman filed the following amendment to LB 307:  
AM314

(Amendments to Standing Committee amendments, AM163)

- 1 1. On page 1, line 8, after "highway" insert "with more  
2 than two marked traffic lanes" and after "highway" insert "with  
3 more than two marked traffic lanes"; in line 9 after the period  
4 insert "Subsections (2), (3), and (5) through (8) of this section  
5 authorize and apply to operation of an all-terrain vehicle only on  
6 a highway other than a controlled-access highway with more than two  
7 marked traffic lanes."; and strike beginning with "on" in line 22  
8 through the second comma in line 23.
- 9 2. On page 3, line 5, strike "The" and insert "Subject  
10 to subsection (1) of this section, the"; strike beginning with the  
11 comma in line 5 through the comma in line 6; and strike beginning  
12 with "on" in line 20 through the comma in line 21 and show the old  
13 matter as stricken.

Senator Langemeier filed the following amendment to LB 25:  
AM242

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:  
2 Sec. 14. This act becomes operative on January 1, 2008.
- 3 2. On page 1, line 8, after the semicolon insert "to  
4 provide an operative date;"
- 5 3. Renumber the remaining section accordingly.

Senator Langemeier filed the following amendment to LB 25:  
AM231

(Amendments to Final Reading copy)

- 1 1. On page 4, line 15, strike "Every" and insert "Except  
2 as provided in subsection (3) of this section, every"; and strike  
3 beginning with "with" in line 16 through "animal" in line 18.
- 4 2. On page 5, strike lines 3 through 14 and insert the  
5 following new subsection:  
6 "(3) An owner of a hybrid animal in this state prior  
7 to the date of development of a licensed vaccine determined  
8 scientifically to be reliable in preventing rabies in a hybrid  
9 animal shall have one year after such date to comply with this  
10 section.".

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Schimek asked unanimous consent to add her name as cointroducer to LB 12. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 67. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Jered Matzke from Gothenburg; and Library Youth Volunteers from across the state.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

**ADJOURNMENT**

At 11:51 a.m., on a motion by Senator Mines, the Legislature adjourned until 9:00 a.m., Thursday, February 15, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTIETH DAY - FEBRUARY 15, 2007**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
FIRST SESSION**

**THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 15, 2007

**PRAYER**

The prayer was offered by Dr. Dan Flanagan, St. Paul's Methodist Church, Papillion.

**ROLL CALL**

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

The roll was called and all members were present except Senator Pedersen who was excused; and Senators Cornett, Friend, Heidemann, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-ninth day was approved.

**COMMITTEE REPORTS**

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 114.** Placed on General File.

**LEGISLATIVE BILL 125.** Placed on General File.

**LEGISLATIVE BILL 126.** Placed on General File.

**LEGISLATIVE BILL 149.** Placed on General File.

**LEGISLATIVE BILL 122.** Placed on General File - Com AM152.  
AM152

- 1 1. On page 10, line 24, after "and" insert ", after June
- 2 30, 2009,".

**LEGISLATIVE BILL 127.** Placed on General File - Com AM158.  
AM158

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 45-191.04, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 45-191.04 (1) A loan brokerage agreement shall be in

5 writing and shall be signed by the loan broker and the borrower.  
6 The loan broker shall furnish the borrower a copy of such signed  
7 loan brokerage agreement at the time the borrower signs it.

8 (2) The borrower has the right to cancel a loan brokerage  
9 agreement for any reason at any time within three business days  
10 after the date the parties sign the agreement. The loan brokerage  
11 agreement shall set forth the borrower's right to cancel and the  
12 procedures to be followed when an agreement is canceled.

13 (3) A loan brokerage agreement shall set forth in at  
14 least ten-point type, or handwriting of at least equivalent size,  
15 the following:

16 (a) The terms and conditions of payment;

17 (b) A full and detailed description of the acts or  
18 services the loan broker will undertake to perform for the  
19 borrower;

20 (c) The loan broker's principal business address,  
21 telephone number, and electronic mail and Internet address, if any,  
22 and the name, and address, telephone number, and electronic mail  
23 and Internet address, if any, of its agent in the State of Nebraska  
1 authorized to receive service of process;

2 (d) The business form of the loan broker, whether a  
3 corporation, partnership, limited liability company, or otherwise;  
4 and

5 (e) The following notice of the borrower's right to  
6 cancel the loan brokerage agreement pursuant to this section:  
7 "You have three business days in which you may  
8 cancel this agreement for any reason by mailing or delivering  
9 written notice to the loan broker. The three business days  
10 shall expire on ..... (last date to mail or  
11 deliver notice), and notice of cancellation should be mailed to  
12 ..... (loan broker's name and  
13 business street address). If you choose to mail your notice, it  
14 must be placed in the United States mail properly addressed,  
15 first-class postage prepaid, and postmarked before midnight of the  
16 above date. If you choose to deliver your notice to the loan broker  
17 directly, it must be delivered to the loan broker by the end of the  
18 normal business day on the above date. Within five business days  
19 after receipt of the notice of cancellation, the loan broker shall  
20 return to you all sums paid by you to the loan broker pursuant to  
21 this agreement."

22 The notice shall be set forth immediately above the place  
23 at which the borrower signs the loan brokerage agreement.

24 2. On page 4, line 5, strike "section 45-191.01" and  
25 insert "sections 45-191.01 and 45-191.04"; and in line 6 strike  
26 "is" and insert "are".

27 3. Renumber the remaining section accordingly.



- 1 1. On page 6, line 10, after "The" insert "surety".

**LEGISLATIVE BILL 129.** Placed on General File - Com AM268.  
AM268

- 1 1. Insert the following new section:  
2 Sec. 10. (1) The department may require that a mortgage  
3 banker supply all or part of the information that must be provided  
4 to obtain a license pursuant to a multistate licensing and  
5 application system data base consistent with, and in compliance  
6 with, the Mortgage Bankers Registration and Licensing Act. Nothing  
7 in this subsection shall authorize the director to require any  
8 person exempt from licensure under the act or the employees or  
9 agents of any such person to submit information to or participate  
10 in the multistate licensing and application system.  
11 (2) Except for the department, no person shall be  
12 authorized to obtain information from a multistate licensing and  
13 application system data base or initiate any civil action based  
14 on information obtained from such data base, if such information  
15 is not currently available to such person under section 8-112 or  
16 45-710.  
17 (3) The department shall ensure that a multistate  
18 licensing and application system adopts a privacy, data security,  
19 and security breach notification policy. The director shall make  
20 available upon written request a copy of the contract between  
21 the department and a multistate licensing and application system  
22 pertaining to the breach of security of the system provisions.  
23 (4) The department shall upon written request provide the  
1 most recently available audited financial report of the multistate  
2 licensing and application system.  
3 2. On page 2, after line 18, insert the following new  
4 subdivision:  
5 "(3) Breach of security of the system means  
6 unauthorized acquisition of data that compromises the security,  
7 confidentiality, or integrity of the information maintained by a  
8 multistate licensing and application system, its affiliates, or  
9 subsidiaries;"; and in line 19 strike "(3)" and insert "(4)".  
10 3. On page 3, line 7, strike "(4)" and insert "(5)"; in  
11 line 9 strike "(5)" and insert "(6)"; in line 11 strike "(6)" and  
12 insert "(7)"; in line 19 strike "(7)" and insert "(8)"; in line  
13 21 strike "(8)" and insert "(9)"; and in line 27 strike "(9)" and  
14 insert "(10)".  
15 4. On page 4, line 6, strike "(10)" and insert "(11)";  
16 after line 9 insert the following new subdivision:  
17 "(12) Multistate licensing and application system means  
18 a residential real estate mortgage licensing system data base of  
19 which the department is a member;"; in line 10 strike "(11)" and  
20 insert "(13)"; in line 15 strike "(12)" and insert "(14)"; in line  
21 19 strike "(13)" and insert "(15)"; in line 24 strike "(14)" and  
22 insert "(16)"; and in line 27 strike "(15)" and insert "(17)".

- 23 5. On page 5, line 2, strike "(16)" and insert "(18)".  
 24 6. On page 6, line 7, after "application" insert "and  
 25 any processing fee allowed under subsection (3) of section 45-715";  
 26 and in line 9 strike "required by this section" and insert "for a  
 27 license as a mortgage banker".  
 1 7. On page 8, line 24, after "applicable" insert ", and  
 2 any processing fee allowed under subsection (3) of section 45-715".  
 3 8. On page 17, line 25, strike "brokers" and insert  
 4 "bankers".  
 5 9. Renumber the remaining sections and correct internal  
 6 references accordingly.

**LEGISLATIVE BILL 130.** Placed on General File - Com AM128.  
 AM128

- 1 1. On page 2, line 9, strike "move" and insert  
 2 "relocation".

**LEGISLATIVE BILL 156.** Placed on General File - Com AM146.  
 AM146

- 1 1. Strike original section 3 and insert the following new  
 2 section:  
 3 Sec. 4. The following section is outright repealed:  
 4 Section 8-1,123, Reissue Revised Statutes of Nebraska.  
 5 2. On page 3, line 26, strike "remote".  
 6 3. On page 6, strike "sections 8-149 and 8-1,123" and  
 7 insert "section 8-149".  
 8 4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 189.** Placed on General File - Com AM217.  
 AM217

- 1 1. Strike original section 1.  
 2 2. On page 7, line 1, strike "section" and insert  
 3 "sections" and after "30-3889" insert "and is in the best interests  
 4 of the beneficiaries"; in line 9 after "be" insert "reasonably";  
 5 and in line 11 after "subsection" insert "performed by the trustee,  
 6 its affiliate, or its associated entity".  
 7 3. On page 9, line 1, strike "sections 30-3803 and" and  
 8 insert "section"; and in line 2 strike "are" and insert "is".  
 9 4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 346.** Placed on General File - Com AM227.  
 AM227

- 1 1. On page 5, line 10, after "barley," insert "bees,  
 2 buffalo, bull semen,"; in line 12 after the new matter insert  
 3 "emu,"; in lines 12 and 13 strike "fur-bearing animals," and show  
 4 as stricken; in line 14 after "milk," insert "millet," and after  
 5 "onions," insert "ostrich,"; and in line 15 after "rye," insert  
 6 "safflower,".

(Signed) Rich Pahls, Chairperson

### **MESSAGE FROM THE GOVERNOR**

February 14, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 35e, 43, 63, 64, 74e, 79, 80, 80A, 110e, 111, 148, 150, 161, 186, 206, 207, and 315e were received in my office on February 12, 2007.

I signed these bills and delivered them to the Secretary of State on February 14, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 14, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Amack, Angela K.  
Electrical Workers, International Brotherhood of

Berryman, Scott  
Interior Design Coalition of Nebraska

Kissel/Erickson & Sederstrom Associates, LLC  
Mosaic

Laubacher, Cynthia M.  
Medco Health Solutions, Inc.

Radcliffe, Walter H. of Radcliffe & Associates  
Compensation Insurance, National Council on (NCCI)

Wesely, Don  
City of Norfolk

Downtown Lincoln Association  
 Humane Society of the United States, The  
 Motorola, Inc.

## REPORTS

The following reports were received by the Legislature:

### Education, Department of

State Rehabilitation Council 2005 - 2006 Report

### Energy Office

Annual Report for Fiscal Year 2005 - 2006

### Roads, Department of

2006 Annual Report

## NOTICE OF COMMITTEE HEARING Government, Military and Veterans Affairs Room 1507

Thursday, February 22, 2007

1:30 p.m.

Dana Miller - State Emergency Response Commission

(Signed) Ray Aguilar, Chairperson

## AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB 166:  
 AM387

(Amendments to E & R amendments, ER8013)

- 1 1. On page 2, line 18, strike "thirty-five" and insert
- 2 "thirty-three".
- 3 2. On page 13, line 4, after "disqualified" insert ",
- 4 except that a parcel disqualified solely due to the revision to the
- 5 definition of agricultural land and horticultural land in section
- 6 77-1359 by Laws 2006, LB 808, shall be subject to taxation at its
- 7 actual value for the year in which it became disqualified".
- 8 3. On page 19, line 16, after the period insert "The
- 9 protest shall indicate whether the protester is (a) the property
- 10 owner of record, (b) a person representing the property owner, (c)
- 11 the person responsible for payment of the tax on the parcel, or
- 12 (d) a person who is not the record owner, is not representing the
- 13 owner of the parcel, and is not responsible for paying the tax on
- 14 the parcel".

Senator Preister filed the following amendment to LB 580:  
 AM305

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 69-2708, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 69-2708 (1) Not later than twenty calendar days after  
5 the end of each calendar quarter, and more frequently if so  
6 directed by the Tax Commissioner, each stamping agent shall submit  
7 such information as the Tax Commissioner requires to facilitate  
8 compliance with sections 69-2704 to 69-2710, including, but not  
9 limited to, a list by brand family of the total number of  
10 cigarettes or, in the case of roll-your-own, the equivalent stick  
11 count for which the stamping agent affixed stamps during the  
12 previous calendar quarter or otherwise paid the tax due for such  
13 cigarettes. The stamping agent shall maintain, and make available  
14 to the Tax Commissioner, all invoices and documentation of sales  
15 of all nonparticipating manufacturer cigarettes and any other  
16 information relied upon in reporting to the Tax Commissioner for a  
17 period of five years.

18 (2) The Attorney General may require at any time from the  
19 nonparticipating manufacturer proof, from the financial institution  
20 in which such manufacturer has established a qualified escrow fund  
21 for the purpose of compliance with section 69-2703, of the amount  
22 of money in such fund, exclusive of interest, the amounts and dates  
23 of each deposit to such fund, and the amounts and dates of each  
1 withdrawal from such fund.

2 (3) In addition to the information required to be  
3 submitted pursuant to subsection (1) of this section, the Tax  
4 Commissioner or Attorney General may require a stamping agent,  
5 distributor, or tobacco product manufacturer to submit any  
6 additional information, including, but not limited to, samples of  
7 the packaging or labeling of each brand family, as is necessary  
8 to enable the Tax Commissioner or Attorney General to determine  
9 whether a tobacco product manufacturer is in compliance with  
10 sections 69-2704 to 69-2710.

11 (4) To promote compliance with sections 69-2704 to  
12 69-2707, a tobacco product manufacturer subject to the requirements  
13 of subdivision (1)(c) of section 69-2706 shall make the escrow  
14 deposits required by section 69-2703 in quarterly installments  
15 during the year in which the sales covered by such deposits are  
16 made ~~if (a) it is the first year~~ Through the end of the calendar  
17 year following the year the tobacco product manufacturer is listed  
18 in the directory established pursuant to section 69-2706; ~~;~~ (b)  
19 if the tobacco product manufacturer is removed then subsequently  
20 relisted in the directory, then for all periods following the  
21 relisting through the end of the calendar year following the year  
22 the tobacco product manufacturer is relisted in the directory;  
23 (c) if the tobacco product manufacturer has failed to make a  
24 complete and timely escrow deposit for any calendar year as  
25 required by section 69-2703; or for any quarter as required in  
26 this section; or ~~(e)-(d)~~ if the tobacco product manufacturer has  
27 failed to pay any judgment, including any civil penalty ordered  
1 under section 69-2703 or 69-2709. The Tax Commissioner may require

2 production of information sufficient to enable the Tax Commissioner  
 3 to determine the adequacy of the amount of the installment  
 4 deposit. The Tax Commissioner may adopt and promulgate rules and  
 5 regulations implementing how tobacco product manufacturers subject  
 6 to the requirements of subdivision (1)(c) of section 69-2706 make  
 7 quarterly payments.

8 2. On page 2, strike beginning with "such" in line 13  
 9 through line 14, show as stricken, and insert "subsection (4) of  
 10 section 69-2708.".

11 3. On page 3, line 24, strike "and" and show as stricken.

12 4. On page 4, line 15, strike the period, show as

13 stricken, and insert "; and

14 (v) That such nonparticipating manufacturer consents to  
 15 be sued in the district courts of the State of Nebraska for  
 16 purposes of the state (A) enforcing any provision of sections  
 17 69-2703 to 69-2710, and any rules and regulations adopted and  
 18 promulgated thereunder, or (B) bringing a released claim as defined  
 19 in section 69-2702.".

20 5. On page 6, line 4, after "69-2703" insert "or  
 21 subsection (4) of section 69-2708.".

22 6. On page 11, line 7, before "and" insert "69-2708,".

23 7. Renumber the remaining sections accordingly.

Senator Loudon filed the following amendment to LB 295:  
 AM385

(Amendments to Standing Committee amendments, AM190)

1 1. On page 4, line 23, strike "federal".

2 2. On page 13, line 1, strike "a de minimis"; and in line

3 2 after "nonconsumptive" insert "or de minimis".

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

### LEGISLATIVE BILL 283.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-6728, Reissue Revised Statutes of Nebraska, and section 71-162, Revised Statutes Cumulative Supplement, 2006; to provide for biennial renewal of medication aide registrations; to eliminate payment of administrative costs of the credentialing system as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 2:

Chambers      Fischer

Excused and not voting, 5:

Cornett      Friend      Heidemann      Pedersen      Raikes

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

#### **LEGISLATIVE BILL 283A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 283, 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	Erdman	Johnson	Mines	Stuthman
Aguilar	Friend	Karpisek	Nantkes	Synowiecki
Ashford	Fulton	Kopplin	Nelson	Wallman
Avery	Gay	Kruse	Pahls	White
Burling	Hansen	Langemeier	Pankonin	Wightman
Carlson	Harms	Lathrop	Pirsch	
Dierks	Howard	Louden	Preister	
Dubas	Hudkins	McDonald	Rogert	
Engel	Janssen	McGill	Schimek	

Voting in the negative, 0.

Present and not voting, 4:

Chambers      Christensen      Fischer      Flood

Excused and not voting, 4:

Cornett            Heidemann      Pedersen        Raikes

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

### SELECT FILE

**LEGISLATIVE BILL 333.** ER8014, found on page 435, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 213.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 237.** ER8016, found on page 445, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 263.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 313.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 311.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 99.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 298.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 191.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 117.** ER8020, found on page 472, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 67.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 290.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 422.** ER8018, found on page 473, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 472.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 108.** ER8022, found on page 487, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 549.** ER8024, found on page 496, was adopted.

Advanced to E & R for engrossment.



**LEGISLATIVE BILL 549A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 434.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 296.** ER8012, found on page 425, was adopted.

Senator Chambers renewed his amendment, AM251, found on page 569.

The Chambers amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Pending.

### EASE

The Legislature was at ease from 9:49 a.m. until 9:54 a.m.

### SELECT FILE

**LEGISLATIVE BILL 296.** Senator Howard offered the following amendment:

AM202

(Amendments to Standing Committee amendments, AM74)

- 1 1. On page 3, line 27, after "officer" insert ".
- 2 The Department of Children and Family Services shall undertake
- 3 the process of accreditation with the goal of completion on
- 4 or before July 2011. The department, in conjunction with a
- 5 national independent accreditation entity, shall report to the
- 6 appropriate legislative committee regarding its progress towards
- 7 complete accreditation on an annual basis, beginning December
- 8 2007".

Senator Howard offered the following amendment to her amendment:  
FA24

Amendment to AM202 On line 8 after 2007", insert "and shall report on whether additional appropriations will be required to achieve accreditation."

Senator Howard moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Howard requested a roll call vote on her amendment FA24.

Voting in the affirmative, 19:

Ashford	Howard	Kruse	Pahls	Schimek
Chambers	Hudkins	Lathrop	Pankonin	Wallman
Dierks	Janssen	McDonald	Preister	White
Flood	Kopplin	McGill	Rogert	

Voting in the negative, 13:

Burling	Engel	Gay	Johnson	Stuthman
Carlson	Erdman	Hansen	Karpisek	
Christensen	Fischer	Harms	Nelson	

Present and not voting, 14:

Adams	Cornett	Heidemann	Mines	Synowiecki
Aguilar	Dubas	Langemeier	Pirsch	Wightman
Avery	Fulton	Louden	Raikes	

Excused and not voting, 3:

Friend	Nantkes	Pedersen
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The Howard amendment lost with 19 ayes, 13 nays, 14 present and not voting, and 3 excused and not voting.

Senator Howard withdrew her amendment, AM202.

The Chair declared the call raised.

Speaker Flood requested to pass over LB 296.

**LEGISLATIVE BILL 307.** ER8021, found on page 473, was adopted.

Senator Stuthman renewed his amendment, AM314, found on page 580.

The Stuthman amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Senator White offered the following amendment:  
AM267

(Amendments to Standing Committee amendments, AM163)

- 1 1. On page 2, line 16, after "section" insert ", shall
- 2 carry proof of liability insurance coverage for the all-terrain
- 3 vehicle while operating the all-terrain vehicle on a highway."; and
- 4 in line 18 after "60-4,126" insert an underscored comma.

## **SPEAKER FLOOD PRESIDING**

Pending.

## **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 283A and 283.

**COMMITTEE REPORTS**  
**General Affairs**

**LEGISLATIVE BILL 404.** Placed on General File - Com AM367.  
AM367

- 1 1. On page 2, line 5, strike "twenty-five" and insert
- 2 "sixteen".

(Signed) Vickie McDonald, Chairperson

**Education**

**LEGISLATIVE BILL 219.** Placed on General File - Com AM357.  
AM357

- 1 1. On page 4, strike beginning with "Such" in line
- 2 2 through the comma in line 5, show as stricken, and insert
- 3 "Following the filing of a petition pursuant to this section, such
- 4 board shall hold a public hearing on the petition and, on or before
- 5 November 1 following the filing of the petition, shall approve or
- 6 disapprove the petition based on a determination of whether the
- 7 petitioner has complied with all requirements of this section. If
- 8 such board approves the petition, such board shall"; and in line
- 9 19, strike "March 15", show as stricken, and insert "November 1".

(Signed) Ron Raikes, Chairperson

**Revenue**

**LEGISLATIVE BILL 484.** Placed on General File.

**LEGISLATIVE BILL 519.** Placed on General File - Com AM396.  
AM396

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. On or before March 19 of each year, each
- 4 county assessor shall conduct a systematic inspection and review
- 5 by class or subclass of a portion of the taxable real property
- 6 parcels in the county for the purpose of achieving uniform and
- 7 proportionate valuations and assuring that the real property record
- 8 data accurately reflects the property. The county assessor shall
- 9 adjust the value of all other taxable real property parcels by
- 10 class or subclass in the county so that the value of all real
- 11 property is uniform and proportionate. The county assessor shall
- 12 determine the portion to be inspected and reviewed each year to
- 13 assure that over a four-year period all parcels of real property in
- 14 the county have been inspected and reviewed.

**LEGISLATIVE BILL 294.** Indefinitely postponed.

**LEGISLATIVE BILL 332.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

### Nebraska Retirement Systems

**LEGISLATIVE BILL 665.** Placed on General File.

**LEGISLATIVE BILL 328.** Placed on General File - Com AM391.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 370.** Placed on General File - Com AM378.  
AM378

- 1 1. On page 2, strike lines 7 through 9 and insert the
- 2 following new subdivision:
- 3 "(2) Law enforcement officer means any police officer,
- 4 sheriff, and deputy sheriff employed by a political subdivision and
- 5 any conservation officer and outdoor education specialist employed
- 6 by the state."; in line 18 strike "systems" and insert "plans"; and
- 7 in line 24 strike "a" and insert "any".
- 8 2. On page 5, line 3, after "be" insert "held liable for
- 9 providing information requested or be".

(Signed) John Synowiecki, Chairperson

### AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB 25:  
AM394

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 14. This act becomes operative on January 1, 2009.
- 3 2. On page 1, line 8, after the semicolon insert "to
- 4 provide an operative date;".
- 5 3. Renumber the remaining section accordingly.

Senator Preister filed the following amendment to LB 291:  
AM398

- 1 1. Strike the enacting clause.

Senator Cornett filed the following amendment to LB 211:  
AM278

(Amendments to E & R amendments, ER8023)

- 1 1. On page 1, line 10, strike "daily"; and in line 11
- 2 after "24-513" insert "divided by two hundred sixty working days
- 3 per year".

Senator Friend filed the following amendment to LB 347:  
AM395

- 1 1. Strike section 3.
- 2 2. On page 11, line 13, strike "14-551".
- 3 3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB 527:  
AM401

- 1 1. On page 3, line 9, after "due" insert "as specified in
- 2 subsection (3) of this section or section 49-1449".

Senator Erdman filed the following amendment to LB 185:  
AM386

(Amendments to Final Reading copy)

- 1 1. Strike section 50 and insert the following new
- 2 sections:
- 3 Section 1. Section 30-2483, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 30-2483 Unless notice has already been given under this
- 6 article and except when an appointment of a personal representative
- 7 is made pursuant to subdivision (4) of section 30-2408, the clerk
- 8 of the court upon the appointment of a personal representative
- 9 shall publish a notice once a week for three successive weeks
- 10 in a newspaper of general circulation in the county announcing
- 11 the appointment and the address of the personal representative,
- 12 and notifying creditors of the estate to present their claims
- 13 within two months after the date of the first publication of the
- 14 notice or be forever barred. The first publication shall be made
- 15 within thirty days after the appointment. The party instituting
- 16 or maintaining the proceeding or his or her attorney is required
- 17 to mail the published notice and give proof thereof in accordance
- 18 with section 25-520.01. For all decedents fifty-five years of age
- 19 or older or who resided in a medical institution as defined in
- 20 subsection (1) of section 68-919, not later than thirty days after
- 21 appointment of a personal representative other than a special
- 22 administrator, the personal representative shall mail a copy of the
- 1 notice required by this section to the Department of Health and
- 2 Human Services Finance and Support. The notice shall have endorsed
- 3 thereon the decedent's social security number and, if available
- 4 upon reasonable investigation, the name and social security number
- 5 of the decedent's spouse if such spouse is deceased, but the notice
- 6 need not include a copy of the decedent's will.
- 7 Sec. 51. Sections 2, 51, 52, and 56 of this act become
- 8 operative on their effective date. Sections 6, 7, 8, 9, 10, 11, 12,
- 9 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
- 10 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 54, and 55 of
- 11 this act become operative on July 1, 2007. The other sections of
- 12 this act become operative three calendar months after adjournment
- 13 of this legislative session.
- 14 2. On page 1, line 2; and page 49, line 21, after

15 "sections" insert "30-2483,".

16 3. Renumber the remaining sections accordingly.

### RESOLUTION

**LEGISLATIVE RESOLUTION 32.** Introduced by Ashford, 20; Howard, 9; Nelson, 6.

WHEREAS, Shereen M. Salfity is a seventh grader at Westside Middle School in Omaha, Nebraska; and

WHEREAS, Miss Salfity testified at the Judiciary Committee hearing on LB 205, a bill about bullying; and

WHEREAS, Miss Salfity, as part of her testimony, left a book she wrote and illustrated about bullying titled "R.A. Hurts . . . A Book To Help Kids With Relational Aggression". The book contains several lessons and other useful coping skills for children who are being bullied.

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

1. That the Legislature commends Miss Salfity for creating her book to help others and for testifying at the LB 205 hearing.

2. That a copy of this resolution be sent to Shereen M. Salfity.

Laid over.

### NOTICE OF COMMITTEE HEARINGS

#### Judiciary Room 1113

LB 624	Thursday, February 22, 2007	1:30 p.m.
LB 535	Friday, February 23, 2007 (cancel)	1:30 p.m.
LB 535	Thursday, March 8, 2007 (reschedule)	1:30 p.m.
LB 36	Wednesday, February 28, 2007	1:30 p.m.
LB 37	Wednesday, February 28, 2007	1:30 p.m.
LB 38	Wednesday, February 28, 2007	1:30 p.m.
LB 377	Wednesday, February 28, 2007	1:30 p.m.
LB 214	Wednesday, February 28, 2007	1:30 p.m.
LB 552	Wednesday, February 28, 2007	1:30 p.m.
LB 659	Wednesday, February 28, 2007	1:30 p.m.
LB 533	Wednesday, February 28, 2007	1:30 p.m.
LB 696	Thursday, March 1, 2007	1:30 p.m.
LB 164	Thursday, March 1, 2007	1:30 p.m.
LB 104	Thursday, March 1, 2007	1:30 p.m.
LB 112	Thursday, March 1, 2007	1:30 p.m.
LB 478	Thursday, March 1, 2007	1:30 p.m.
LB 571	Thursday, March 1, 2007	1:30 p.m.
LB 151	Thursday, March 1, 2007	1:30 p.m.

LB 625	Wednesday, March 7, 2007	1:30 p.m.
LB 700	Wednesday, March 7, 2007	1:30 p.m.
LB 599	Wednesday, March 7, 2007	1:30 p.m.
LB 668	Wednesday, March 7, 2007	1:30 p.m.
LB 293	Wednesday, March 7, 2007	1:30 p.m.
LB 623	Wednesday, March 7, 2007	1:30 p.m.
LB 376	Wednesday, March 7, 2007	1:30 p.m.
LB 363	Wednesday, March 7, 2007	1:30 p.m.
LB 47	Thursday, March 8, 2007	1:30 p.m.
LB 413	Thursday, March 8, 2007	1:30 p.m.
LB 554	Thursday, March 8, 2007	1:30 p.m.
LB 682	Thursday, March 8, 2007	1:30 p.m.
LB 76	Thursday, March 8, 2007	1:30 p.m.
LB 522	Wednesday, March 14, 2007	1:30 p.m.
LB 526	Wednesday, March 14, 2007	1:30 p.m.
LB 243	Wednesday, March 14, 2007	1:30 p.m.
LB 693	Wednesday, March 14, 2007	1:30 p.m.
LB 382	Wednesday, March 14, 2007	1:30 p.m.
LB 449	Wednesday, March 14, 2007	1:30 p.m.
LB 45	Wednesday, March 14, 2007	1:30 p.m.
LB 540	Thursday, March 15, 2007	1:30 p.m.
LB 541	Thursday, March 15, 2007	1:30 p.m.
LB 669	Thursday, March 15, 2007	1:30 p.m.
LB 406	Thursday, March 15, 2007	1:30 p.m.
LB 671	Thursday, March 15, 2007	1:30 p.m.
LB 680	Thursday, March 15, 2007	1:30 p.m.
LB 685	Wednesday, March 21, 2007	1:30 p.m.
LB 336	Wednesday, March 21, 2007	1:30 p.m.
LB 337	Wednesday, March 21, 2007	1:30 p.m.
LB 261	Wednesday, March 21, 2007	1:30 p.m.
LB 580	Wednesday, March 21, 2007	1:30 p.m.
LB 585	Wednesday, March 21, 2007	1:30 p.m.
LB 258	Wednesday, March 21, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

### ANNOUNCEMENT

The Banking, Commerce and Insurance Committee designates LB 124 as its priority bill.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Gay asked unanimous consent to add his name as cointroducer to LB 190. No objections. So ordered.

Senator McDonald asked unanimous consent to add her name as cointroducer to LB 232. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LBs 451, 675, and 699. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Anne and Sam Ausdemore from Wisner; members of Leadership Tomorrow from Hall County, Leadership Hastings, and Leadership York; and members of AARP from across the state.

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Aguilar, the Legislature adjourned until 10:00 a.m., Tuesday, February 20, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FIRST DAY - FEBRUARY 20, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 20, 2007

**PRAYER**

The prayer was offered by Senator Kruse.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cornett presiding.

The roll was called and all members were present except Senators Gay and Pedersen who were excused; and Senators Engel, Fischer, and Heidemann who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirtieth day was approved.

**COMMITTEE REPORTS****Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 99, 191, 213, 237, 263, 298, 311, 313, and 333.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS****Urban Affairs**

**LEGISLATIVE RESOLUTION 13.** Reported to the Legislature for further consideration.

**LEGISLATIVE RESOLUTION 6CA.** Placed on General File.

**LEGISLATIVE RESOLUTION 2CA.** Placed on General File - Com AM371.

- 1 1. On page 2, line 8, strike "fifteen", show as stricken,  
 2 and insert "twenty"; and in lines 15 and 23 strike "fifteen" and  
 3 insert "twenty".  
 4 2. On page 3, line 12, after the comma insert "to change  
 5 the term of such special tax treatment to twenty years,"; and in  
 6 lines 13 and 14 strike "from fifteen" and insert "to up".

**LEGISLATIVE BILL 517.** Indefinitely postponed.

**LEGISLATIVE BILL 607.** Indefinitely postponed.

(Signed) Mike Friend, Chairperson

### PRESENTED TO THE GOVERNOR

Presented to the Governor on February 15, 2007, at 12:12 p.m. were the following: LBs 283 and 283A.

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

### NOTICE OF COMMITTEE HEARINGS

#### Transportation and Telecommunications

Room 1113

LB 162	Monday, March 5, 2007	1:30 p.m.
LB 667	Monday, March 5, 2007	1:30 p.m.
LB 415	Monday, March 5, 2007	1:30 p.m.
LB 285	Monday, March 5, 2007	1:30 p.m.

Monday, March 5, 2007	1:30 p.m.
Richard Pierce - Board of Public Roads Classifications and Standards	

(Signed) Deb Fischer, Chairperson

### Nebraska Retirement Systems

Room 1525

Tuesday, March 27, 2007	12:15 p.m.
Annual Report - Nebraska Investment Council	
Annual Report - Nebraska Public Employees Retirement Systems	

(Signed) John Synowiecki, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 307.** Senator White renewed his amendment, AM267, found on page 594.

Senator Christensen offered the following amendment to the White

amendment:

FA26

1. On page 1, line 2, strike "carry proof of" and insert "have"; and in line 4 after "comma" insert "; and in line 19 after the period insert "The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.' "

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

The White amendment, as amended, was adopted with 31 ayes, 2 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 291.** ER8015, found on page 445, was adopted.

Senator Preister renewed his amendment, AM398, found on page 596.

### SENATOR LANGEMEIER PRESIDING

Senator Louden moved the previous question. The question is, "Shall the debate now close?"

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

Senator Louden requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Aguilar	Engel	Hansen	Langemeier	Stuthman
Ashford	Erdman	Harms	Louden	Wallman
Burling	Fischer	Heidemann	Nelson	Wightman
Carlson	Flood	Hudkins	Pirsch	
Dierks	Fulton	Kruse	Rogert	

Voting in the negative, 22:

Adams	Dubas	Lathrop	Pahls	Synowiecki
Avery	Howard	McDonald	Pankonin	White
Chambers	Janssen	McGill	Preister	
Christensen	Karpisek	Mines	Raikes	
Cornett	Kopplin	Nantkes	Schimek	

Present and not voting, 2:

Friend	Johnson
--------	---------

Excused and not voting, 2:

Gay                      Pedersen

The motion to cease debate failed with 23 ayes, 22 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 67, 108, 117, 290, 422, 434, 472, 549, and 549A.

ST9006

Enrollment and Review Change to LB 117

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

1. In the E & R Amendments, ER8020, on page 1, the matter beginning with "strike" in line 20 through "in" in line 21 has been struck.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORT**  
**Urban Affairs**

**LEGISLATIVE RESOLUTION 5CA.** Placed on General File.

(Signed) Mike Friend, Chairperson

**NOTICE OF COMMITTEE HEARING**  
**Natural Resources**  
Room 1525

Wednesday, February 28, 2007

1:30 p.m.

Mark Graham - Nebraska Power Review Board  
Ronald H. Stave - Game and Parks Commission

(Signed) LeRoy Louden, Chairperson

**AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB 211:  
AM423

(Amendments to E & R amendments, ER8023)

1 1. On page 1, lines 6 and 7, reinstate "the compensation  
2 of"; in line 8 strike "paid" and insert "four hundred seventy-five  
3 dollars"; and strike beginning with "The" in line 10 through  
4 line 11 and insert "Beginning June 30, 2008, and each June 30  
5 thereafter, the compensation shall be increased by multiplying the  
6 current daily rate by the lesser of (1) the cumulative change  
7 in the Consumer Price Index for Urban Wage Earners and Clerical  
8 Workers published by the Bureau of Labor Statistics, or comparable  
9 successor index, of the United States Department of Labor from the  
10 previous year or (2) three percent.".

Senator Erdman filed the following amendment to LB 527:  
AM404

1 1. On page 3, strike lines 19 through 24 and insert  
2 "(3) The registration of each committee may be renewed by  
3 the payment of an annual registration fee of one hundred dollars  
4 to the commission on or before January 30 of each year and shall  
5 terminate on such date unless renewed. The registration of any  
6 committee in existence as of the effective date of this act shall  
7 continue without the payment of a registration fee until January 30  
8 following the effective date of this act and may be renewed under  
9 this subsection.".  
10 2. On page 4, strike lines 3 through 6; and in line 7  
11 strike "(6)" and insert "(5)".

Senator Erdman filed the following amendment to LB 185:  
AM405

(Amendments to Final Reading copy)

1 1. Strike section 50 and insert the following new  
2 sections:  
3 Section 1. Section 30-2483, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 30-2483 Unless notice has already been given under this  
6 article and except when an appointment of a personal representative  
7 is made pursuant to subdivision (4) of section 30-2408, the clerk  
8 of the court upon the appointment of a personal representative  
9 shall publish a notice once a week for three successive weeks  
10 in a newspaper of general circulation in the county announcing  
11 the appointment and the address of the personal representative,  
12 and notifying creditors of the estate to present their claims  
13 within two months after the date of the first publication of the  
14 notice or be forever barred. The first publication shall be made  
15 within thirty days after the appointment. The party instituting  
16 or maintaining the proceeding or his or her attorney is required

17 to mail the published notice and give proof thereof in accordance  
 18 with section 25-520.01. If the decedent was fifty-five years of  
 19 age or older or resided in a medical institution as defined in  
 20 subsection (1) of section 68-919, the notice shall also be mailed  
 21 to the Department of Health and Human Services Finance and Support  
 22 with the decedent's social security number and, if available upon  
 1 reasonable investigation, the name and social security number of  
 2 the decedent's spouse if such spouse is deceased.

3 Sec. 51. Sections 2, 51, 52, and 56 of this act become  
 4 operative on their effective date. Sections 6, 7, 8, 9, 10, 11, 12,  
 5 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,  
 6 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 54, and 55 of  
 7 this act become operative on July 1, 2007. The other sections of  
 8 this act become operative three calendar months after adjournment  
 9 of this legislative session.

10 2. On page 1, line 2; and page 49, line 21, after  
 11 "sections" insert "30-2483,".

12 3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB 402:  
 AM425

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

3 Section 1. This act shall be known and may be cited as  
 4 the Redistricting Act.

5 Sec. 2. For purposes of the Redistricting Act:

6 (1) Committee means the Redistricting Committee of the  
 7 Legislature;

8 (2) Director means the Director of Research of the  
 9 Legislature or his or her designee;

10 (3) Executive board means the Executive Board of the  
 11 Legislative Council;

12 (4) Other district means a legislative district, supreme  
 13 court judicial district, public service commission district, board  
 14 of regents district, or state board of education district; and

15 (5) Redistricting plan means a plan for congressional  
 16 districts and other districts prepared pursuant to the requirements  
 17 of the act.

18 Sec. 3. (1) The Redistricting Committee of the  
 19 Legislature is established. The committee shall be comprised of  
 20 nine members of the Legislature, three from each congressional  
 21 district existing on January 1 of each year ending in zero. The  
 22 executive board shall appoint the members of the committee in  
 23 January of each year ending in one. No more than five members  
 1 appointed to the committee shall be of the same political party.

2 (2) At the first meeting of the committee, the members  
 3 shall select from among themselves by majority vote one member to  
 4 serve as chairperson of the committee and one member to serve as  
 5 vice-chairperson of the committee.

6 (3) The existence of the committee shall continue  
7 throughout the redistricting process and shall be reconstituted  
8 pursuant to this section in the event of a successful legal  
9 challenge to any part of the redistricting process or any action  
10 taken under the Redistricting Act. A vacancy on the committee shall  
11 be filled by the executive board as soon as possible after the  
12 vacancy occurs.

13 (4) The committee shall receive staff support from the  
14 office of the director.

15 Sec. 4. (1) The committee shall be responsible for  
16 administering the Redistricting Act.

17 (2)(a) The committee shall prepare substantive and  
18 procedural guidelines, consistent with the act, that will guide  
19 the Legislature's redistricting process. The guidelines shall be  
20 formulated during the legislative session of each year ending in  
21 one. The guidelines shall be presented to the Legislature for  
22 approval.

23 (b) The committee shall at the earliest feasible time  
24 make available to the public the guidelines prepared under this  
25 section.

26 Sec. 5. The committee shall introduce legislative bills  
27 pertaining to redistricting congressional districts and other  
1 districts during the first ten days of the legislative session  
2 of each year ending in one.

3 Sec. 6. (1) The director shall (a) acquire appropriate  
4 information, (b) review and evaluate available facilities, and (c)  
5 develop programs and procedures for preparing redistricting plans  
6 on the basis of each federal decennial census under the direction  
7 of the committee. Funds shall be expended for the purchase or  
8 lease of equipment and materials only with prior approval of the  
9 chairperson of the executive board.

10 (2) By December 31 of each year ending in zero,  
11 the director shall obtain from the United States Department of  
12 Commerce, Bureau of the Census, information regarding geographic  
13 and political units in this state for which federal census  
14 population data has been gathered and will be tabulated.

15 Sec. 7. Based upon the information received from the  
16 United States Department of Commerce, Bureau of the Census, the  
17 director shall compile statistics for each congressional district  
18 boundary and other district boundaries. The statistics shall be  
19 made available to the Legislature and the public.

20 Sec. 8. (1) After the information gathered under section  
21 7 of this act is made available to the Legislature and the  
22 public, the committee shall schedule and conduct, as expeditiously  
23 as reasonably possible, at least one public hearing in each  
24 congressional district for the purposes of soliciting input on the  
25 proposed redistricting plans. Video and other methods may be used  
26 in addition to the procedures outlined for public hearings but not  
27 in substitution for such procedures.

- 1 (2) Following the public hearings, the committee shall
- 2 proceed to process the legislative bills introduced at the
- 3 beginning of the legislative session.

### **MOTIONS - Print in Journal**

Senator Erdman filed the following motion to LB 402:  
To indefinitely postpone LB 402.

Senator Hudkins filed the following motion to LB 49:  
To place LB 49 on General File, pursuant to Rule 3, Section 19(b).

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Heidemann asked unanimous consent to add his name as cointroducer to LB 30. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 496. No objections. So ordered.

### **WITHDRAW - Cointroducer**

Senator Chambers withdrew his name as cointroducer to LB 535.

### **VISITORS**

Visitors to the Chamber were members of Future Business Leaders of America; members of Youth Leadership Tomorrow from Hall County; members of Class I's United from across the state; and 35 seventh-grade students, teachers, and sponsors from Cross County School, Benedict.

The Doctor of the Day was Dr. Mary Lafferty from Omaha.

### **ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Fischer, the Legislature adjourned until 9:00 a.m., Wednesday, February 21, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SECOND DAY - FEBRUARY 21, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 21, 2007

**PRAYER**

The prayer was offered by Senator Heidemann.

**ROLL CALL**

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

The roll was called and all members were present except Senators Gay and Pedersen who were excused; and Senators Ashford, Dierks, Loudon, and Mines who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**COMMITTEE REPORTS  
Enrollment and Review****Correctly Engrossed**

The following bill was correctly engrossed: LB 307.

ST9007

Enrollment and Review Change to LB 307

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

1. In the White amendment, AM267, on page 1, line 1, "16, after 'section' " has been struck and "18, after '60-4,126' " inserted; and the matter beginning with the semicolon in line 3 through "comma" in line 4 has been struck.

2. The Christensen amendment, FA00026, has been incorporated into AM267.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 116.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 396.** Placed on General File.

**LEGISLATIVE BILL 464.** Placed on General File.

**LEGISLATIVE BILL 5.** Placed on General File - Com AM415.  
 AM415

- 1 1. On page 2, line 8, after "personnel" insert "except
- 2 those personnel listed in subdivisions (1)(n), (1)(o), and (1)(s)
- 3 of section 81-1316, any judge, or any elected official"; and strike
- 4 beginning with the comma in line 8 through line 10 and insert an
- 5 underscored period.

**LEGISLATIVE BILL 198.** Placed on General File - Com AM211.  
 AM211

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 49-1474.02, Revised Statutes
- 4 Cumulative Supplement, 2006, is amended to read:
- 5 49-1474.02 (1) Any person who makes an expenditure
- 6 reportable under the Nebraska Political Accountability and
- 7 Disclosure Act to disseminate by any means of telecommunication
- 8 a prerecorded message or a recorded message relating to a
- 9 candidate or ballot question shall include, immediately preceding
- 10 the message, in the message the name of the person, including
- 11 committees, making the expenditure. Such messages shall only be
- 12 disseminated between the hours of 8:00 a.m. and 9:00 p.m. at the
- 13 location of the person receiving such messages.
- 14 (2) Any person who makes an expenditure reportable under
- 15 the act to disseminate by any means of telecommunication a message
- 16 relating to a candidate or ballot question which is not a recorded
- 17 message or a prerecorded message shall, immediately upon the
- 18 request of the recipient of the message, disclose the name of
- 19 the person, including committees, making the expenditure. If the
- 20 message is disseminated through an employee or agent of the person
- 21 making the expenditure, the employee or agent shall, immediately
- 22 upon the request of the recipient of the message, disclose the name
- 23 of the person, including committees, making the expenditure.
- 1 (3) Any person who makes an expenditure reportable under
- 2 the act to disseminate by any electronic means, including the
- 3 Internet or email, a message relating to a candidate or ballot

4 question shall include in the message the name of the person,  
5 including committees, making the expenditure.

6 Sec. 2. Section 86-236, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8 86-236 Sections 86-236 to 86-257 and section 3 of  
9 this act shall be known and may be cited as the Automatic  
10 Dialing-Announcing Devices Act.

11 Sec. 3. Any person using an automatic dialing-announcing  
12 device for messages of a political nature, including, but not  
13 limited to, messages relating to a candidate or ballot question,  
14 shall:

15 (1) At the beginning of the message, state clearly the  
16 identity of the person on whose behalf the message is being  
17 transmitted; and

18 (2) Transmit such messages only between the hours of 8:00  
19 a.m. and 9:00 p.m. at the location of the person receiving such  
20 messages.

21 Sec. 4. Original sections 49-1474.02 and 86-236, Revised  
22 Statutes Cumulative Supplement, 2006, are repealed.

**LEGISLATIVE BILL 256.** Placed on General File - Com AM380.  
AM380

- 1 1. On page 3, line 17, strike "A", show as stricken, and
- 2 insert "Except as provided in section 37-330, a".

**LEGISLATIVE BILL 388.** Placed on General File - Com AM411.  
AM411

- 1 1. On page 2, line 20, before the semicolon insert ",
- 2 one such individual shall represent a company with no more than
- 3 seventy-five employees".

**LEGISLATIVE BILL 471.** Placed on General File - Com AM412.  
AM412

- 1 1. Insert the following new section:
- 2 Sec. 13. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

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.

Keith Hansen - State Emergency Response Commission  
Larry Johnson - State Emergency Response Commission

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

(Signed) Ray Aguilar, Chairperson

**MESSAGES FROM THE GOVERNOR**

February 15, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Educational Telecommunications Commission:

Kenneth Bird, 7303 Western Avenue, Omaha NE 68114  
Mandy Johnson, 1729 North 160th, Omaha NE 68118  
Robert Moline, 7423 SW 70th St., Denton NE 68339  
Clay Smith, 2310 Woodsdale Blvd., Lincoln NE 68502

The following individual is being reappointed:

Dennis Miller, Jr., 311 Farnam Street, Lewellen NE 69147

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 14, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Community Corrections Council:

Kermit Brashear, 216 North 117th St., Omaha NE 68154  
Thomas Dorwart, 2310 11th Ave., Sidney NE 69162  
Alan Smith, 210094 Wright's Gap Rd., Gering NE 69341

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

## ATTORNEY GENERAL'S OPINION

### Opinion 07006

DATE: February 20, 2007

SUBJECT: LB 39 – Constitutionality of Prohibition Against the Payment of Petition Circulators Based on the Number of Signatures Collected.

REQUESTED BY: Senator Annette Dubas  
Nebraska Legislature

WRITTEN BY: Jon Bruning, Attorney General  
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the constitutionality of LB 39, as amended. Section 1 of the bill would amend Neb. Rev. Stat. § 32-630 (2004), which establishes certain duties and prohibited acts in connection with the circulation of initiative and referendum petitions, to provide that "[n]o person shall. . ."[p]ay a circulator based on the number of signatures collected." Your question is whether imposing such a limitation on the payment of petition circulators is constitutional. The primary constitutional questions presented are whether the proposed restriction: (1) Violates the First and Fourteenth Amendments to the U.S. Constitution by infringing core political speech rights; or (2) Impermissibly burdens the initiative and referendum process in violation of the Nebraska Constitution.

#### I. First Amendment Free Speech Rights.

In *Meyer v. Grant*, 486 U.S. 414 (1988), the Supreme Court considered a First Amendment challenge to a Colorado statute prohibiting the payment of any compensation to initiative petition circulators. The Court recognized that "the circulation of a petition involves the type of interactive political communication concerning political change that is appropriately described as 'core political speech' ". *Id.* at 421-22. The Court found the ban on paying petition circulators restricted political expression in two respects:

First, it limits the number of voices who will convey appellees' message and the hours they can speak and, therefore, limits the size of the

audience they can reach. Second, it makes it less likely that appellees will garner the number of signatures necessary to place the matter on the ballot, thus limiting their ability to make the matter the focus of statewide discussion.

Id. at 422-23.

The Court rejected Colorado's claim that the absolute ban on payment of petition circulators was justified by the state's interest in protecting the integrity of the initiative process, stating:

The State's interest in protecting the integrity of the initiative process does not justify the prohibition because the State has failed to demonstrate that it is necessary to burden appellees' ability to communicate their message in order to meet its concerns. The Attorney General has argued that the petition circulator has the duty to verify the authenticity of signatures on the petition and that compensation might provide the circulator with a temptation to disregard that duty. No evidence has been offered to support that speculation, however, and we are not prepared to assume that a professional circulator-whose qualifications for similar future assignments may well depend on a reputation for competence and integrity-is any more likely to accept false signatures than a volunteer who is motivated entirely by an interest in having the proposition placed on the ballot.

Id. at 426.

The Court further noted that "[o]ther provisions of the Colorado statute deal expressly with the potential danger that circulators might be tempted to pad their petitions with false signatures . . .", citing provisions making it a crime to forge petition signatures, to make false or misleading statements relating to a petition, or to pay someone to sign a petition. Id. at 426-27. Such provisions were deemed "adequate to the task of minimizing the risk of improper conduct in the circulation of a petition." Id. at 427. The Court thus held the statute violated the First and Fourteenth Amendments because its ban on "the payment of petition circulators impose[d] a burden on political expression that the State [ ] failed to justify." Id. at 428.

In the wake of Meyer's holding that an absolute ban on payment of petition circulators is unconstitutional, courts have reached varying results in deciding challenges to state laws which, while not prohibiting all payment of petition circulators, barred payment of circulators on the basis of the number of signatures collected. Three United States Court of Appeals decisions have upheld per-signature payment prohibitions challenged on First Amendment grounds. *Initiative & Referendum Inst. v. Jaeger*, 241 F.3d 614 (8th Cir. 2001); *Prete v. Bradbury*, 438 F.3d 949 (9th Cir. 2006); *Person v. New York State Bd. of Elections*, 467 F.3d 141(2d Cir. 2006). Several federal district courts, however, have held that statutes prohibiting per-signature payment of circulators violated the First Amendment. Citizens for

Tax Reform v. Deters, \_\_\_ F.Supp.2d \_\_\_ (2006 WL 3408224) (S.D. Ohio 2006); On Our Terms '97 PAC v. Secretary of State, 101 F.Supp.2d 19 (D. Maine 1999); Term Limits Leadership Council, Inc. v. Clark, 984 F.Supp. 470 (S.D. Miss. 1997); LIMIT v. Maleng, 874 F.Supp. 1138 (D. Wash. 1994); See also Idaho Coalition for Bears v. Cenarrusa, 234 F.Supp.2d 1159 (D. Idaho 2001) (Invalidating statute which criminalized selling petition signatures because it could be interpreted to bar per signature payment.).

In analyzing the question presented, the decision in Initiative and Referendum Inst. v. Jaeger is significant because Nebraska is in Eighth Circuit. Jaeger involved a First Amendment challenge to a North Dakota statute that prohibited the payment of petition circulators on a "per signature" or commission basis.<sup>1</sup> 241 F.3d at 615. The North Dakota statute, like LB 39, "prohibited payment "' on a basis related to the number of signatures obtained.'" Id. (quoting N.D. Cent. Code § 16.1-01-12(11) (1997)). The court noted that, unlike Meyer, "[t]he statute. . .only regulate[d] the way in which circulators may be paid . . .", and did "not involve the complete prohibition of payment that the Supreme Court ruled unconstitutional." Id. at 617. As the state's evidence demonstrated the prohibition was necessary to prevent fraud and ensure the integrity of the petition process, and those challenging the ban failed to present evidence "showing that the ban on commissioned payments burden[ed] their ability to collect signatures. . .", the court concluded there was "sufficient evidence regarding signature fraud to justify the State's prohibition on commission payments." Id. at 618.

Initiative & Referendum Inst. v. Jaeger indicates that a prohibition against payment of petition circulators based on the number of signatures collected does not, on its face, violate the First Amendment. Crucial to the court's finding that the ban did not contravene the First Amendment, however, was its determination that the state's evidence "justified the ban on commission payments as a necessary means to prevent fraud and abuse." Id. at 618. That evidence included legislative history discussing past irregularities in the signature gathering process linked to per-signature payments and evidence that per-signature payments were "an issue" in a 1994 incident in which approximately 17,000 petition signatures were invalidated. Id. In contrast, the court concluded those contesting the prohibition "produced no evidence that payment by the hour, rather than commission, would in any way burden their ability to collect signatures." Id. Thus, Jaeger is properly viewed as demonstrating that a ban on per-signature payment of circulators will survive a First Amendment challenge to its application where the contestant cannot demonstrate a significant burden on the ability to gather signatures, and the state can produce evidence justifying the prohibition as necessary to prevent fraud and abuse in the petition process.

This analysis is consistent with that employed in the other cases involving First Amendment challenges to the payment of petition circulators on a per-signature basis. In Prete v. Bradbury, the Ninth Circuit affirmed the district court's finding that Oregon's constitutional ban on the payment of petition

circulators based on the number of signatures obtained "[did] not violate the First Amendment as applied . . ." because the "plaintiffs failed to prove the district court erred in determining [the ban did] not severely burden their First Amendment rights in circulating initiative petitions, and [the state] ha[d] established that [the prohibition] serve[d] the important regulatory interest in preventing fraud and forgery in the initiative process." 483 F.3d at 971. The Ninth Circuit distinguished the district court decisions concluding such a ban violated the First Amendment "because in each case the state defending the prohibition on per-signature payment for petition circulators failed to present any evidence that per-payment signatures increased fraud. . . ." 483 F.3d at 970n.29 (citing *Idaho Coalition for Bears v. Cenarrusa*, 234 F.Supp.2d 1159 (D. Idaho 2001); *On Our Terms '97 PAC v. Secretary of State*, 101 F.Supp.2d 19 (D. Maine 1999); *Term Limits Leadership Council, Inc. v. Clark*, 984 F.Supp. 470 (S.D. Miss. 1997); *LIMIT v. Maleng*, 874 F.Supp. 1138 (W.D. Wash. 1994)).

Based on the foregoing authority, we conclude that LB 39's proposed ban on the payment of petition circulators based on the number of signatures collected does not facially violate the First Amendment. Such a prohibition, however, could be subject to challenge on the ground that, as applied, it violates the First Amendment rights of petition supporters. Whether such a challenge would be successful would turn on an evaluation of the evidence presented by petition sponsors seeking to demonstrate the burden imposed by such a ban, and the State's evidence to justify the prohibition as a necessary means to prevent fraud and to preserve the integrity of the petition process. We cannot, however, conclude that LB 39 is clearly unconstitutional under the First and Fourteenth Amendments.

## II. Initiative and Referendum Rights under the Nebraska Constitution.

Article III, § 2, of the Nebraska Constitution, provides: "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature." Article III, § 3, provides: "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of state government or a state institution existing at the time of the passage of such act." Article III, § 4, further provides: "The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation."

Legislative "facilitation" of the initiative process pursuant to art. III, § 4, means that the Legislature "may enact reasonable legislation to prevent fraud or to render intelligible the purpose of the proposed law or constitutional amendment." *State ex rel. Stenberg v. Beermann*, 240 Neb. 754, 755-56, 485 N.W.2d 151, 152 (1992) (quoting *State ex rel. Winter v. Swanson*, 138 Neb. 597, 599, 294 N.W. 200, 201 (1940)). "Any legislative act which tends to insure a fair, intelligent and impartial result on the part of the electorate may be said to facilitate the exercise of the initiative power.



Id. "Laws to facilitate the operation of [the initiative] must be reasonable, so as not to unnecessarily obstruct or impede the operation of the law." State ex rel. Ayres v. Amsberry, 104 Neb. 273, 277, 177 N.W. 179, 180 (1920), later vacated on procedural grounds. "Any legislation which would hamper or render ineffective the power reserved to the people would be unconstitutional." Id.

The proposed ban on payment of petition circulators based on the number of signatures collected is designed to prevent fraud in the petition gathering process. Prohibiting payment of circulators based on the number of signatures gathered arguably preserves the integrity of the process by eliminating the incentive for circulators to forge signatures or engage in other fraudulent activity in collecting petition signatures. As is the case regarding the First Amendment analysis, however, determining whether the prohibition proposed in LB 39 is a reasonable regulation to prevent fraud which facilitates the initiative process, as opposed to an impermissible obstruction or impediment, would no doubt hinge on an evaluation of evidence relating to the burden imposed on petition sponsors by such a restriction, as well as evidence as to the State's justification of the prohibition as a means to prevent fraud. Thus, while the prohibition against payment of petition circulators based on the number of signatures collected in LB 39 does not facially violate art. III, § 4, its application could be challenged based on facts demonstrating it does not reasonably serve to facilitate the petition process.

<sup>1</sup>A statute requiring that petition circulators be North Dakota residents was also challenged in Jaeger. The Circuit Court upheld the residency requirement, finding that the state had a "compelling interest in preventing fraud" and that the requirement did "not unduly restrict speech. . . ." 241 F.3d at 616.

Sincerely yours,  
JON BRUNING  
Attorney General  
(Signed) L. Jay Bartel  
Assistant Attorney General

Pc: Patrick J. O'Donnell  
Clerk of the Legislature  
07-521-21

## GENERAL FILE

**LEGISLATIVE BILL 124.** Title read. Considered.

Committee AM299, printed separately and referred to on page 566, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

**PRESIDENT SHEEHY PRESIDING**

**SELECT FILE**

**LEGISLATIVE BILL 166.** ER8013, printed separately and referred to on page 435, was adopted.

Senator Janssen renewed his amendment, AM387, found on page 588.

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

Senator Janssen offered the following amendment:

FA27

Strike sections 10, 11, and 13.

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

Senator Flood requested a roll call vote on the advancement of the bill.

Advanced to E & R for engrossment with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 211.** ER8023, found on page 496, was adopted.

Senator Cornett withdrew her amendment, AM278, found on page 596.

Senator Cornett renewed her amendment, AM423, found on page 605.

Senator Cornett moved for a call of the house. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

Senator Cornett requested a roll call vote on her amendment.

Voting in the affirmative, 2:

Stuthman      Wallman

Voting in the negative, 30:

Adams	Christensen	Flood	Hudkins	Nantkes
Aguilar	Cornett	Friend	Karpisek	Nelson
Avery	Dubas	Fulton	Langemeier	Pahls
Burling	Engel	Hansen	Lathrop	Pankonin
Carlson	Erdman	Harms	McGill	Pirsch
Chambers	Fischer	Heidemann	Mines	Wightman

Present and not voting, 13:

Ashford	Johnson	Louden	Raikes	White
Howard	Kopplin	McDonald	Rogert	
Janssen	Kruse	Preister	Schimek	

Excused and not voting, 4:

Dierks	Gay	Pedersen	Synowiecki
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The Cornett amendment lost with 2 ayes, 30 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

### ANNOUNCEMENT

The Chair announced today is Senator Hudkins' birthday.

### SELECT FILE

**LEGISLATIVE BILL 211.** Senator Erdman renewed his amendment, AM253, found on page 501.

The Erdman amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 211A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 527.** Senator Erdman withdrew his motion, found on page 498, to recommit to the Government, Military and Veterans Affairs Committee.

Senator Erdman renewed his amendment, AM401, found on page 597.

The Erdman amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Erdman renewed his amendment, AM404, found on page 605.

Senator Erdman moved for a call of the house. The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

The Erdman amendment was adopted with 36 ayes, 4 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Nelson offered the following amendment:

FA29

Strike on page 3, line 19 through page 4, line 2.

Senator Carlson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Nelson moved for a call of the house. The motion prevailed with 31 ayes, 4 nays, and 14 not voting.

Senator Nelson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 25:

Ashford	Dubas	Harms	Langemeier	Pankonin
Burling	Erdman	Howard	Lathrop	Pirsch
Christensen	Flood	Hudkins	Louden	Rogert
Cornett	Fulton	Karpisek	McGill	Synowiecki
Dierks	Hansen	Kopplin	Nelson	White

Voting in the negative, 10:

Adams	Avery	Chambers	Janssen	Schimek
Aguilar	Carlson	Friend	Raikes	Wallman

Present and not voting, 10:

Fischer	Kruse	Mines	Pahls	Stuthman
Heidemann	McDonald	Nantkes	Preister	Wightman

Excused and not voting, 4:

Engel	Gay	Johnson	Pedersen
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The Nelson amendment was adopted with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

**COMMITTEE REPORTS**  
**Transportation and Telecommunications**

**LEGISLATIVE BILL 147.** Placed on General File.

**LEGISLATIVE BILL 663.** Placed on General File.

**LEGISLATIVE BILL 681.** Placed on General File.

**LEGISLATIVE BILL 489.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

**Natural Resources**

**LEGISLATIVE BILL 504.** Placed on General File.

**LEGISLATIVE BILL 636.** Placed on General File - Com AM381.  
AM381

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

3 Section 1. Section 13-801, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 13-801 Sections 13-801 to 13-827 and sections 2 to 4  
6 of this act shall be known and may be cited as the Interlocal  
7 Cooperation Act.

8 Sec. 2. (1) A joint entity shall cause estimates of the  
9 costs to be made by some competent engineer or engineers before  
10 the joint entity enters into any contract for the construction,  
11 management, operation, ownership, maintenance, or purchase of an  
12 electric generating facility and related facilities.

13 (2) If the estimated cost exceeds the sum of one hundred  
14 thousand dollars, no such contract shall be entered into without  
15 advertising for sealed bids.

16 (3)(a) The provisions of subsection (2) of this section  
17 and sections 3 and 4 of this act relating to sealed bids shall not  
18 apply to contracts entered into by a joint entity in the exercise  
19 of its rights and powers relating to equipment or supplemental  
20 labor procurement from an electric utility or from or through an  
21 electric utility alliance if:

22 (i) The engineer or engineers certify that, by reason of  
23 the nature of the subject matter of the contract, compliance with  
1 subsection (2) of this section would be impractical or not in the  
2 public interest;

3 (ii) The engineer's certification is approved by a  
4 two-thirds vote of the governing body of the joint entity; and

5 (iii) The joint entity advertises notice of its intention

6 to enter into such contract, the general nature of the proposed  
7 work, and the name of the person to be contacted for additional  
8 information by anyone interested in contracting for such work.

9 (b) Any contract for which the governing body has  
10 approved an engineer's certificate described in subdivision (a) of  
11 this subsection shall be advertised in three issues, not less than  
12 seven days between issues, in one or more newspapers of general  
13 circulation in the municipality or county where the principal  
14 office or place of business of the joint entity is located, or  
15 if no newspaper is so published then in a newspaper qualified to  
16 carry legal notices having general circulation therein, and in such  
17 additional newspapers or trade or technical periodicals as may be  
18 selected by the governing body in order to give proper notice of  
19 its intention to enter into such contract, and any such contract  
20 shall not be entered into prior to twenty days after the last  
21 advertisement.

22 (4) The provisions of subsection (2) of this section and  
23 sections 3 and 4 of this act shall not apply to contracts in excess  
24 of one hundred thousand dollars entered into for the purchase of  
25 any materials, machinery, or apparatus to be used in facilities  
26 described in subsection (1) of this section when the contract does  
27 not include onsite labor for the installation thereof if, after  
1 advertising for sealed bids:

2 (a) No responsive bids are received; or

3 (b) The governing body of the joint entity determines  
4 that all bids received are in excess of the fair market value of  
5 the subject matter of such bids.

6 (5) Notwithstanding any other provision of subsection  
7 (2) of this section or sections 3 and 4 of this act, a  
8 joint entity may, without advertising or sealed bidding, purchase  
9 replacement parts or services relating to such replacement parts  
10 for any generating unit, transformer, or other transmission and  
11 distribution equipment from the original manufacturer of such  
12 equipment upon certification by an engineer or engineers that  
13 such manufacturer is the only available source of supply for  
14 such replacement parts or services and that such purchase is in  
15 compliance with standards established by the governing body of the  
16 joint entity. A written statement containing such certification and  
17 a description of the resulting purchase of replacement parts or  
18 services from the original manufacturer shall be submitted to the  
19 joint entity by the engineer or engineers certifying the purchase  
20 for the governing body's approval. After such certification, but  
21 not necessarily before the governing body's review, notice of any  
22 such purchase shall be published once a week for at least three  
23 consecutive weeks in one or more newspapers of general circulation  
24 in the municipality or county where the principal office or place  
25 of business of the joint entity is located and published in such  
26 additional newspapers or trade or technical periodicals as may be  
27 selected by the governing body in order to give proper notice of

1 such purchase.

2 (6) Notwithstanding any other provision of subsection  
3 (2) of this section or sections 3 and 4 of this act, a joint  
4 entity may, without advertising or sealed bidding, purchase used  
5 equipment and materials on a negotiated basis upon certification  
6 by an engineer that such equipment is or such materials are in  
7 compliance with standards established by the governing body. A  
8 written statement containing such certification shall be submitted  
9 to the joint entity by the engineer for the governing body's  
10 approval.

11 Sec. 3. Prior to advertisement for sealed bids, plans  
12 and specifications for the proposed work or materials shall be  
13 prepared and filed at the principal office or place of business  
14 of the joint entity. Such advertisement shall be made in three  
15 issues, not less than seven days between issues, in one or more  
16 newspapers of general circulation in the municipality or county  
17 where the principal office or place of business of the joint  
18 entity is located, or if no newspaper is so published then  
19 in a newspaper qualified to carry legal notices having general  
20 circulation therein, and in such additional newspapers or trade or  
21 technical periodicals as may be selected by the governing body of  
22 the joint entity in order to give proper notice of the receiving  
23 of bids. Such advertisement shall designate the nature of the work  
24 proposed to be done or materials proposed to be purchased, that the  
25 plans and specifications therefor may be inspected at the office  
26 of the joint entity, giving the location thereof, the time within  
27 which bids shall be filed, and the date, hour, and place the same  
1 shall be opened.

2 Sec. 4. The governing body of the joint entity may let  
3 the contract for such work or materials to the responsible bidder  
4 who submits the lowest and best bid, or in the sole discretion  
5 of the governing body, all bids tendered may be rejected, and  
6 readvertisement for bids made, in the manner, form, and time  
7 as provided in section 3 of this act. In determining whether a  
8 bidder is responsible, the governing body may consider the bidder's  
9 financial responsibility, skill, experience, record of integrity,  
10 ability to furnish repairs and maintenance services, ability to  
11 meet delivery or performance deadlines, and whether the bid is in  
12 conformance with specifications. Consideration may also be given  
13 by the governing body of the joint entity to the relative quality  
14 of supplies and services to be provided, the adaptability of  
15 machinery, apparatus, supplies, or services to be purchased to the  
16 particular uses required, to the preservation of uniformity, and  
17 the coordination of machinery and equipment with other machinery  
18 and equipment already installed. No such contract shall be valid  
19 nor shall any money of the joint entity be expended thereunder  
20 unless advertisement and letting has been had as provided in  
21 sections 2 to 4 of this act.

22 Sec. 5. Section 18-2442, Revised Statutes Cumulative

23 Supplement, 2006, is amended to read:

24 ~~18-2442 Before any agency shall enter into any contract~~  
 25 ~~for the-~~ (1) An agency shall cause estimates of the costs to be made  
 26 by some competent engineer or engineers before the agency enters  
 27 into any contract for:

1 (a) The construction, reconstruction, remodeling,  
 2 building, alteration, maintenance, repair, extension, or  
 3 improvement, for the use of the agency, of any:

4 (i) Power project, power plant, or system; ~~or~~  
 5 irrigation

6 (ii) Irrigation works; ~~or any part~~

7 (iii) Part or section thereof, for the use of the agency,  
 8 of a project, plant, system, or works described in subdivision (i)  
 9 or (ii) of this subdivision; or for the purchase

10 (b) The purchase of any materials, machinery, or  
 11 apparatus to be used in ~~such construction, reconstruction,~~  
 12 ~~remodeling, building, alteration, maintenance, repair, extension,~~  
 13 ~~or improvement, such agency shall cause estimates of the cost~~  
 14 ~~thereof to be made by some competent engineer or engineers. If such~~  
 15 a project, plant, system, or works described in subdivision (1)(a)  
 16 of this section.

17 (2) If the estimated cost ~~shall exceed~~ exceeds the sum  
 18 of one hundred thousand dollars, no such contract shall be entered  
 19 into without advertising for sealed bids, ~~except that with~~  
 20 respect

21 (3)(a) The provisions of subsection (2) of this section  
 22 and sections 18-2443 and 18-2444 relating to sealed bids shall  
 23 not apply to contracts entered into by an agency in the exercise  
 24 of its rights and powers, relating to (i) radioactive material or  
 25 the energy therefrom, (ii) relating to any technologically complex  
 26 or unique equipment, ~~contracts, or relating to~~ (iii) equipment or  
 27 supplemental labor procurement from an electric utility or from or  
 1 through an electric utility alliance, or (iv) any maintenance or  
 2 repair, ~~contracts, if such~~ the requirements of subdivisions (b) and  
 3 (c) of this subsection are met.

4 (b) A contract described in subdivision (a) of this  
 5 subsection need not comply with subsection (2) of this section or  
 6 sections 18-2443 and 18-2444 if:

7 (i) The engineer or engineers ~~shall~~ certify that, by  
 8 reason of the nature of the subject matter of the contract,  
 9 compliance with subsection (2) of this section would be impractical  
 10 ~~and or not in the public interest; ~~and the~~~~

11 (ii) The engineer's certification is approved by a  
 12 two-thirds vote of the board; ~~and, then~~ sections 18-2442 to  
 13 18-2444 ~~shall not apply, and the~~

14 (iii) The agency ~~shall advertise~~ advertises notice of its  
 15 intention to enter into such contract, the general nature of the  
 16 proposed work, and the name of the person to be contacted for  
 17 additional information by anyone interested in contracting for such



18 work.

19 (c) Any contract for which the board has approved such  
20 an engineer's certificate described in subdivision (b) of this  
21 subsection shall be advertised in three issues, not less than  
22 seven days between issues, in one or more newspapers of general  
23 circulation in the municipality or county where the principal  
24 office or place of business of the agency is located, or if  
25 no newspaper is so published then in a newspaper qualified to  
26 carry legal notices having general circulation therein, and in  
27 such additional newspapers or trade or technical periodicals as  
1 may be selected by the board in order to give proper notice of  
2 its intention to enter into such contract, and any such contract  
3 shall not be entered into prior to twenty days after the last  
4 advertisement.

5 (4) The provisions of subsection (2) of this section  
6 and sections 18-2443 and 18-2444 shall not apply. With respect to  
7 contracts in excess of one hundred thousand dollars entered into  
8 for the purchase of any materials, machinery, or apparatus to  
9 be used in the construction, reconstruction, remodeling, building,  
10 alteration, maintenance, repair, extension, or improvement of any  
11 power plant or system, or irrigation works, or any part or  
12 section thereof projects, plants, systems, or works described in  
13 subdivision (1)(a) of this section when the contract does not  
14 include onsite labor for the installation thereof; if, after  
15 advertising for sealed bids; ~~no~~

16 (a) No responsive bids are received; or if the

17 (b) The board of directors of such agency determines that  
18 all bids received are in excess of the fair market value of the  
19 subject matter of such bids, then the provisions of sections  
20 18-2442 to 18-2444 shall not apply.

21 (5) Notwithstanding any other provision of subsection (2)  
22 of this section or sections 18-2443 and 18-2444, an agency may,  
23 without advertising or sealed bidding, purchase replacement parts  
24 or services relating to such replacement parts for any generating  
25 unit, transformer, or other transmission and distribution equipment  
26 from the original manufacturer of such equipment upon certification  
27 by an engineer or engineers that such manufacturer is the only  
1 available source of supply for such replacement parts or services  
2 and that such purchase is in compliance with standards established  
3 by the board. A written statement containing such certification  
4 and a description of the resulting purchase of replacement parts  
5 or services from the original manufacturer shall be submitted to  
6 the board by the engineer or engineers certifying the purchase for  
7 the board's approval. After such certification, but not necessarily  
8 before the board's review, notice of any such purchase shall be  
9 published once a week for at least three consecutive weeks in  
10 one or more newspapers of general circulation in the municipality  
11 or county where the principal office or place of business of the  
12 agency is located and published in such additional newspapers or

13 trade or technical periodicals as may be selected by the board in  
 14 order to give proper notice of such purchase.

15 (6) Notwithstanding any other provision of subsection (2)  
 16 of this section or sections ~~18-2442 to 18-2443~~ and 18-2444, an  
 17 agency may, without advertising or sealed bidding, purchase used  
 18 equipment and materials on a negotiated basis ~~without advertising~~  
 19 ~~or sealed bidding~~ upon certification by an engineer that such  
 20 equipment is or such materials are in compliance with standards  
 21 established by the board. A written statement containing such  
 22 certification shall be submitted to the board by the engineer for  
 23 the board's approval.

24 Sec. 7. Original section 13-801, Reissue Revised Statutes  
 25 of Nebraska, and sections 18-2442 and 70-637, Revised Statutes  
 26 Cumulative Supplement, 2006, are repealed.

27 2. On page 3, line 10, strike "(i)"; in line 12 after  
 1 the first "to" insert "(i)"; in line 13 after "equipment" insert an  
 2 underscored comma and strike "contracts," and show as stricken;  
 3 strike line 14 and insert "equipment or supplemental labor  
 4 procurement from an"; and in line 16 after "repair" insert an  
 5 underscored comma and strike "contracts," and show as stricken.

6 3. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 690.** Placed on General File - Com AM77.  
 AM77

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

3 Section 1. Section 37-413, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 37-413 (1) For the purpose of establishing and  
 6 administering a mandatory firearm hunter education program for  
 7 persons ~~born on or after January 1, 1977, twelve through~~  
 8 twenty-nine years of age who hunt with a firearm or crossbow any  
 9 species of game, game birds, or game animals, the commission shall  
 10 provide a program of firearm hunter education training leading  
 11 to obtaining a certificate of successful completion in the safe  
 12 handling of firearms and shall locate and train volunteer firearm  
 13 hunter education instructors. The program shall provide a training  
 14 course having a minimum of (a) ten hours of classroom instruction  
 15 or (b) independent study on the part of the student sufficient  
 16 to pass an examination given by the commission followed by such  
 17 student's participation in a minimum of four hours of practical  
 18 instruction. The program shall provide instruction in the areas  
 19 of safe firearms use, shooting and sighting techniques, hunter  
 20 ethics, game identification, and conservation management. The  
 21 commission shall issue a firearm hunter education certificate of  
 22 successful completion to persons having satisfactorily completed a  
 23 firearm hunter education course accredited by the commission and  
 1 shall print, purchase, or otherwise acquire materials as necessary  
 2 for effective program operation. The commission shall adopt and

3 promulgate rules and regulations for carrying out and administering  
 4 such programs.

5 (2) It shall be unlawful for any person ~~born on or after~~  
 6 ~~January 1, 1977, twenty-nine years of age or younger~~ to hunt with  
 7 a firearm or crossbow any species of game, game birds, or game  
 8 animals except:

9 (a) A person under the age of twelve years who is  
 10 accompanied by a person nineteen years of age or older having a  
 11 valid hunting permit; ~~and~~

12 (b) A person ~~born on or after January 1, 1977, twelve~~  
 13 ~~through twenty-nine years of age~~ who has on his or her person a  
 14 ~~hunter education certificate~~ proof of successful completion of a  
 15 hunter education course or a firearm hunter education course issued  
 16 by the person's state or province of residence or ~~a firearm hunter~~  
 17 ~~education certificate issued~~ by an accredited program recognized by  
 18 the commission; or -

19 (c) A person twelve through twenty-nine years of age who  
 20 has on his or her person the appropriate hunting permit and an  
 21 apprentice hunter education exemption certificate issued by the  
 22 commission pursuant to subsection (3) of this section and who is  
 23 accompanied as described in subsection (4) of this section.

24 (3) An apprentice hunter education exemption certificate  
 25 may be issued to a person twelve through twenty-nine years of age,  
 26 once during such person's lifetime with one renewal, upon payment  
 27 of a fee of five dollars and shall expire at midnight on December  
 1 31 of the year for which the apprentice hunter education exemption  
 2 certificate is issued. The commission may adopt and promulgate  
 3 rules and regulations allowing for the issuance of apprentice  
 4 hunter education exemption certificates. All fees collected under  
 5 this subsection shall be remitted to the State Treasurer for credit  
 6 to the State Game Fund.

7 (4) For purposes of this section, accompanied means under  
 8 the direct supervision of a person nineteen years of age or older  
 9 having a valid hunting permit who is at all times in unaided visual  
 10 and verbal communication of no more than two persons having an  
 11 apprentice hunter education exemption certificate. This subsection  
 12 does not prohibit the use by such person nineteen years of age  
 13 or older of ordinary prescription eyeglasses or contact lenses or  
 14 ordinary hearing aids.

15 Sec. 2. Section 37-414, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 37-414 (1) The commission shall establish and administer  
 18 a bow hunter education program consisting of a minimum of (a)  
 19 ten hours of classroom instruction or (b) independent study on  
 20 the part of the student sufficient to pass an examination given  
 21 by the commission followed by such student's participation in a  
 22 minimum of four hours of practical instruction. The program shall  
 23 provide instruction in the safe use of bow hunting equipment,  
 24 the fundamentals of bow hunting, shooting and hunting techniques,

25 game identification, conservation management, and hunter ethics.  
 26 When establishing such a program, the commission shall locate and  
 27 train volunteers as bow hunter education ~~training~~ instructors. The  
 1 commission shall issue a certificate of successful completion to  
 2 any person who satisfactorily completes a bow hunter education  
 3 program established by the commission and shall print, purchase,  
 4 or otherwise acquire materials necessary for effective program  
 5 operation. The commission shall adopt and promulgate rules and  
 6 regulations for carrying out and administering such program.

7 (2) A person ~~born on or after January 1, 1977,~~ twelve  
 8 through twenty-nine years of age who is hunting antelope, deer,  
 9 elk, ~~or mountain sheep, or wild turkey~~ with a bow and arrow  
 10 pursuant to any provision of sections 37-447 to 37-453 and 37-457  
 11 shall have on his or her person ~~a bow hunter education certificate~~  
 12 (a) proof of successful completion of a bow hunter education  
 13 course issued by his or her state or province of residence or a  
 14 ~~bow hunter education certificate issued by an accredited program~~  
 15 recognized by the commission or (b) the appropriate hunting permit  
 16 and an apprentice hunter education exemption certificate issued and  
 17 enforced by the commission pursuant to section 37-413.

18 Sec. 3. Section 37-452, Revised Statutes Cumulative  
 19 Supplement, 2006, is amended to read:

20 37-452 (1) No person shall ~~be issued a permit to hunt~~  
 21 ~~deer, antelope, elk, wild turkey, hunt antelope, elk, or mountain~~  
 22 sheep unless such person is at least twelve years of age, except  
 23 that any person who is twelve through fifteen years of age shall  
 24 only hunt ~~deer, antelope, elk, wild turkey, or mountain sheep~~ when  
 25 ~~accompanied supervised~~ by a person ~~twenty one nineteen~~ years of age  
 26 or ~~over older~~ having a valid hunting permit.

27 (2) No person shall hunt deer unless such person is at  
 1 least ten years of age, except that any person who is ten through  
 2 fifteen years of age shall only hunt deer when supervised by  
 3 a person nineteen years of age or older having a valid hunting  
 4 permit.

5 (3) A person nineteen years of age or older having a  
 6 valid hunting permit shall not supervise more than two persons  
 7 while hunting deer, antelope, elk, or mountain sheep at the same  
 8 time.

9 Sec. 4. Original sections 37-413 and 37-414, Reissue  
 10 Revised Statutes of Nebraska, and section 37-452, Revised Statutes  
 11 Cumulative Supplement, 2006, are repealed.

(Signed) LeRoy Louden, Chairperson

**Education**

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

Tom Baker - Board of Educational Lands and Funds

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

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

Richard B. Uhing - Coordinating Commission for Postsecondary Education

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

(Signed) Ron Raikes, Chairperson

**Nebraska Retirement Systems**

The Nebraska Retirement Systems 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.

Phyllis Chambers - Public Employees Retirement Board  
Don Pederson - Public Employees Retirement Board

VOTE: Aye: Senators Erdman, Heidemann, Karpisek, Loudon, Synowiecki, and White. Nay: None. Absent: None.

(Signed) John Synowiecki, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 21, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 283 and 283A were received in my office on February 15, 2007.

I signed these bills and delivered them to the Secretary of State on February 21, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

## RESOLUTIONS

### **LEGISLATIVE RESOLUTION 33.** Introduced by Dubas, 34.

WHEREAS, in December of 2006, Nebraska was hit by two ice storms that destroyed over six thousand five hundred utility poles and demolished major electrical grids which subsequently suspended electrical service to customers from days to weeks; and

WHEREAS, to restore power, companies such as Southern Power District utilized all available manpower, an additional four hundred workers hired as private contractors, and employees from other public power districts and municipal electrical systems; and

WHEREAS, workers labored twelve or more hours per day to restore power to customers for several consecutive days without respite; and

WHEREAS, workers traveled many miles and resided in hotels and motels, removed from their families and homes for weeks and months; and

WHEREAS, workers continue to work to repair and rebuild the electrical grids to this day.

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

1. That the Legislature commends the workers who continue to rebuild the electrical grids for their dedication and perseverance to restoring electrical power to Nebraskans.

2. That a copy of this resolution be sent to Southern Power District and those companies who assisted in the rebuilding process.

Laid over.

### **LEGISLATIVE RESOLUTION 34.** Introduced by Dubas, 34.

WHEREAS, the soldiers of the United States Armed Forces voluntarily risk their lives to defend our nation; and

WHEREAS, these soldiers exhibit courage, honor, and sacrifice; and

WHEREAS, the people of Nebraska and this country owe their freedom and liberty to the brave men and women who voluntarily risk their lives; and

WHEREAS, the people of the 34th Legislative District are proud that some of these distinguished soldiers are from the Great State of Nebraska, including Sergeant Michael Belleci, Central City, Nebraska, who received a Bronze Star with Valor, Specialist Adam Dack, Grand Island, Nebraska, who received an Army Commendation Medal with Valor, and Staff Sergeant Lauren McConnell, Grand Island, Nebraska, who received a Purple Heart and Army Commendation Medal with Valor.

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

1. That the Legislature honors Sergeant Michael Belleci, Specialist Adam Dack, and Staff Sergeant Lauren McConnell for their achievements and display of gallantry, fortitude, sacrifice, and unwavering, selfless dedication to their duties as members of the United States Armed Forces.

2. That a copy of this resolution be sent to Sergeant Michael Belleci, Specialist Adam Dack, and Staff Sergeant Lauren McConnell.

Laid over.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bird, Kenneth - Nebraska Educational Telecommunications Commission - Education

Brashear, Kermit - Community Corrections Council - Judiciary

Dorwart, Thomas - Community Corrections Council - Judiciary

Johnson, Mandy - Nebraska Educational Telecommunications Commission - Education

Miller, Dennis, Jr. - Nebraska Educational Telecommunications Commission - Education

Moline, Robert - Nebraska Educational Telecommunications Commission - Education

Smith, Alan - Community Corrections Council - Judiciary

Smith, Clay - Nebraska Educational Telecommunications Commission - Education

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

### AMENDMENTS - Print in Journal

Senator Stuthman filed the following amendment to LB 299:  
AM342

(Amendments to Standing Committee amendments, AM189)

- 1 1. On page 1, strike beginning with line 10 through line
- 2 13 and insert:
- 3 "(2)(a) It shall be unlawful to trap any wildlife in
- 4 the county road right-of-way unless a permit has been issued by

5 the county. The county board may provide for the issuance of such  
 6 permits and charge a fee of twenty-five dollars per permit."

Senator Ashford filed the following amendment to LB 67:  
 AM416

(Amendments to Final Reading copy)

1 1. On page 2, line 16, strike "25-1629.02" and insert  
 2 "25-1611".

Senator Kruse filed the following amendment to LB 261:  
 AM264

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 53-180.02, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 53-180.02 Except as provided in section 53-168.06, no  
 6 minor may sell, dispense, consume, or have in his or her possession  
 7 or physical control any alcoholic liquor in any tavern or in any  
 8 other place, including public streets, alleys, roads, or highways,  
 9 upon property owned by the State of Nebraska or any subdivision  
 10 thereof, or inside any vehicle while in or on any other place,  
 11 including, but not limited to, the public streets, alleys, roads,  
 12 or highways, or upon property owned by the State of Nebraska or any  
 13 subdivision thereof, except that a minor may consume, possess, or  
 14 have physical control of alcoholic liquor as a part of a bona fide  
 15 religious rite, ritual, or ceremony. in his or her permanent place  
 16 of residence or on the premises of a place of religious worship  
 17 on which premises alcoholic liquor is consumed as a part of a  
 18 religious rite, ritual, or ceremony.  
 19 The governing bodies of counties, cities, and villages  
 20 shall have the power to, and may by applicable resolution or  
 21 ordinance, regulate, suppress, and control the transportation,  
 22 consumption, or knowing possession of or having under his or her  
 23 control beer or other alcoholic liquor in or transported by any  
 1 motor vehicle, by any person under twenty-one years of age, and may  
 2 provide penalties for violations of such resolution or ordinance.  
 3 Sec. 2. Original section 53-180.02, Reissue Revised  
 4 Statutes of Nebraska, is repealed.

Senator McDonald filed the following amendment to LB 441:  
 AM320

1 1. On page 3, line 8, strike "Such" and insert "Until  
 2 April 30, 2012, such".

### UNANIMOUS CONSENT - Add Cointroducers

Senator Christensen asked unanimous consent to add his name as  
 cointroducer to LBs 425 and 677. No objections. So ordered.



Senator Langemeier asked unanimous consent to add his name as cointroducer to LB 484. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 18 eleventh- and twelfth-grade students and teacher from Kearney Catholic School, Kearney; Senator Engel's wife, Dee Engel, and B. J. Heitzman, Mary Kneifl, and Norma Graves from South Sioux City; Senator Wightman's wife, Janet Wightman, and Sally Schneider and Karen Darby from Lexington; and Senator Carlson's wife, Margo Carlson, and Lynn Embury, Marliss Allmond, Sue Moomey, and Shirley Butz from Holdrege.

The Doctor of the Day was Dr. Dennis DeRoin from Omaha.

### **ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Thursday, February 22, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-THIRD DAY - FEBRUARY 22, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 22, 2007

**PRAYER**

The prayer was offered by Senator Langemeier.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Engel, Gay, and Pedersen who were excused; and Senators Flood, Karpisek, Preister, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-second day was approved.

**ANNOUNCEMENT**

Senator Johnson announced the Health and Human Services Committee will hold an executive session Thursday, February 22, 2007, at 9:15 a.m., in Room 2022.

**GENERAL FILE**

**LEGISLATIVE BILL 145.** Title read. Considered.

Committee AM55, found on page 442, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 83.** Title read. Considered.

Senator Chambers offered the following amendment:  
FA30

P. 5, line 17 strike "unsatisfactory" and insert after "discharged" "for unsatisfactory performance"; in line 23 strike "unsatisfactorily" and insert after "discharged" "for unsatisfactory performance."

Senator Wightman moved the previous question. The question is, "Shall the debate now close?"

Senator Wightman moved for a call of the house. The motion prevailed with 18 ayes, 10 nays, and 21 not voting.

Senator Wightman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

Adams	Dubas	Johnson	McGill	Rogert
Aguilar	Erdman	Karpisek	Mines	Wallman
Avery	Flood	Kruse	Nantkes	Wightman
Burling	Fulton	Langemeier	Nelson	
Carlson	Hansen	Lathrop	Pankonin	
Christensen	Harms	Louden	Pirsch	
Cornett	Hudkins	McDonald	Raikes	

Voting in the negative, 1:

Chambers

Present and not voting, 11:

Fischer	Janssen	Preister	Synowiecki
Heidemann	Kopplin	Schimek	White
Howard	Pahls	Stuthman	

Excused and not voting, 6:

Ashford	Engel	Gay
Dierks	Friend	Pedersen

The motion to cease debate prevailed with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

The Chambers amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 35.** Introduced by Avery, 28.

WHEREAS, T. Nicholas Deliyannis, of Troop 10, Lincoln, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Nicholas has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. Nicholas earned 24 merit badges. For his Eagle Scout community service project, Nicholas built bat houses for Wyuka Cemetery to help with insect control; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, on Sunday, March 4, 2007, T. Nicholas Deliyannis will receive the rank of Eagle Scout, and through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates T. Nicholas Deliyannis on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to T. Nicholas Deliyannis.

Laid over.

**LEGISLATIVE RESOLUTION 36.** Introduced by Preister, 5.

WHEREAS, more than forty years ago, the well-known writer, scientist, and ecologist, Rachel Carson, alerted the United States and the world to the potential hazards of pesticides in her landmark book, *Silent Spring*; and

WHEREAS, despite the warning, more than 6.6 billion pounds of pesticides are spread on the earth annually, and the quantity of pesticides used in the United States has continued to grow over the years and poses a potential threat to all life forms; and

WHEREAS, our children are uniquely vulnerable to chemical pesticides due to their developing physiology and to their habit of frequently putting their hands into their mouths; and

WHEREAS, chemical pesticides applied outdoors are washed into our waterways and our drinking water sources. Several types of cancer,

neurological disease, endocrine disorders, and birth defects have all been associated with exposure to common pesticides; and

WHEREAS, Rachel Carson made a profound impact on how we treat the environment and more can still be done to further her legacy; and

WHEREAS, the Legislature would like to invite citizens throughout Nebraska to observe May 27, the birthdate of Rachel Carson, by refraining from using pesticides on this day and ask the citizens of Nebraska for their cooperation in seeking alternative methods of pest management, including the practice of integrated pest management.

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

1. That May 27, 2007, be designated as Rachel Carson Day.

Laid over.

### ANNOUNCEMENT

Senator Chambers designates LB 476 as his priority bill.

### COMMITTEE REPORTS

#### Revenue

**LEGISLATIVE BILL 106.** Placed on General File - Com AM365.  
AM365

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-4001, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 77-4001 Sections 77-4001 to 77-4025 and section 4 of this
- 6 act shall be known and may be cited as the Tobacco Products Tax
- 7 Act.
- 8 Sec. 2. Section 77-4002, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 77-4002 For purposes of the Tobacco Products Tax Act,
- 11 unless the context otherwise requires, the definitions found in
- 12 sections 77-4003 to 77-4007 and section 4 of this act shall be
- 13 used.
- 14 Sec. 3. Section 77-4004, Reissue Revised Statutes of
- 15 Nebraska, is amended to read:
- 16 77-4004 First owner ~~shall mean means~~ any person:
- 17 (1) Engaged in the business of selling tobacco products
- 18 or smoking tobacco in this state who brings or causes to be brought
- 19 into this state from outside this state any tobacco products or
- 20 smoking tobacco for sale in this state, including a retailer who
- 21 purchases directly from suppliers outside this state who are not
- 22 licensed pursuant to subsection (2) of section 77-4009;
- 23 (2) Who makes, manufactures, or fabricates tobacco
- 1 products or smoking tobacco in this state for sale in this state;
- 2 or

3 (3) Engaged in business outside this state who ships  
 4 or transports tobacco products or smoking tobacco to retailers in  
 5 this state and who becomes licensed pursuant to subsection (2) of  
 6 section 77-4009.

7 Sec. 4. Smoking tobacco means (1) cigars, (2) cheroots,  
 8 (3) stogies, (4) periques, and (5) granulated, plug cut, crimp cut,  
 9 ready rubbed, and other tobacco prepared in such manner as to be  
 10 suitable for smoking, except that smoking tobacco does not mean  
 11 cigarettes as defined in section 77-2601.

12 Sec. 5. Section 77-4007, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 77-4007 Tobacco products ~~shall mean (1) cigars, (2)~~  
 15 ~~cheroots, (3) stogies, (4) periques, (5) granulated, plug cut,~~  
 16 ~~crimp cut, ready rubbed, and other smoking tobacco, (6) means (1)~~  
 17 ~~snuff, (7)-(2) snuff flour, (8)-(3) cavendish, (9)-(4) plug and~~  
 18 ~~twist tobacco, (10)-(5) fine cut and other chewing tobacco, (11)~~  
 19 ~~(6) shorts, refuse scraps, clippings, cuttings, and sweepings of~~  
 20 ~~tobacco, and (12)-(7) other kinds and forms of tobacco, prepared~~  
 21 ~~in such manner as to be suitable for chewing, or smoking in a pipe~~  
 22 ~~or otherwise or both for chewing and smoking, except that tobacco~~  
 23 ~~products shall does not mean cigarettes as defined in section~~  
 24 ~~77-2601.~~

25 Sec. 6. Section 77-4008, Reissue Revised Statutes of  
 26 Nebraska, is amended to read:

27 77-4008 ~~(1)-(1)(a)~~ A tax is hereby imposed upon the first  
 1 owner of tobacco products and smoking tobacco to be sold in this  
 2 state.

3 (b) The tax on tobacco products shall be sixty-five  
 4 cents per ounce and a proportionate tax at the like rate on all  
 5 fractional parts of an ounce. Such tax shall be computed based on  
 6 the net weight as listed by the manufacturer. Any product listed  
 7 by the manufacturer as having a net weight of less than one ounce  
 8 shall be taxed as if the product has a net weight of one ounce.

9 (c) The tax on smoking tobacco shall be twenty percent  
 10 of (a)-(i) the purchase price of such tobacco products paid by the  
 11 first owner or (b)-(ii) the price at which a first owner who made,  
 12 manufactured, or fabricated the tobacco product sells the items to  
 13 others. Such tax

14 (d) The tax on tobacco products and smoking tobacco shall  
 15 be in addition to all other taxes.

16 (2) Whenever any person who is licensed under section  
 17 77-4009 purchases tobacco products or smoking tobacco from another  
 18 person licensed under section 77-4009, the seller shall be liable  
 19 for the payment of the tax.

20 (3) ~~On and after October 1, 2002, and continuing until~~  
 21 ~~October 1, 2004, the Tax Commissioner shall remit the amount~~  
 22 ~~collected pursuant to this section to the State Treasurer, and the~~  
 23 ~~State Treasurer shall credit three fourths of such amount to the~~  
 24 ~~General Fund and one fourth of such amount to the Cash Reserve~~

25 ~~Fund. On and after October 1, 2004, amounts collected~~ Amounts  
 26 collected pursuant to this section shall be used and distributed  
 27 pursuant to section 77-4025.

1 Sec. 7. Section 77-4009, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:

3 77-4009 (1) Each first owner of tobacco products and  
 4 smoking tobacco to be sold in this state shall be licensed by  
 5 the Tax Commissioner. Every application for such license shall be  
 6 made on a form prescribed by the Tax Commissioner. The application  
 7 shall include: (a) The name and address of the applicant or, if  
 8 the applicant is a firm, partnership, limited liability company, or  
 9 association, the name and address of each of its members or, if  
 10 the applicant is a corporation, the name and address of each of  
 11 its officers and the address of its principal place of business;  
 12 (b) the location of the place of business to be licensed; and (c)  
 13 such other information as the Tax Commissioner may require for the  
 14 purpose of administering the Tobacco Products Tax Act.

15 (2) A person outside of this state who ships or  
 16 transports tobacco products or smoking tobacco to any person  
 17 in this state to be sold in this state may make application for a  
 18 license and be granted such a license by the Tax Commissioner. If  
 19 a license is granted, such person shall be subject to the Tobacco  
 20 Products Tax Act and shall be entitled to act as a licensee.  
 21 A person outside this state who receives a license shall have  
 22 established sufficient contact with this state for the exercise  
 23 of personal jurisdiction over the person in any matter or issue  
 24 arising under the act.

25 Sec. 8. Section 77-4014, Reissue Revised Statutes of  
 26 Nebraska, is amended to read:

27 77-4014 (1) On or before the tenth day of each calendar  
 1 month ~~commencing on or after January 1, 1988,~~ every person licensed  
 2 under subsection (1) of section 77-4009 shall file a return with  
 3 the Tax Commissioner showing either the quantity and the price of  
 4 each tobacco product or smoking tobacco brought or caused to be  
 5 brought into this state for sale or the quantity and the price  
 6 of each tobacco product or smoking tobacco made, manufactured,  
 7 or fabricated in this state for sale in this state, whichever  
 8 is applicable, during the preceding calendar month. For tobacco  
 9 products, such return shall also include the net weight as listed  
 10 by the manufacturer.

11 (2) Every person licensed pursuant to subsection (2) of  
 12 section 77-4009 shall, in the manner described in subsection (1) of  
 13 this section, file a return showing in detail the different kinds,  
 14 quantity, and wholesale sales price of each tobacco product or  
 15 smoking tobacco shipped or transported to retailers in this state  
 16 to be sold by such retailers during the preceding calendar month.  
 17 For tobacco products, such return shall also include the net weight  
 18 as listed by the manufacturer.

19 (3) Returns shall be made upon forms furnished and



20 prescribed by the Tax Commissioner. Each return shall be  
21 accompanied by a remittance for the full tax liability shown, less  
22 an amount of such liability equal to any amount allowed a payer of  
23 the sales and use tax pursuant to subdivision (1)(d) of section  
24 77-2708 as compensation to reimburse the licensee for his or her  
25 expenses incurred in complying with the Tobacco Products Tax Act.

26 Sec. 9. Section 77-4017, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 77-4017 (1) Every licensee shall keep complete and  
2 accurate records for all places of business, including itemized  
3 invoices of tobacco products and smoking tobacco (a) held,  
4 purchased, manufactured, or brought in or caused to be brought  
5 into this state or (b) for a licensee located outside of this  
6 state, shipped or transported to retailers in this state. For  
7 tobacco products, such return shall also include the net weight as  
8 listed by the manufacturer.

9 (2) All books, records, and other papers and documents  
10 required to be kept by this section shall be preserved for a period  
11 of at least three years after the due date of the tax imposed  
12 by the Tobacco Products Tax Act unless the Tax Commissioner, in  
13 writing, authorizes their destruction or disposal at an earlier  
14 date.

15 (3) At any time during usual business hours, duly  
16 authorized agents or employees of the Tax Commissioner may enter  
17 any place of business of a licensee and inspect the premises,  
18 the records required to be kept pursuant to this section, and  
19 the tobacco products and smoking tobacco contained in such place  
20 of business for purposes of determining whether or not such  
21 licensee is in full compliance with the act. Refusal to permit  
22 such inspection by a duly authorized agent or employee of the  
23 Tax Commissioner shall be grounds for revocation, cancellation, or  
24 suspension of the license.

25 Sec. 10. Section 77-4018, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 77-4018 When tobacco products or smoking tobacco for  
1 which the tax imposed by the Tobacco Products Tax Act has been  
2 reported and paid are (1) sold, shipped, or transported by the  
3 licensee to retailers, licensees, or ultimate consumers outside  
4 this state or (2) returned to the manufacturer by the licensee, a  
5 refund or credit of the tax shall be made to the licensee. For the  
6 purpose of making such credit or refund, the Tax Commissioner may  
7 issue a tax credit or may prepare a voucher showing the net amount  
8 of such refund due. The Tax Commissioner shall have a warrant  
9 drawn upon the State Treasurer for the amount of any such refund  
10 certified by the Tax Commissioner.

11 Sec. 11. Section 77-4024, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 77-4024 Any person who violates the Tobacco Products Tax  
14 Act or any person who sells, delivers, or accepts tobacco products

15 or smoking tobacco with the intent to evade the act shall be guilty  
 16 of a Class IV felony.

17 Sec. 12. This act becomes operative on October 1, 2007.

18 Sec. 13. Original sections 77-4001, 77-4002, 77-4004,  
 19 77-4007, 77-4008, 77-4009, 77-4014, 77-4017, 77-4018, and 77-4024,  
 20 Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 364.** Placed on General File - Com AM459.  
 AM459

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

3 Section 1. Section 77-2014, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 77-2014 (1) Every sum of money retained by an executor,  
 6 administrator, or trustee, or paid into his or her hands for any  
 7 tax on any property, shall be paid by him or her within thirty  
 8 days thereafter to the county treasurer of the proper county, and  
 9 the county treasurer shall give, and every executor, administrator,  
 10 or trustee shall take a receipt from him ~~of said or her of such~~  
 11 payments.

12 (2)(a) For purposes of this section, proper county shall  
 13 mean the county of the decedent's residence, except (i) when the  
 14 decedent had an interest in real property located in a county other  
 15 than his or her residence at the time of the death of the decedent,  
 16 the words proper county shall mean the county in which the real  
 17 property is situated, or (ii) when the decedent had an interest in  
 18 personal property subject to being listed and assessed for personal  
 19 property taxation at the time of the death of the decedent, the  
 20 words proper county shall mean the county where the property is  
 21 listed and assessed.

22 (b) When the decedent is a nonresident, proper county  
 23 shall mean the county provided in subdivisions (2)(a)(i) and  
 1 (2)(a)(ii) of this section and, as to any other property which may  
 2 be subject to Nebraska inheritance taxation, the county where such  
 3 property is located.

4 (3) The total inheritance tax assessed against the estate  
 5 shall be apportioned among the counties in the ratio that the value  
 6 of the gross property subject to tax and not subject to tax under  
 7 sections 77-2004, 77-2006, and 77-2007.04 located in each county  
 8 bears to the gross value of all property ~~reportable for Nebraska~~  
 9 ~~inheritance tax purposes, subject to tax and not subject to tax~~  
 10 under sections 77-2004, 77-2006, and 77-2007.04.

11 (4) Questions that may arise as to the proper place to  
 12 list and assess such personal property for the purposes of sections  
 13 77-2001 to 77-2037 shall be determined pursuant to procedure set  
 14 forth in sections 77-2018.01 to 77-2027.

15 Sec. 2. Original section 77-2014, Reissue Revised  
 16 Statutes of Nebraska, is repealed.

**LEGISLATIVE BILL 456.** Placed on General File - Com AM84.  
AM84

- 1 1. Strike original section 3.  
 2 2. On page 4, strike lines 18 through 25 and insert the  
 3 following new subsection:  
 4 "(6)(a) For all taxable years beginning on or after  
 5 January 1, 2007, and before January 1, 2008, under the Internal  
 6 Revenue Code of 1986, as amended, there shall be allowed to each  
 7 partner, shareholder, member, or beneficiary of a partnership,  
 8 subchapter S corporation, limited liability company, or estate or  
 9 trust a nonrefundable credit against the income tax imposed by  
 10 the Nebraska Revenue Act of 1967 equal to fifty percent of the  
 11 partner's, shareholder's, member's, or beneficiary's portion of the  
 12 amount of franchise tax paid to the state under sections 77-3801 to  
 13 77-3807 by a financial institution.  
 14 (b) For all taxable years beginning on or after January  
 15 1, 2008, under the Internal Revenue Code of 1986, as amended,  
 16 there shall be allowed to each partner, shareholder, member, or  
 17 beneficiary of a partnership, subchapter S corporation, limited  
 18 liability company, or estate or trust a nonrefundable credit  
 19 against the income tax imposed by the Nebraska Revenue Act of 1967  
 20 equal to the partner's, shareholder's, member's, or beneficiary's  
 21 portion of the amount of franchise tax paid to the state under  
 22 sections 77-3801 to 77-3807 by a financial institution.  
 23 (c) Each partner, shareholder, member, or beneficiary  
 1 shall report his or her share of the credit in the same manner  
 2 and proportion as he or she reports the partnership, subchapter S  
 3 corporation, limited liability company, or estate or trust income.  
 4 If any partner, shareholder, member, or beneficiary cannot fully  
 5 utilize the credit for that year, the credit may not be carried  
 6 forward or back."  
 7 3. On page 5, strike line 1.  
 8 4. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 356.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 223.** Title read. Considered.

Committee AM192, found on page 450, was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 441.** Title read. Considered.

Senator McDonald renewed her amendment, AM320, found on page 632.

The McDonald amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 441A.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Wightman filed the following amendment to LB 374:  
AM443

- 1 1. On page 3, line 2, strike "six" and insert "eight".

Senator Fischer filed the following amendment to LB 286:  
AM290

(Amendments to Standing Committee amendments, AM178)

- 1 1. Insert the following new section:
- 2 Sec. 18. (1) When a motor vehicle, commercial trailer,
- 3 semitrailer, or cabin trailer is purchased by a motor vehicle
- 4 dealer or trailer dealer and the original assigned certificate of
- 5 title has been lost or mutilated, the dealer selling such motor
- 6 vehicle or trailer may apply for an original certificate of title
- 7 in the dealer's name. The following documentation and fees shall be
- 8 submitted by the dealer:
- 9 (a) An application for a certificate of title in the name
- 10 of such dealer;
- 11 (b) A photocopy from the dealer's records of the front
- 12 and back of the lost or mutilated original certificate of title
- 13 assigned to a dealer with a reassignment to a purchaser;
- 14 (c) A notarized affidavit from the purchaser of
- 15 such motor vehicle or trailer for which the original assigned
- 16 certificate of title was lost or mutilated stating that the
- 17 original assigned certificate of title was lost or mutilated; and
- 18 (d) The appropriate certificate of title fee.
- 19 (2) The application and affidavit shall be on forms
- 20 prescribed by the department. When the motor vehicle dealer or
- 21 trailer dealer receives the new certificate of title in such
- 22 dealer's name and assigns it to the purchaser, the dealer shall
- 1 record the original sale date and provide the purchaser with a
- 2 copy of the front and back of the original lost or mutilated
- 3 certificate of title as evidence as to why the purchase date of

4 the motor vehicle or trailer is prior to the issue date of the new  
5 certificate of title.

6 2. On page 1, lines 5 and 6, strike "and 17" and insert  
7 "17, and 18".

8 3. Renumber the remaining sections and correct internal  
9 references accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 37.** Introduced by Hudkins, 21; Dierks, 40; Dubas, 34; Engel, 17; Erdman, 47; Hansen, 42; Karpisek, 32; McDonald, 41; Pedersen, 39; Rogert, 16; Stuthman, 22; Wallman, 30.

WHEREAS, since Congress passed the federal Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991, the total length law of the State of Nebraska for combination vehicles was frozen at sixty-five feet; and

WHEREAS, today, grain elevators and agriculture producers alike are faced with serious transportation challenges, including sustained record fuel prices, transporting commodities longer distances to terminal markets or processing facilities, and the lack of interest or capacity by railroads to haul grain; and

WHEREAS, other states maintained their longer combination truck lengths under the 1991 federal act; and

WHEREAS, while each state varies on its laws, rules, and regulations on operating longer vehicles, some states have either adopted or maintained the standards of eighty-one feet, six inches, off of interstate highways, and one hundred ten feet on interstate highways; and

WHEREAS, Nebraska beet growers have benefited for some time under a federal exemption that allows combination truck lengths at eighty-one feet, six inches; and

WHEREAS, last year Nebraska custom harvesters obtained a federal exemption to allow the State of Nebraska to permit the operation of commercial vehicle combinations not exceeding eighty-one feet, six inches.

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

1. The Legislature supports an immediate review of the current federal ISTEA restrictions imposed on Nebraska which prohibit extending the length of combination vehicles and an examination of the feasibility for seeking a federal exemption that would allow extended combination truck lengths for purposes of hauling corn, wheat, soybeans, sorghum, millet, dry beans, and any other grain as defined by law.

2. The Legislature invites the grain warehouse and feed industry, trucking industry, farm commodity organizations, and state and local government representatives, representatives from the Department of Roads, the Nebraska State Patrol, the Department of Motor Vehicles, the Department of Agriculture, and the Nebraska Safety Council to examine all practical issues surrounding any combination vehicle extension in Nebraska and to examine applicable laws, rules, and regulations in states already permitting extended lengths.

3. The Clerk of the Legislature shall send copies of this resolution to the Nebraska congressional delegation, the Majority Leader and the Minority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Majority Leader and the Minority Leader of the United States House of Representatives, and President George W. Bush.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR 37 was referred to the Reference Committee.

### **GENERAL FILE**

**LEGISLATIVE BILL 470.** Title read. Considered.

Pending.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Mines asked unanimous consent to add his name as cointroducer to LB 124. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Jo Anne Bourquard of National Conference of State Legislatures from Denver, Colorado; 39 fourth-grade students and teachers from Lincoln Christian School, Lincoln; and Judy Myers from Blair and Collin Wederquist from Bellevue.

The Doctor of the Day was Dr. Hal Pumphrey from Lincoln.

### **ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Friday, February 23, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-FOURTH DAY - FEBRUARY 23, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 23, 2007

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Engel, Gay, Schimek, and Stuthman who were excused; and Senators Dierks, Heidemann, Hudkins, McDonald, Nantkes, and Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-third day was approved.

**COMMITTEE REPORTS  
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 166, 211, 211A, and 527.

ST9008

Enrollment and Review Change to LB 166

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

1. In the Janssen amendment, AM387, amendment 3 has been struck.
2. In the E & R amendments, ER8013:
  - a. Sections 12, 14, 15, 16, and 17 have been renumbered as sections 10, 11, 12, 13, and 14, respectively; and
  - b. On page 25, lines 10 and 19, "77-1502, 77-1510," has been struck.

ST9009

## Enrollment and Review Change to LB 527

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

1. In the Erdman amendment, AM404:
  - a. Amendment 1 has been struck; and
  - b. On page 1, line 11, "~~5~~" has been struck and "(3)" inserted.
2. In the Erdman amendment, AM401, on page 1, line 2, "subsection (3) of this section or" has been struck.

(Signed) Amanda McGill, Chairperson

**AMENDMENT - Print in Journal**

Senator Johnson filed the following amendment to LB 296:

(Amendment, AM435, is printed separately and available in the Bill Room, Room 1104.)

**RESOLUTION**

**LEGISLATIVE RESOLUTION 38.** Introduced by Fischer, 43.

WHEREAS, James Belville is the winner of the 189-pound Class B 2007 State Championship in wrestling; and

WHEREAS, James Belville, a senior at Valentine High School, defeated Marcus Smith of Crete in the finals of the 189-pound division of the Class B 2007 State Championship at the Qwest Center in Omaha; and

WHEREAS, James Belville assisted the Valentine High School wrestling team in winning third place in Class B at the 2007 State Championship; and

WHEREAS, James Belville won the Class B-4 2007 district title in his weight class at the district meet held in Gering; and

WHEREAS, that win assisted the Valentine High School wrestling team in winning the Class B-4 2007 District Championship; and

WHEREAS, James Belville's record as a senior wrestler at Valentine High School is 33-0; and

WHEREAS, James Belville's overall Valentine High School wrestling record is 120-19.

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

1. That James Belville be congratulated for this exemplary achievement at the Class B 2007 State Championship in wrestling and that he be commended for his perseverance and dedication in contributing to Valentine High School's third place showing in the Class B 2007 State Championship in wrestling at the Qwest Center in Omaha, Nebraska.

2. That a copy of this resolution be sent to James Belville.

Laid over.



**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 22, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

American Communications Group, Inc.  
Goodwill Industries, Nebraska

Barrett, John  
Cox Nebraska Telcom, LLC

Brashear, Kermit A.  
Metro Student Achievement Steering Committee

Burson, Kathleen  
PRIDE-Omaha, Inc.

Cutshall & Associates  
Chief Probation Officers Coalition  
Southwest Nebraska Coalition

Johnson, Larry A.  
Trucking Association, Nebraska

Kamm, Richard D.  
Lakeview Community Schools

Kevil, G. Bruce  
Home Builders Association, Nebraska State

Neville, Brennan S.  
National Indemnity Company

**REPORTS**

The following reports were received by the Legislature:

**Energy Office**

Nebraska Energy Statistics

**Performance Audit Committee, Legislative**

The Nebraska Lottery's Implementation of LB 1039

**MOTIONS - Approve Appointments**

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 611:

State Emergency Response Commission  
 Keith Hansen  
 Larry Johnson

Voting in the affirmative, 32:

Adams	Erdman	Janssen	McGill	Rogert
Aguilar	Fischer	Johnson	Mines	Synowiecki
Avery	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	Wightman
Chambers	Hansen	Kruse	Pankonin	
Christensen	Harms	Lathrop	Pirsch	
Cornett	Howard	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Dubas	Langemeier	White
Burling	Flood	Preister	

Excused and not voting, 10:

Dierks	Gay	Hudkins	Nantkes	Schimek
Engel	Heidemann	McDonald	Pedersen	Stuthman

The appointments were confirmed with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 629:

Board of Educational Lands and Funds  
 Tom Baker

Voting in the affirmative, 33:

Adams	Erdman	Karpisek	Nantkes	Rogert
Aguilar	Fischer	Kopplin	Nelson	Synowiecki
Ashford	Friend	Lathrop	Pahls	Wallman
Burling	Fulton	Louden	Pankonin	White
Chambers	Hansen	McDonald	Pirsch	Wightman
Christensen	Howard	McGill	Preister	
Cornett	Hudkins	Mines	Raikes	

Voting in the negative, 0.

Present and not voting, 9:

Avery	Dubas	Harms	Johnson	Langemeier
Carlson	Flood	Janssen	Kruse	

Excused and not voting, 7:

Dierks	Gay	Pedersen	Stuthman
Engel	Heidemann	Schimek	

The appointment was confirmed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 629:

Coordinating Commission for Postsecondary Education  
Richard B. Uhing

Voting in the affirmative, 35:

Adams	Christensen	Janssen	McGill	Preister
Aguilar	Erdman	Karpisek	Mines	Raikes
Ashford	Fischer	Kopplin	Nantkes	Rogert
Avery	Flood	Langemeier	Nelson	Synowiecki
Burling	Friend	Lathrop	Pahls	Wallman
Carlson	Harms	Louden	Pankonin	White
Chambers	Hudkins	McDonald	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Cornett	Fulton	Howard	Kruse
Dubas	Hansen	Johnson	

Excused and not voting, 7:

Dierks	Gay	Pedersen	Stuthman
Engel	Heidemann	Schimek	

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Senator Synowiecki moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 629:

Public Employees Retirement Board

Phyllis G. Chambers  
Don Pederson

Voting in the affirmative, 30:

Adams	Cornett	Karpisek	Mines	Raikes
Aguilar	Dubas	Kopplin	Nantkes	Rogert
Avery	Erdman	Langemeier	Nelson	Synowiecki
Burling	Harms	Louden	Pahls	Wallman
Carlson	Howard	McDonald	Pirsch	White
Chambers	Janssen	McGill	Preister	Wightman

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Flood	Hansen	Kruse
Christensen	Friend	Hudkins	Lathrop
Fischer	Fulton	Johnson	Pankonin

Excused and not voting, 7:

Dierks	Gay	Pedersen	Stuthman
Engel	Heidemann	Schimek	

The appointments were confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 470.** Considered.

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

Advanced to E & R for review with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 470A.** Title read. Considered.

Advanced to E & R for review with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 124.** Placed on Select File - ER8026.  
ER8026

- 1 1. In the Standing Committee amendments, AM299:
- 2 a. On page 3, lines 5, 14, and 24, strike "(i)" and
- 3 insert "(a)"; in line 5 strike the comma and insert "or"; in line 6
- 4 strike the comma; in lines 7 and 16 strike "(ii)" and insert "(b)";
- 5 in line 9 after the first comma insert "or" and strike the last
- 6 comma; in lines 10, 20, and 24 strike "(iii)" and insert "(c)"; in
- 7 line 15 strike the first comma and insert "or" and strike the last
- 8 comma; in line 18 after the second comma insert "or"; in line 19
- 9 strike the comma; and in line 23 strike "(iv)" and insert "(d)";
- 10 b. On page 8, line 23, strike "(1)"; and in line 26
- 11 strike "4.";
- 12 c. On page 17, line 14; and page 18, line 19, strike
- 13 "director" and insert "Director of Banking and Finance";
- 14 d. On page 44, line 23, strike the comma;
- 15 e. On page 45, line 16, strike "effective date of this
- 16 act" and insert "operative date of this section";
- 17 f. On page 49, line 5, strike "act" and insert "Nebraska
- 18 Installment Sales Act";
- 19 g. On page 50, lines 14, 17, and 18, strike the semicolon
- 20 and insert an underscored comma;
- 21 h. On page 57, line 14, after "or" insert "been";
- 22 i. On page 71, line 4, after "Fund" insert an underscored
- 23 comma;
- 1 j. On page 72, lines 10 and 11, strike "pursuant to
- 2 sections 8-601 and 8-602" and show as stricken; and
- 3 k. On page 85, line 5, reinstate the stricken matter.
- 4 2. On page 1, strike beginning with "banks" in line 1
- 5 through line 5 and insert "banking and finance; to amend sections
- 6 8-108, 8-149, 8-915, 8-2107, 21-17,112, 45-191.01, 45-191.04,
- 7 45-334, 45-340, 45-344, 45-347, 45-351, 45-352, 45-353, 45-708,
- 8 45-710, 45-715, 45-716, 45-920, 45-927, 45-1014, 45-1017, 52-1301,
- 9 52-1302, 52-1307, 52-1308, 52-1313, 52-1314, 52-1315, 52-1317,
- 10 52-1318, and 52-1602, Reissue Revised Statutes of Nebraska,
- 11 sections 8-113, 8-124, 8-148.04, 8-1,140, 8-355, 8-601, 8-602,
- 12 8-1901, 8-2312, 8-2504, 21-17,115, 30-3805, 30-3846, 30-3848,
- 13 30-3849, 30-3851, 30-3867, 30-38,110, 45-346, 45-701, 45-702,
- 14 45-705, 45-706, 45-711, 45-714, 45-1013, 45-1033, and 52-1312,
- 15 Revised Statutes Cumulative Supplement, 2006, and sections 9-315,
- 16 9-320, 9-529, and 9-531, Uniform Commercial Code, Revised Statutes
- 17 Cumulative Supplement, 2006; to change and eliminate provisions
- 18 relating to the unauthorized use of the word bank, bank boards
- 19 of directors, bank investments in bank premises, premiums on
- 20 demand deposits, community development investments, financial
- 21 institution assessments, the Nebraska Installment Sales Act, the

22 Mortgage Bankers Registration and Licensing Act, the Delayed  
 23 Deposit Services Licensing Act, and the Nebraska Installment Loan  
 24 Act; to revise powers of state-chartered banks, building and loan  
 25 associations, and credit unions; to regulate trust company names;  
 26 to change provisions relating to the Nebraska Uniform Trust Code,  
 27 loan brokerage agreements, and farm product security interests;  
 1 to harmonize provisions; to provide operative dates; to repeal  
 2 the original sections; to outright repeal sections 8-1,123 and  
 3 21-1739, Reissue Revised Statutes of Nebraska; and to declare an  
 4 emergency."

**LEGISLATIVE BILL 145.** Placed on Select File - ER8025.  
 ER8025

1 1. On page 1, line 1, after "amend" insert "section  
 2 77-3510, Reissue Revised Statutes of Nebraska, and"; and in line  
 3 3 after the first semicolon insert "to provide a duty for the Tax  
 4 Commissioner;"

**LEGISLATIVE BILL 83.** Placed on Select File - ER8027.  
 ER8027

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 83-4,142, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:  
 5 83-4,142 The Department of Correctional Services shall  
 6 develop and implement an incarceration work camp, to be completed  
 7 no later than January 1, 2005, for placement of felony offenders ~~to~~  
 8 ~~be placed in~~ as a condition of a sentence of intensive supervision  
 9 probation or as a transitional phase prior to release on parole.  
 10 As part of the incarceration work camp, an intensive residential  
 11 drug treatment program may be developed and implemented for felony  
 12 offenders.  
 13 It is the intent of the Legislature that the  
 14 incarceration work camp serve to reduce prison overcrowding and to  
 15 make prison bed space available for violent offenders. It is the  
 16 further intent of the Legislature that the incarceration work camp  
 17 serve the interests of society by addressing the criminogenic needs  
 18 of certain designated offenders ~~on intensive supervision probation~~  
 19 and by deterring such offenders from engaging in further criminal  
 20 activity. To accomplish these goals, the incarceration work camp  
 21 shall provide regimented, structured, disciplined programming,  
 22 including all of the following: Work programs; vocational training;  
 23 behavior management and modification; money management; substance  
 1 abuse awareness, counseling, and treatment; and education,  
 2 programming needs, and aftercare planning, which will increase  
 3 the offender's abilities to lead a law-abiding, productive, and  
 4 fulfilling life as a contributing member of a free society.  
 5 Sec. 2. Section 83-4,143, Revised Statutes Cumulative  
 6 Supplement, 2006, is amended to read:

7 83-4,143 (1) It is the intent of the Legislature that  
8 the court target the felony offender (a) who is eligible and  
9 by virtue of his or her criminogenic needs is suitable to be  
10 sentenced to intensive supervision probation with placement at the  
11 incarceration work camp, (b) for whom the court finds that other  
12 conditions of a sentence of intensive supervision probation, in  
13 and of themselves, are not suitable, and (c) who, without the  
14 existence of an incarceration work camp, would, in all likelihood,  
15 be sentenced to prison.

16 (2) When the court is of the opinion that imprisonment is  
17 appropriate, but that a brief and intensive period of regimented,  
18 structured, and disciplined programming within a secure facility  
19 may better serve the interests of society, the court may place an  
20 offender in an incarceration work camp for a period not to exceed  
21 one hundred eighty days as a condition of a sentence of intensive  
22 supervision probation. The court may consider such placement if the  
23 offender (a) is a male or female offender convicted of a felony  
24 offense in a district court, (b) is medically and mentally fit  
25 to participate, with allowances given for reasonable accommodation  
26 as determined by medical and mental health professionals, and (c)  
27 has not previously been incarcerated for a violent felony crime.

1 Offenders convicted of a crime under sections 28-319 to 28-321  
2 or of any capital crime are not eligible to be placed in an  
3 incarceration work camp.

4 (3) It is also the intent of the Legislature that the  
5 Board of Parole may recommend placement of felony offenders at  
6 the incarceration work camp. The offenders recommended by the  
7 board shall be offenders currently housed at other Department  
8 of Correctional Services adult correctional facilities and shall  
9 complete the incarceration work camp programming prior to release  
10 on parole.

11 (4) When the Board of Parole is of the opinion that  
12 a felony offender currently incarcerated in a Department of  
13 Correctional Services adult correctional facility may benefit  
14 from a brief and intensive period of regimented, structured, and  
15 disciplined programming immediately prior to release on parole, the  
16 board may direct placement of such an offender in an incarceration  
17 work camp for a period not to exceed one hundred eighty days as  
18 a condition of release on parole. The board may consider such  
19 placement if the felony offender (a) is medically and mentally fit  
20 to participate, with allowances given for reasonable accommodation  
21 as determined by medical and mental health professionals, and (b)  
22 has not previously been incarcerated for a violent felony crime.  
23 Offenders convicted of a crime under sections 28-319 to 28-321  
24 or of any capital crime are not eligible to be placed in an  
25 incarceration work camp.

26 Sec. 3. Section 83-4,144, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 83-4,144 Upon successful completion of the incarceration

2 work camp program, as determined by the Department of Correctional  
 3 Services, the sentencing court may modify the offender's conditions  
 4 of his or her sentence of probation, place the offender in an  
 5 aftercare program, or discharge the offender. An offender placed  
 6 in an incarceration work camp pursuant to a recommendation of  
 7 the Board of Parole shall be released on parole upon successful  
 8 completion, as determined by the board, of the incarceration work  
 9 camp program.

10 Sec. 4. Section 83-4,145, Reissue Revised Statutes of  
 11 Nebraska, is amended to read:

12 83-4,145 If the offender for any reason fails to  
 13 successfully complete the incarceration work camp program, the  
 14 sentencing court may impose any other sentence that the court may  
 15 have originally imposed. An offender placed at the incarceration  
 16 work camp pursuant to a recommendation of the Board of Parole who  
 17 fails to successfully complete the incarceration work camp program  
 18 shall be returned to the board for a rescission hearing. Credit  
 19 shall be given for time actually served in the incarceration work  
 20 camp program.

21 Sec. 5. Section 83-4,146, Revised Statutes Cumulative  
 22 Supplement, 2006, is amended to read:

23 83-4,146 All costs incurred during the period the  
 24 offender is committed to an incarceration work camp shall be  
 25 the responsibility of the state. ~~Counties, and the counties~~  
 26 shall be liable for the cost of transporting the offender to  
 27 the incarceration work camp and for returning the offender to  
 1 the appropriate court for reimposition of sentence or such other  
 2 disposition as the court may then deem appropriate only if  
 3 the offender is ~~unsatisfactorily~~ discharged for unsatisfactory  
 4 performance from the incarceration work camp, except that the state  
 5 shall be liable for the cost of transporting the offender to the  
 6 incarceration work camp when such placement was made pursuant to  
 7 a recommendation by the Board of Parole and for returning the  
 8 offender to the appropriate Department of Correctional Services  
 9 adult correctional facility if the offender is discharged for  
 10 unsatisfactory performance from the incarceration work camp.

11 Sec. 6. Original sections 83-4,144 and 83-4,145, Reissue  
 12 Revised Statutes of Nebraska, and sections 83-4,142, 83-4,143,  
 13 and 83-4,146, Revised Statutes Cumulative Supplement, 2006, are  
 14 repealed.

15 2. On page 1, line 5, after "recommendations" insert "for  
 16 placement of felony offenders at an incarceration work camp".

(Signed) Amanda McGill, Chairperson



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

**LEGISLATIVE BILL 389.** Placed on General File - Com AM462.  
 AM462

1 1. On page 6, strike lines 4 through 13, show the old  
 2 matter as stricken, and insert  
 3 "(15) Job application materials submitted by applicants,  
 4 other than finalists, who have applied for employment by any  
 5 public body as defined in section 84-1409. For purposes of  
 6 this subdivision, (a) job application materials means employment  
 7 applications, resumes, reference letters, and school transcripts  
 8 and (b) finalist means any applicant (i) who is offered and  
 9 who accepts an interview by a public body or its agents,  
 10 representatives, or consultants for any public employment position  
 11 and who reaches the final pool of applicants, numbering four or  
 12 more, from which the successful applicant is to be selected, (ii)  
 13 who is an original applicant when the final pool of applicants  
 14 numbers less than four, or (iii) who is an original applicant and  
 15 there are four or fewer original applicants; and".

(Signed) Ray Aguilar, Chairperson

**Business and Labor**

**LEGISLATIVE BILL 255.** Placed on General File - Com AM453.  
 AM453

1 1. On page 3, lines 3 through 9, strike the new matter;  
 2 and in line 13 after the period insert "Paid leave, other than  
 3 earned but unused vacation leave, provided as a fringe benefit by  
 4 the employer shall not be included in the wages due and payable at  
 5 the time of separation as provided elsewhere in the Nebraska Wage  
 6 Payment and Collection Act, unless the employer and the employee  
 7 or the employer and the collective bargaining representative have  
 8 specifically agreed otherwise.".

**LEGISLATIVE BILL 271.** Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR 37	Transportation and Telecommunications

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

**ANNOUNCEMENT**

Senator Kruse designates LB 573 as his priority bill.

**GENERAL FILE**

**LEGISLATIVE BILL 239.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 12.** Title read. Considered.

Committee AM161, found on page 459, was considered.

Senators Erdman and Mines offered the following amendment to the committee amendment:

AM317

- 1 1. Strike the original amendments and insert the
- 2 following amendments:
- 3 1. Strike section 10.
- 4 2. On page 2, line 3, strike "sections 9 and 10" and
- 5 insert "section 9"; and in line 27 before the comma insert "and
- 6 upon completion of a qualifying inspection if required pursuant to
- 7 section 54-630 for an initial license applicant or if a qualifying
- 8 inspection is deemed appropriate by the department before a license
- 9 is issued for any other applicant".
- 10 3. On page 3, line 23, strike "annually" and insert "at
- 11 least once in a twenty-four-month period"; and in line 26 before
- 12 "When" insert "Any additional inspector or other field personnel
- 13 employed by the department to carry out inspections pursuant to
- 14 the act that are funded through General Fund appropriations to
- 15 the Bureau of Animal Industry shall be assigned to the Bureau of
- 16 Animal Industry and shall be available for temporary reassignment
- 17 as needed to other activities and functions of the Bureau of Animal
- 18 Industry in the event of a livestock disease emergency or any other
- 19 threat to livestock or public health.".

**SENATOR LANGEMEIER PRESIDING**

The Erdman-Mines amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 12A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 3 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 390.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 568.** Title read. Considered.

Pending.

### ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 23, 2007, summarizing the recommended appropriations for the following biennium.

### COMMITTEE REPORT Business and Labor

**LEGISLATIVE BILL 505.** Placed on General File - Com AM470.  
AM470

- 1 1. On page 3, reinstate lines 17 and 18 and before the
- 2 reinstated "of" in line 17 insert "Unless the employer and employee
- 3 have specifically agreed otherwise through a contract effective at
- 4 the commencement of employment or at least ninety days prior to
- 5 separation, whichever is later, wages includes commissions on all
- 6 orders delivered and all orders on file with the employer at the
- 7 time of separation".
- 8 2. On page 5, line 2, strike ", or as agreed to by the
- 9 parties".

(Signed) Abbie Cornett, Chairperson

### ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB 464 as its priority bill.

### UNANIMOUS CONSENT - Add Cointroducers

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 145. No objections. So ordered.

Senator Mines asked unanimous consent to add his name as cointroducer to LB 471. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Michael Happ from Palmer; members of the Attorney General's Youth Advisory Council from across the state; and 52 fourth-grade students, teachers, and sponsors from Hayward Elementary, Nebraska City.

The Doctor of the Day was Dr. Amy Jespersen from Omaha.

### **ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Preister, the Legislature adjourned until 10:00 a.m., Monday, February 26, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-FIFTH DAY - FEBRUARY 26, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 26, 2007

**PRAYER**

The prayer was offered by Pastor Jim Keck, First Plymouth Church, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senator Pedersen who was excused; and Senators Carlson, Cornett, Engel, and Nantkes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 223.** Placed on Select File - ER8028.  
ER8028

- 1 1. On page 1, line 6, after the fourth comma insert
- 2 "77-2753,"; and in line 13 strike "to define and redefine terms;".
- 3 2. On page 9, line 20; and page 10, line 3, strike the
- 4 comma, show as stricken, and insert an underscored semicolon.
- 5 3. On page 10, line 2, strike the last comma, show as
- 6 stricken, and insert an underscored semicolon; in line 6 strike the
- 7 first comma, show as stricken, and insert an underscored semicolon;
- 8 and in line 8 strike the comma and insert an underscored semicolon.
- 9 4. On page 27, line 20, after "States" insert an
- 10 underscored comma.
- 11 5. On page 35, line 3, strike the second "section" and
- 12 show as stricken.
- 13 6. On page 53, line 6, strike "the", show as stricken,
- 14 and insert "this".

15 7. On page 92, line 22, strike "21" and insert "15"; and  
 16 in line 23 strike "and 34" and insert "24, and 35".

**LEGISLATIVE BILL 441.** Placed on Select File.  
**LEGISLATIVE BILL 441A.** Placed on Select File.  
**LEGISLATIVE BILL 470.** Placed on Select File.  
**LEGISLATIVE BILL 470A.** Placed on Select File.  
**LEGISLATIVE BILL 239.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### COMMITTEE REPORTS Health and Human Services

**LEGISLATIVE BILL 144.** Placed on General File - Com AM297.  
 AM297

1 1. Strike original section 2 and insert the following new  
 2 section:  
 3 Sec. 2. The Hepatitis C Education and Prevention Task  
 4 Force is created and shall consist of eighteen members, including  
 5 the chairperson of the Health and Human Services Committee of the  
 6 Legislature or his or her designated representative and a member of  
 7 the Legislature appointed by the Executive Board of the Legislative  
 8 Council and the following members appointed by the Governor:  
 9 (1) A disease prevention and health promotion  
 10 administrator;  
 11 (2) The state hepatitis coordinator;  
 12 (3) A state surveillance officer;  
 13 (4) A behavioral health specialist;  
 14 (5) A medical provider;  
 15 (6) A representative of the State Department of  
 16 Education;  
 17 (7) A representative of the Department of Veterans'  
 18 Affairs;  
 19 (8) A representative of a public health association;  
 20 (9) A representative of a rural health association;  
 21 (10) A registered nurse licensed to practice in Nebraska;  
 22 (11) A pharmacist licensed to practice in Nebraska;  
 23 (12) A primary care physician licensed to practice in  
 1 Nebraska;  
 2 (13) A primary care nurse practitioner licensed to  
 3 practice in Nebraska;  
 4 (14) A physician assistant licensed to practice in  
 5 Nebraska;  
 6 (15) A laboratory professional; and  
 7 (16) A resident of Nebraska affected by hepatitis C.  
 8 2. On page 3, lines 11 and 12, strike "on or before May  
 9 1, 2007" and insert "within thirty days after the effective date of  
 10 this act".

**LEGISLATIVE BILL 292.** Placed on General File - Com AM444.  
AM444

- 1 1. Strike original section 2 and insert the following new  
2 sections:  
3 Sec. 2. Section 68-1803, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:  
5 68-1803 (1) Each intermediate care facility for the  
6 mentally retarded shall pay a tax equal to ~~six percent~~ a percentage  
7 of its net revenue for the most recent State of Nebraska fiscal  
8 year. The percentage shall be (a) six percent prior to January  
9 1, 2008, (b) five and one-half percent beginning January 1, 2008,  
10 through September 30, 2011, and (c) six percent beginning October  
11 1, 2011.  
12 (2) Taxes collected under this section shall be remitted  
13 to the State Treasurer for credit to the ICF/MR Reimbursement  
14 Protection Fund.  
15 (3) Taxes collected pursuant to this section shall be  
16 reported on a separate line on the cost report of the intermediate  
17 care facility for the mentally retarded, regardless of how such  
18 costs are reported on any other cost report or income statement.  
19 The department shall recognize such tax as an allowable cost  
20 within the state plan for reimbursement of intermediate care  
21 facilities for the mentally retarded which participate in the  
22 medical assistance program. The tax shall be a direct pass-through  
23 and shall not be subject to cost limitations.  
1 Sec. 3. Original sections 68-1804 and 68-1803, Revised  
2 Statutes Cumulative Supplement, 2006, are repealed.

**LEGISLATIVE BILL 481.** Placed on General File - Com AM270.  
AM270

- 1 1. Strike section 2 and insert the following new  
2 sections:  
3 Section 1. Section 71-101, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:  
5 71-101 Sections 71-101 to 71-1,107.30, 71-1,133 to  
6 71-1,338, 71-1,343 to 71-1,361, and 71-1301 to 71-1354, section 4  
7 of this act, and the Physical Therapy Practice Act shall be known  
8 and may be cited as the Uniform Licensing Law.  
9 For purposes of the Uniform Licensing Law, unless the  
10 context otherwise requires:  
11 (1) Board or professional board means one of the boards  
12 appointed by the State Board of Health pursuant to sections 71-111  
13 and 71-112;  
14 (2) Licensed, when applied to any licensee in any of the  
15 professions named in section 71-102, means a person licensed under  
16 the Uniform Licensing Law;  
17 (3) Profession or health profession means any of the  
18 several groups named in section 71-102;  
19 (4) Department means the Department of Health and Human

20 Services Regulation and Licensure;

21 (5) Whenever a particular gender is used, it is construed  
22 to include both the masculine and the feminine, and the singular  
23 number includes the plural when consistent with the intent of the  
1 Uniform Licensing Law;

2 (6) License, licensing, or licensure means permission to  
3 engage in a health profession which would otherwise be unlawful  
4 in this state in the absence of such permission and which is  
5 granted to individuals who meet prerequisite qualifications and  
6 allows them to perform prescribed health professional tasks and use  
7 a particular title;

8 (7) Certificate, certify, or certification, with respect  
9 to professions, means a voluntary process by which a statutory,  
10 regulatory entity grants recognition to an individual who has met  
11 certain prerequisite qualifications specified by such regulatory  
12 entity and who may assume or use the word certified in the title or  
13 designation to perform prescribed health professional tasks. When  
14 appropriate, certificate means a document issued by the department  
15 which designates particular credentials for an individual;

16 (8) Lapse means the termination of the right or privilege  
17 to represent oneself as a licensed, certified, or registered person  
18 and to practice the profession when a license, certificate, or  
19 registration is required to do so;

20 (9) Credentialing means the totality of the process  
21 associated with obtaining state approval to provide health care  
22 services or human services or changing aspects of a current  
23 approval. Credentialing grants permission to use a protected  
24 title that signifies that a person is qualified to provide the  
25 services of a certain profession. Credential includes a license,  
26 certificate, or registration; and

27 (10) Dependence means a compulsive or chronic need for  
1 or an active addiction to alcohol or any controlled substance or  
2 narcotic drug.

3 Sec. 3. Section 71-131, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 71-131 (1) In the absence of any specific requirement or  
6 provision relating to any particular profession:

7 (a) The department may, upon the recommendation of  
8 the designated professional board, adopt and promulgate rules  
9 and regulations to specify the passing grade on licensure or  
10 certification examinations. In the absence of such rules and  
11 regulations, an examinee shall be required to obtain an average  
12 grade of seventy-five and shall be required to obtain a grade of  
13 sixty in each subject examined;

14 (b) A person who desires to take a licensure or  
15 certification examination but does not wish to receive a license or  
16 certification may take such examination by meeting the examination  
17 eligibility requirements and paying the cost of the examination;  
18 and



19 (c) An examinee who fails a licensure or certification  
20 examination may retake the entire examination or the part failed  
21 upon payment of the licensure or certification fee each time he or  
22 she is examined. The department shall withhold from the licensure  
23 or certification fee the cost of any national examination used  
24 when an examinee fails a licensure or certification examination  
25 and shall return to the examinee the remainder of the licensure  
26 or certification fee collected subject to section 71-162.05, except  
27 that:

1 (i) If the state-developed jurisprudence portion of the  
2 licensure or certification examination was failed, the examinee may  
3 retake that portion without charge; and

4 (ii) If any component of a national examination was  
5 failed, the examinee shall be charged the cost for purchasing such  
6 examination.

7 (2) In pharmacy, all applicants shall be required to  
8 attain a grade to be determined by the Board of Pharmacy in  
9 an examination in pharmacy and a grade of seventy-five in an  
10 examination in jurisprudence of pharmacy.

11 (3) In social work, the passing criterion for such  
12 examination shall be established and may be changed by the Board of  
13 Mental Health Practice by rule and regulation. The board may exempt  
14 an applicant from the written examination if he or she meets all  
15 the requirements for certification without examination pursuant to  
16 section 71-1,319 or rules and regulations adopted and promulgated  
17 by the department pursuant to section 71-139.

18 (4) In professional counseling, the passing criterion for  
19 such examination shall be established and may be changed by the  
20 Board of Mental Health Practice by rule and regulation. The board  
21 may exempt an applicant from the written examination if he or she  
22 meets all of the requirements for certification without examination  
23 pursuant to rules and regulations adopted and promulgated by the  
24 department pursuant to section 71-139.

25 (5) In marriage and family therapy, the passing criterion  
26 for such examination shall be established and may be changed by the  
27 Board of Mental Health Practice by rule and regulation. The board  
1 may exempt an applicant from the written examination if he or she  
2 meets all of the requirements for certification without examination  
3 pursuant to section 71-1,329 or rules and regulations adopted and  
4 promulgated by the department pursuant to section 71-139.

5 ~~(6) Applicants for licensure in medicine and surgery  
6 and osteopathic medicine and surgery shall pass the licensing  
7 examination. An applicant who fails to pass any part of the  
8 licensing examination within four attempts shall complete one  
9 additional year of postgraduate medical education at an accredited  
10 school or college of medicine or osteopathic medicine. All parts  
11 of the licensing examination shall be successfully completed within  
12 seven years, except that if the applicant has been enrolled in a  
13 combined doctorate of medicine and doctorate of philosophy degree~~

14 program in an accredited school or college of medicine, all parts  
 15 of the licensing examination shall be successfully completed within  
 16 ten years. An applicant who fails to successfully complete the  
 17 licensing examination within the time allowed shall retake that  
 18 part of the examination which was not completed within the time  
 19 allowed.

20 (7)-(6) In medical nutrition therapy, the passing  
 21 criterion for such examination shall be established and may be  
 22 changed by the Board of Medical Nutrition Therapy by rule and  
 23 regulation. Such examination shall test for the essential clinical  
 24 elements of the field of medical nutrition therapy. The board shall  
 25 base all of its actions on broad categorical parameters derived  
 26 from the essential elements of the field of medical nutrition  
 27 therapy and shall not endorse nor restrict its assessment to any  
 1 particular nutritional school of thought. The board may exempt  
 2 an applicant from the written examination if he or she meets all  
 3 of the requirements for licensure without examination pursuant to  
 4 section 71-1,291 or rules and regulations adopted and promulgated  
 5 by the department pursuant to section 71-139.

6 (8)-(7) In alcohol and drug counseling, the Board of  
 7 Alcohol and Drug Counseling shall approve a licensing examination  
 8 and establish the passing criterion for such examination, which  
 9 meets or exceeds the minimum international standards for alcohol  
 10 and drug counselors established by the International Certification  
 11 and Reciprocity Consortium, Alcohol and Other Drug Abuse, Inc. or  
 12 its successor.

13 Sec. 4. Applicants for licensure in medicine and surgery  
 14 and osteopathic medicine and surgery shall pass the licensing  
 15 examination. An applicant who fails to pass any part of the  
 16 licensing examination within four attempts shall complete one  
 17 additional year of postgraduate medical education at an accredited  
 18 school or college of medicine or osteopathic medicine. All parts  
 19 of the licensing examination shall be successfully completed within  
 20 ten years. An applicant who fails to successfully complete the  
 21 licensing examination within the time allowed shall retake that  
 22 part of the examination which was not completed within the time  
 23 allowed.

24 Sec. 5. Original sections 71-101, 71-104.01, and 71-131,  
 25 Revised Statutes Cumulative Supplement, 2006, are repealed.

26 Sec. 6. Since an emergency exists, this act takes effect  
 27 when passed and approved according to law.

**LEGISLATIVE BILL 397.** Indefinitely postponed.

(Signed) Joel Johnson, Chairperson

**MOTION - Print in Journal**

Senator Dierks filed the following motion to LB 635:  
Withdraw LB 635.

**GENERAL FILE**

**LEGISLATIVE BILL 568.** Considered.

Senator Preister offered the following amendment:  
FA31

On page 3 strike 2012 in line 15 and insert 2009.

Senator Chambers offered the following amendment to the Preister amendment:

FA32

Amendment to FA31

In FA31, strike "2009" and insert "2008".

Pending.

**ANNOUNCEMENT**

The Chair announced February 25 was Senator Kruse's birthday.

**MOTION - Place LB 49 on General File**

Senator Hudkins renewed her motion, found on page 608, to place LB 49 on General File, pursuant to Rule 3, Section 19(b).

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Hudkins moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Hudkins requested a roll call vote on her motion to place LB 49 on General File.

Voting in the affirmative, 7:

Dierks	Janssen	Schimek	Wallman
Hudkins	Preister	Stuthman	

Voting in the negative, 32:

Adams	Cornett	Fulton	Kopplin	Pankonin
Aguilar	Dubas	Gay	Langemeier	Raikes
Ashford	Engel	Hansen	McDonald	Rogert
Avery	Erdman	Harms	McGill	Synowiecki
Burling	Fischer	Howard	Mines	
Carlson	Flood	Johnson	Nantkes	
Chambers	Friend	Karpisek	Pahls	

Present and not voting, 6:

Christensen	Lathrop	Pirsch
Kruse	Nelson	White

Excused and not voting, 4:

Heidemann	Louden	Pedersen	Wightman
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The Hudkins motion to place LB 49 on General File failed with 7 ayes, 32 nays, 6 present and not voting, and 4 excused and not voting.

LB 49 stands indefinitely postponed.

The Chair declared the call raised.

## COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 92.** Placed on General File.

**LEGISLATIVE BILL 152.** Placed on General File.

**LEGISLATIVE BILL 221.** Placed on General File.

**LEGISLATIVE BILL 467.** Placed on General File - Com AM484.  
AM484

1 1. On page 3, line 8, after the comma insert "one  
2 assistant to be a deputy public counsel for institutions."; and  
3 after line 16 insert the following new paragraph:  
4 "The authority of the deputy public counsel for  
5 institutions shall extend to all mental health and veterans  
6 institutions and facilities operated by the Department of  
7 Health and Human Services and to all complaints pertaining to  
8 administrative acts of the department when those acts are concerned  
9 with the rights and interests of individuals placed within those  
10 institutions and facilities.".

**LEGISLATIVE BILL 475.** Placed on General File.

(Signed) Brad Ashford, Chairperson

**AMENDMENTS - Print in Journal**

Senator Friend filed the following amendment to LB 347:  
AM477

- 1 1. Strike section 3 and insert the following new section:  
2 Sec. 3. Section 14-553, Reissue Revised Statutes of  
3 Nebraska, as amended by section 1, Legislative Bill 206, One  
4 Hundredth Legislature, First Session, 2007, is amended to read:  
5 14-553 The city treasurer of a city of the metropolitan  
6 class shall be a member of the finance department of such city and  
7 shall give bond or evidence of equivalent insurance in an amount  
8 as required by the finance director of such city. The treasurer  
9 shall be liable ~~on his or her bond~~ for the safekeeping and proper  
10 disbursement of all funds and money of the city collected or  
11 received by him or her. He or she shall keep his or her books and  
12 accounts in such manner as to show the amount of money collected by  
13 him or her from all sources, the condition of each fund into which  
14 the same has been placed, and the items of disbursement thereof.  
15 2. On page 11, line 13, strike "14-551,"; in line 15  
16 strike the first "and"; and in line 16 after the second comma  
17 insert "and section 14-553, Reissue Revised Statutes of Nebraska,  
18 as amended by section 1, Legislative Bill 206, One Hundredth  
19 Legislature, First Session, 2007,".

Senator Cornett filed the following amendment to LB 211A:  
AM474

(Amendments to Final Reading copy)

- 1 1. Strike original section 1 and insert the following new  
2 section:  
3 Section 1. There is hereby appropriated (1) \$42,300 from  
4 the General Fund for FY2007-08 and (2) \$42,300 from the General  
5 Fund for FY2008-09 to the Commission of Industrial Relations, for  
6 Program 531, to aid in carrying out the provisions of Legislative  
7 Bill 211, One Hundredth Legislature, First Session, 2007.  
8 Total expenditures for permanent and temporary salaries  
9 and per diems from funds appropriated in this section shall not  
10 exceed \$42,300 for FY2007-08 or \$42,300 for FY2008-09.

**ANNOUNCEMENTS**

The Government, Military and Veterans Affairs Committee designates LB 497 as its priority bill.

Senator Nantkes designates LB 57 as her priority bill.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 39.** Introduced by Johnson, 37; Hansen, 42; Howard, 9; Pankonin, 2; Synowiecki, 7.

WHEREAS, the Legislature regards access to mental health and substance abuse treatment to be of paramount importance to the citizens of our state; and

WHEREAS, President George W. Bush's proposed budget for the United States Government, Fiscal Year 2008 includes significantly decreased appropriations to a number of programs that are critical in providing services to citizens with mental illness and substance abuse disorders; and

WHEREAS, the Legislature finds that individuals experiencing problems associated with mental health and substance abuse are having difficulty accessing appropriate services in a timely manner. This is evidenced by extensive wait lists for individuals requiring mental health and substance abuse services in the community. Currently, over one thousand people are on wait lists for such services in Nebraska; and

WHEREAS, the Legislature finds that delays in accessing mental health and substance abuse services can exacerbate conditions for those consumers needing such professional intervention. Wait lists and access delays demonstrate an inadequate capacity for behavioral treatment services in Nebraska to sufficiently and timely meet consumer need in both rural and urban settings; and

WHEREAS, the Legislature finds that insurance companies are increasingly limiting their liability for claims for mental health and substance abuse services. The diminishing availability for mental health and substance abuse treatment resources for the insured population has impacted public resources. An increasing number of consumers are forced to access the public behavioral health system to meet mental health and substance abuse needs; and

WHEREAS, the Legislature considers federal funding for mental health and substance abuse treatment to be critical in providing an appropriate level of access to proper treatment for citizens; and

WHEREAS, the Legislature finds that a decrease in federal funding for mental health and substance abuse treatment will provide substantive harm to a vulnerable population and will negatively impact the quality of life for our citizens.

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

1. That the Legislature urges the members of Nebraska's congressional delegation to ensure that Congress fully fund mental health and substance abuse treatment.

2. That the Legislature urges the Governor to use his best efforts to work with the Nebraska congressional delegation to ensure that this funding is restored.

3. That the Legislature proclaims that all components of state government should work together to ensure mental health and substance abuse treatment funding.

4. That the Governor and each member of Nebraska's congressional delegation receive a copy of this resolution.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR 39 was referred to the Reference Committee.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Cornett asked unanimous consent to add her name as cointroducer to LB 12. No objections. So ordered.

Senators Cornett and Gay asked unanimous consent to add their names as cointroducers to LB 370. No objections. So ordered.

Senator Fulton asked unanimous consent to add his name as cointroducer to LB 699. No objections. So ordered.

### **SPEAKER FLOOD PRESIDING**

#### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 29, 30, and 31 were adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 29, 30, and 31.

#### **VISITORS**

Visitors to the Chamber were 28 fourth-grade students and teachers from Trinity Lutheran, Lincoln; Mustafa Dundar, Muharrem Ince, and Fehmi Oztunc of the Turkish Parliament; and Senator Erdman's grandmother and parents, Margaret, Steve, and Cathy Erdman, from Bayard.

The Doctor of the Day was Dr. Roger Meyer from Utica.

#### **ADJOURNMENT**

At 12:09 p.m., on a motion by Senator Adams, the Legislature adjourned until 9:00 a.m., Tuesday, February 27, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature





**THIRTY-SIXTH DAY - FEBRUARY 27, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 27, 2007

**PRAYER**

The prayer was offered by Pastor Ray Norris, United Methodist Church, Osceola.

**ROLL CALL**

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

The roll was called and all members were present except Senator Pankonin who was excused; and Senators Ashford, Carlson, Cornett, Dubas, Heidemann, Loudon, Mines, Pedersen, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 12.** Placed on Select File - ER8029.

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

**LEGISLATIVE BILL 12A.** Placed on Select File.

**LEGISLATIVE BILL 390.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**CORRECTED COMMITTEE REPORT**  
**Judiciary**

**LEGISLATIVE BILL 475.** Add Com AM399.  
AM399

- 1 1. Insert the following new section:  
 2 Sec. 37. Provisions of the Employment Nondiscrimination  
 3 Act which prohibit discrimination based on sexual orientation  
 4 shall not apply to any bona fide religious organization,  
 5 which organization shall include any religious corporation,  
 6 organization, association, or society or any nonprofit institution  
 7 or organization operated, supervised, or controlled by or  
 8 in conjunction with a religious corporation, organization,  
 9 association, or society.  
 10 2. On page 59, line 15, after "48-1126" insert "and  
 11 section 37 of this act".  
 12 3. Renumber the remaining sections accordingly.

(Signed) Brad Ashford, Chairperson

**ANNOUNCEMENT**

Senator Rogert designates LB 255 as his priority bill.

**MOTION - Withdraw LB 635**

Senator Dierks renewed his motion, found on page 667, to withdraw LB 635.

The Dierks motion to withdraw prevailed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 124.** ER8026, found on page 653, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 296.** Senator Johnson withdrew his amendment, AM15, printed separately and referred to on page 496.

Senator Johnson renewed his amendment, AM435, printed separately and referred to on page 648.

Pending.

**AMENDMENTS - Print in Journal**

Senator Christensen filed the following amendment to LB 701:  
(Amendment, AM476, is printed separately and available in the Bill Room, Room 1104.)

Senator Schimek filed the following amendment to LB 34:  
AM509

(Amendments to AM205)

- 1 1. On page 1, line 8, after the period insert "The
- 2 appointments shall be based on interest and knowledge.".

Senator Kruse filed the following amendment to LB 182:  
AM488

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 13-1210, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 13-1210 The Department of Roads shall annually certify
- 6 the amount of operating costs eligible for funding under the public
- 7 transportation assistance program established under section 13-1209
- 8 and shall request full funding from the Legislature of the amount
- 9 certified.
- 10 Sec. 2. Section 13-1212, Reissue Revised Statutes of
- 11 Nebraska, is amended to read:
- 12 13-1212 (1) The Department of Roads shall administer
- 13 sections 13-1209 to 13-1212; and issue such rules and regulations
- 14 pursuant to the Administrative Procedure Act as are necessary,
- 15 including, but not limited to, defining eligible operating
- 16 costs, establishing contractual and other requirements including
- 17 standardized accounting and reporting requirements, which shall
- 18 include the applicant's proposed service area, the type of
- 19 service proposed, all routes and schedules, and any further
- 20 information needed for recipients to insure the maximum feasible
- 21 coordination and use of state funds, and establishing application
- 22 procedures. The Appropriations Committee of the Legislature shall
- 23 provide direction for the distribution of funds for the public
- 1 transportation assistance program if the funds appropriated are
- 2 insufficient to cover all eligible projects., ~~and developing a~~
- 3 ~~policy for apportioning funds made available for this program~~
- 4 ~~should they be insufficient to cover all eligible projects.~~
- 5 Priority on the allocation of all funds shall be given to those
- 6 proposed projects best suited to serve the needs of the elderly
- 7 and handicapped and to proposed projects with federal funding
- 8 participation.
- 9 (2) Any public-purpose organization proposing to provide
- 10 public transportation denied financial assistance as a result of a
- 11 determination by the Department of Roads that an area is adequately
- 12 served by existing transportation services may submit a petition to

13 the department requesting the department to reclassify the proposed  
 14 service area as not being adequately served by existing public  
 15 transportation services. The petition submitted to the department  
 16 by the public-purpose organization shall bear the signatures of  
 17 at least fifty registered voters residing in the proposed service  
 18 area. Upon receipt of the petition the department shall hold  
 19 a public hearing in the proposed service area and after such  
 20 hearing shall determine whether the proposed service area is  
 21 already adequately served. In carrying out its duties under this  
 22 section the department shall comply with the provisions of the  
 23 Administrative Procedure Act. The department shall not be required  
 24 to conduct a reevaluation hearing for an area more frequently than  
 25 once a year.

26 Sec. 3. Original section 13-1212, Reissue Revised  
 27 Statutes of Nebraska, and section 13-1210, Revised Statutes  
 1 Cumulative Supplement, 2006, are repealed.

### COMMITTEE REPORTS

#### Urban Affairs

**LEGISLATIVE BILL 160.** Placed on General File - Com AM503.  
 AM503

- 1 1. On page 2, line 13, strike "and"; and in line 18
- 2 strike the period and insert "; and
- 3 (c) Person means any individual, corporation, business
- 4 trust, estate, trust, partnership, limited liability company,
- 5 association, joint venture, fire department, public corporation,
- 6 other legal or commercial entity, or governmental subdivision,
- 7 agency, or instrumentality."

**LEGISLATIVE BILL 405.** Placed on General File - Com AM497.  
 AM497

- 1 1. Insert the following new section:
- 2 Sec. 5. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 2, strike beginning with "(1)" in line 15
- 5 through "(2)" in line 24 and show the old matter as stricken; and
- 6 in line 25 strike "election" through "situated" and insert "city
- 7 council of".

**LEGISLATIVE BILL 591.** Indefinitely postponed.

**LEGISLATIVE BILL 592.** Indefinitely postponed.

(Signed) Mike Friend, Chairperson

#### Natural Resources

**LEGISLATIVE BILL 530.** Placed on General File.

**LEGISLATIVE BILL 664.** Placed on General File.

**LEGISLATIVE BILL 202.** Placed on General File - Com AM13.  
AM13

Amendments to LB 202

- 1 1. On page 2, line 13, before "property" insert "real";
- 2 and in line 15 strike "that consists" and insert "consisting only".

**LEGISLATIVE BILL 418.** Indefinitely postponed.

**LEGISLATIVE BILL 503.** Indefinitely postponed.

(Signed) LeRoy Louden, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 663A.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 663, One Hundredth Legislature, First Session, 2007.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR 39	Health and Human Services

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

### PROPOSED RULES CHANGES

Senator Hudkins offered the following proposed rules changes:

**Amend Rule 3 Sec. 17. Indefinitely Postponed Bills.** If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be ~~placed on General File or~~ referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. ~~Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.~~

**Amend Rule 3 Sec. 19. Request From Committee, Bills Held.** (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

~~(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. Final action taken by the committee following a motion filed pursuant to this subsection, and prior to when debate is initiated on the motion by the Legislature, shall take precedence over such motion. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.~~

~~(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.~~

**Amend Rule 9 Sec. 6. Indefinitely Postponed Bills and Resolutions.** If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution ~~may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise must be disposed of by the Legislature within three legislative days after the motion is available for consideration or it shall be deemed defeated.~~

**Amend Rule 9 Sec. 7. Bills and Resolutions Held by Committee.** ~~If the committee has not taken final action on a bill or resolution within two legislative days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.~~

Referred to the Rules Committee.

**SELECT FILE**

**LEGISLATIVE BILL 296.** The Johnson amendment, AM435, printed separately and referred to on page 648 and considered in this day's Journal, was renewed.

Senator Johnson asked unanimous consent to pass over LB 296. No objections. So ordered.

**LEGISLATIVE BILL 248.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 347.** Senator Friend withdrew his amendment, AM395, found on page 597.

Senator Friend renewed his amendment, AM477, found on page 669.

The Friend amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 231.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 145.** ER8025, found on page 654, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 83.** ER8027, found on page 654, was adopted.

Senator Synowiecki offered the following amendment:  
AM501

(Amendments to E & R amendments, ER8027)

- 1 1. Insert the following new section:
- 2 Sec. 7. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The Synowiecki amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 464.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 40.** Introduced by Nelson, 6.

WHEREAS, Eric A. Spomer, of Troop 75, Omaha, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, the award is a performance-based achievement whose standards have been well-maintained over the years; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must earn 21 merit badges and fulfill requirements in the areas of leadership, service, and outdoor skills; and

WHEREAS, a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Eric A. Spomer, through his commitment to scouting principles and hard work, will join other distinguished individuals who are Eagle Scouts.

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

1. That the Legislature congratulates Eric A. Spomer on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Eric A. Spomer at 2668 N. 129th Circle, Omaha, NE 68164.

Laid over.

**LEGISLATIVE RESOLUTION 41.** Introduced by Nelson, 6.

WHEREAS, Skutt Catholic High School won the 2007 Class B State Wrestling Tournament; and

WHEREAS, the Skutt Catholic High School wrestling team has won an extraordinary ten consecutive state championships; and

WHEREAS, Skutt Catholic High School has become an elite institution in both academics and athletics; and

WHEREAS, the students of Skutt Catholic High School have generously donated more than ten thousand hours of community service to the citizens of Nebraska; and

WHEREAS, Skutt Catholic High School has earned the prestigious status of "College Preparatory Accredited"; and

WHEREAS, the members of the Skutt Catholic High School wrestling team have conducted themselves with the utmost level of dignity and respect; and

WHEREAS, Skutt Catholic High School wrestling coach Brad Hildebrandt has proven to be a master at developing both the wrestling skills and the character of his students; and

WHEREAS, Skutt Catholic High School will continue to exhibit a high level of excellence in both academics and athletics for years to come.

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



1. That the Legislature congratulates Josh Anderson, Jake Cardenas, Tim Chavez, Michael Corritore, Quintin Cottle, Zach Cottle, Patrick Deao, Andy Hollins, Matthew Katusin, Tyler Kottas, Aaron Large, Matthew Muschall, Tyler Sackett, and Derek Vogel for their achievement in claiming the 2007 Class B State Wrestling Championship.

2. That the Legislature congratulates Head Coach Brad Hildebrandt along with assistant coaches Jeremy Moore, Chas DeVetter, Mack LaRock, and Marcus Odorisio for their excellence in teaching and providing guidance to the young adults on the wrestling team and all the students of Skutt Catholic High School.

3. That a copy of this resolution be sent to Skutt Catholic High School principal Patrick Slattery and wrestling coach Brad Hildebrandt.

Laid over.

### **COMMITTEE REPORTS** **Business and Labor**

**LEGISLATIVE BILL 57.** Placed on General File.

**LEGISLATIVE BILL 462.** Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

### **General Affairs**

**LEGISLATIVE BILL 345.** Indefinitely postponed.

The General 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.

Steven Bloch - Nebraska Arts Council  
Sandra J. Schroeder - Nebraska Arts Council  
Joanne F. Shephard - Nebraska Arts Council

VOTE: Aye: Senators McDonald, Karpisek, Dierks, Erdman, Janssen, Preister. Nay: None. Absent: Senators Dubas and Friend.

(Signed) Vickie McDonald, Chairperson

### **NOTICE OF COMMITTEE HEARING** **Transportation and Telecommunications** Room 1113

LR 37      Tuesday, March 6, 2007

1:30 p.m.

(Signed) Deb Fischer, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 568.** Senator Chambers withdrew his amendment FA32, found on page 667.

Senator Preister renewed his amendment, FA31, found on page 667.

The Preister amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 299.** Title read. Considered.

Committee AM189, found on page 460, was considered.

Senator Stuthman withdrew his amendment, AM342, found on page 631.

The committee amendment was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Senator Hudkins renewed her amendment, AM245, found on page 496.

The Hudkins amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 374.** Title read. Considered.

**SPEAKER FLOOD PRESIDING**

Senator Wightman renewed his amendment, AM443, found on page 644.

The Wightman amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 203.** Title read. Considered.

Committee AM171, found on page 474, was considered.

Senator Gay offered the following amendment to the committee amendment:

AM499

(Amendments to Standing Committee amendments, AM171)

1 1. Strike sections 5 and 6 and insert the following new  
 2 sections:  
 3 Sec. 5. Section 71-452, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 71-452 Within fifteen days after service of a notice  
 6 under section 71-451, an applicant or a licensee shall notify the  
 7 director in writing that the applicant or licensee (1) desires  
 8 to contest the notice and request an informal conference with a  
 9 representative of the department in person or by other means at  
 10 the request of the applicant or licensee, (2) desires to contest  
 11 the notice and request an informal conference with a representative  
 12 peer review organization with which the department has contracted,  
 13 (3) desires to contest the notice and request a hearing, or (3)  
 14 (4) does not contest the notice. If the director does not receive  
 15 such notification within such fifteen-day period, the action of the  
 16 department shall be final.

17 Sec. 6. Section 71-453, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:  
 19 71-453 (1) The director shall assign a representative of  
 20 the department, other than the individual who did the inspection  
 21 upon which the notice is based, or a representative peer review  
 22 organization to hold an informal conference with the applicant or  
 1 licensee within thirty days after receipt of a request made under  
 2 subdivision (1) or (2) of section 71-452. Within twenty working  
 3 days after the conclusion of the conference, the representative or  
 4 representative peer review organization shall report in writing to  
 5 the department its conclusion regarding whether to affirm, modify,  
 6 or dismiss the notice. The representative shall state in writing  
 7 and the specific reasons for affirming, modifying, or dismissing  
 8 the notice the conclusion and shall immediately transmit copies of  
 9 the statement provide a copy of the report to the director and the  
 10 applicant or licensee. The applicant's or licensee's copy of such  
 11 statement shall be sent

12 (2) Within ten working days after receiving a report  
 13 under subsection (1) of this section, the department shall  
 14 consider such report and affirm, modify, or dismiss the notice  
 15 and shall state the specific reasons for such decision, including,  
 16 if applicable, the specific reasons for not adopting the conclusion  
 17 of the representative or representative peer review organization  
 18 as contained in such report. The department shall provide the  
 19 applicant or licensee with a copy of such decision by certified  
 20 mail to the last address shown in the records of the department.  
 21 If the applicant or licensee desires to contest ~~the an~~ affirmed  
 22 or modified notice, the applicant or licensee shall notify the  
 23 director in writing within five working days after receiving  
 24 such ~~statement decision~~ that the applicant or licensee requests a  
 25 hearing.

26 (2)-(3) If an applicant or a licensee successfully

27 demonstrates during an informal conference or a hearing that the  
 1 deficiencies should not have been cited in the notice, (a) the  
 2 deficiencies shall be removed from the notice and the deficiency  
 3 statement and (b) any sanction imposed solely as a result of those  
 4 cited deficiencies shall be rescinded.

Pending.

### RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 32 was adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 32.

### GENERAL FILE

**LEGISLATIVE BILL 203.** The Gay amendment, AM499, found in this day's Journal, to the committee amendment, was renewed.

### SENATOR LANGEMEIER PRESIDING

The Gay amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 286.** Title read. Considered.

Committee AM178, printed separately and referred to on page 476, was considered.

Senator Fischer renewed her amendment, AM290, found on page 644, to the committee amendment.

The Fischer amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

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

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

**LEGISLATIVE BILL 34.** Title read. Considered.

Senator Erdman renewed his amendment, AM205, found on page 482.

Senator Schimek renewed her amendment, AM509, found in this day's Journal, to the Erdman amendment.

Pending.

## COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 227.** Placed on General File - Com AM256.  
AM256

- 1 1. On page 2, line 4, after "animal" insert "in one's
- 2 care, whether as owner or custodian.".
- 3 2. On page 3, lines 10 through 16, strike the new
- 4 matter and reinstate the stricken matter; in line 11 after "who"
- 5 insert "intentionally, knowingly, or recklessly"; and in line 12
- 6 after "misdemeanor" insert "unless the abandonment or cruel neglect
- 7 results in serious injury or illness or death of the animal, in
- 8 which case it is a Class IV felony".

**LEGISLATIVE BILL 639.** Placed on General File - Com AM483.  
AM483

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 Section 1. (1) Except as provided in subsection (4) of
- 4 this section, purchases of legal services by the school board of a
- 5 school district in a learning community and the learning community
- 6 coordinating council shall be made through the competitive sealed
- 7 bidding process prescribed in subsection (2) of this section for
- 8 three-year contract periods for periods beginning January 1, 2008.
- 9 All contracts for such services shall be approved as to form by the
- 10 county attorney, and a copy of each contract shall be filed with
- 11 the county clerk.
- 12 (2) When competitive sealed bidding is required by this
- 13 section:
- 14 (a) Sealed bids shall be solicited by public notice in a
- 15 legal newspaper of general circulation in the learning community at
- 16 least once a week for two consecutive weeks before the final date
- 17 of submitting bids;
- 18 (b) In addition to subdivision (2)(a) of this section,
- 19 sealed bids may also be solicited by sending requests by mail to
- 20 prospective attorneys and by posting notice on a public bulletin
- 21 board;
- 22 (c) The notice shall contain: (i) A general description
- 23 of the proposed contract; (ii) an invitation for sealed bids; (iii)

1 the name of the official in charge of receiving the bids; (iv) the  
2 date, time, and place the bids received shall be opened; and (v)  
3 whether alternative terms will be considered;

4 (d) All bids shall remain sealed until opened on the  
5 published date and time by the school board or the coordinating  
6 council or its designated agent;

7 (e) Any or all bids may be rejected and the bid need not  
8 be awarded at the time of opening, but may be held over for further  
9 consideration;

10 (f) If all bids received on a pending contract are for  
11 the same unit price or total amount and appear to be so as  
12 the result of collusion between the bidders, the school board or  
13 coordinating council shall have authority to reject all bids and  
14 to purchase the services in the open market, except that the price  
15 paid in the open market shall not exceed the bid price;

16 (g) Each bid, with the name of bidder, shall be entered  
17 on a record and each record, with the successful bidder indicated  
18 thereon, shall, after the award of contract, be open to public  
19 inspection; and

20 (h) All lettings on such bids shall be public and shall  
21 be conducted as provided in Chapter 73, article 1.

22 (3) In awarding the bid, the following elements shall be  
23 given consideration when applicable:

24 (a) The price;

25 (b) The ability, capacity, and skill of the attorney to  
26 perform;

27 (c) The character, integrity, reputation, judgment,  
1 experience, and efficiency of the attorney;

2 (d) The quality of previous performance;

3 (e) Whether the attorney can perform within the time  
4 specified;

5 (f) The previous and existing compliance of the attorney  
6 with laws relating to the contract;

7 (g) The nature of the legal service taking into  
8 consideration any commonly accepted tests and standards of service  
9 usability and user requirements; and

10 (h) Such other information as may be secured having a  
11 bearing on the decision.

12 (4)(a) The school board or coordinating council may, by  
13 majority vote of its members, waive the bidding requirements of  
14 this section if such waiver is necessary to meet an emergency which  
15 threatens serious loss of life, health, or property.

16 (b) The school board or coordinating council may, by  
17 majority vote of its members, extend a legal services contract at  
18 the end of any three-year contract period only for purposes of  
19 legal services related to concluding litigation pending on such  
20 date.

(Signed) Brad Ashford, Chairperson

**AMENDMENT - Print in Journal**

Senator Loudon filed the following amendment to LB 568:  
AM210

- 1 1. Strike original section 2 and insert the following new
- 2 sections:
- 3 Section 1. Section 81-1534, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-1534 Sections 81-1534 to 81-1566 and section 2 of
- 6 this act shall be known and may be cited as the Nebraska Litter
- 7 Reduction and Recycling Act.
- 8 Sec. 2. Prior to the effective date of this act, in
- 9 order to identify the litter problem more fully and to measure
- 10 the progress made by the department, the department conducted, or
- 11 granted funds to enable public or private agencies to conduct,
- 12 a survey measuring the amount and composition of litter on the
- 13 public highways, recreation lands, and urban areas in the state.
- 14 The department shall conduct, or grant funds to enable public or
- 15 private agencies to conduct, followup surveys on a sufficiently
- 16 regular basis to provide meaningful measurement of the amount and
- 17 composition of litter and the rate of littering. The results of
- 18 these surveys shall be reported to the Governor.
- 19 Sec. 4. Original section 81-1534, Reissue Revised
- 20 Statutes of Nebraska, and section 81-15,160, Revised Statutes
- 21 Cumulative Supplement, 2006, are repealed.
- 22 2. Renumber the remaining sections accordingly.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LBs 93, 132, and 160. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 587. No objections. So ordered.

Senator Mines asked unanimous consent to add his name as cointroducer to LB 661. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Carlson withdrew his name as cointroducer to LB 701.

**VISITORS**

Visitors to the Chamber were 9 seventh-grade students and teacher from Seward Middle School; Shane Smith from McCook; 15 twelfth-grade students and teachers from Lawrence and Nelson; members of Youth Leadership Council from Madison High School; 31 fourth-grade students

and teachers from Blue Hill; and Madison County Constituents from Battle Creek, Norfolk, and Madison.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Rogert, the Legislature adjourned until 9:00 a.m., Wednesday, February 28, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SEVENTH DAY - FEBRUARY 28, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 28, 2007

**PRAYER**

The prayer was offered by Father Donald Shane, St. Robert Ballarmino Catholic Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Janssen who was excused; and Senators Dubas, Heidemann, Kruse, McDonald, Mines, Pedersen, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**COMMITTEE REPORTS****Judiciary**

**LEGISLATIVE BILL 143.** Placed on General File.

**LEGISLATIVE BILL 132.** Placed on General File - Com AM141.  
AM141

- 1 1. Strike section 1 and insert the following section:
- 2 Section 1. A legal separation decree shall provide that
- 3 in case of a reconciliation at any time thereafter, the parties may
- 4 apply to set aside the decree. Upon such application, the court
- 5 shall set aside the decree and make such orders as are just and
- 6 reasonable under the circumstances.

**LEGISLATIVE BILL 157.** Placed on General File - Com AM250.  
AM250

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 28-705, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:

4 28-705 (1) Any person who abandons and neglects or  
 5 refuses to maintain or provide for his or her spouse or his or  
 6 her child or dependent stepchild, whether such child is born in or  
 7 out of wedlock, commits abandonment of spouse, child, or dependent  
 8 stepchild.

9 (2) It is not a violation of this section for a parent  
 10 to leave a child who is thirty days of age or younger with a  
 11 firefighter or hospital staff member pursuant to section 1 of this  
 12 act.

13 ~~(2)-(3)~~ For the purposes of this section, child shall  
 14 mean an individual under the age of sixteen years.

15 ~~(3)-(4)~~ When any person abandons and neglects to provide  
 16 for his or her spouse or his or her child or dependent stepchild  
 17 for three consecutive months or more, it shall be prima facie  
 18 evidence of intent to violate the provisions of subsection (1) of  
 19 this section.

20 ~~(4)-(5)~~ A designation of assets for or use of income by  
 21 an individual in accordance with section 68-922 shall be considered  
 22 just cause for failure to use such assets or income to provide  
 23 medical support of such individual's spouse.

1 ~~(5)-(6)~~ Abandonment of spouse, child, or dependent  
 2 stepchild is a Class I misdemeanor.

3 Sec. 3. Original section 28-705, Revised Statutes  
 4 Cumulative Supplement, 2006, is repealed.

5 2. On page 2, line 1, after "parent" insert "seeking  
 6 safe-haven care" and after "child" insert "thirty days of age or  
 7 younger"; strike beginning with "if" in line 6 through line 9 and  
 8 insert an underscored period; strike beginning with "of" in line 17  
 9 through line 21 and insert "within four hours."; in line 22 strike  
 10 "~~(4)~~" and insert "~~(3)~~"; in line 23 strike "abandoned"; in line 25  
 11 strike "~~(5)~~" and insert "~~(4)~~"; in line 27 strike "abandoned" and  
 12 insert "left with safe-haven providers" and after "section" insert  
 13 "and the number of children abandoned by other means".

14 3. On page 3, line 1, strike "~~(6)~~" and insert "~~(5)~~"; in  
 15 line 3 strike "~~(5)~~" and insert "~~(4)~~"; and strike beginning with the  
 16 comma in line 3 through "section" in line 11.

**LEGISLATIVE BILL 335.** Placed on General File - Com AM207.  
 AM207

1 1. On page 2, line 20, strike "illegal"; in line 23  
 2 strike "under" through "for", show as stricken, and insert ";  
 3 except as provided in subsection (2) of this section, for no"; and  
 4 in lines 24 and 25 strike the new matter.

5 2. On page 3, lines 1 and 2, strike the new matter; in  
 6 line 3 after "(2)" insert "In counties in which the county board  
 7 has adopted a resolution stating that suitable facilities exist  
 8 within the county for the care and treatment of persons suffering  
 9 from chronic alcoholism or substance abuse, individuals who have  
 10 been placed in civil protective custody three or more times in the

11 previous month may be held in civil protective custody for up to  
 12 seventy-two hours if necessary to preserve life or prevent injury.  
 13 A resolution adopted pursuant to this subsection shall include a  
 14 designation of the specific facility or facilities to be used for  
 15 seventy-two-hour civil protective custody and specify the maximum  
 16 number of patients that can be served at any one time by each such  
 17 facility.  
 18 (3); in line 8 strike "(3)", show as stricken, and  
 19 insert "(4)"; in line 12 strike "(4)", show as stricken, and insert  
 20 "(5)"; and in line 16 strike "(5)", show as stricken, and insert  
 21 "(6)".

**LEGISLATIVE BILL 373.** Placed on General File - Com AM447.  
 AM447

- 1 1. On page 2, line 5, strike "fault."; and in line 13
- 2 after the period insert "A statement of fault which is otherwise
- 3 admissible and is part of or in addition to any such communication
- 4 shall be admissible.".

**LEGISLATIVE BILL 465.** Placed on General File - Com AM485.  
 AM485

- 1 1. On page 2, line 16, after "questioning" insert
- 2 "regarding the event for which such person received a deal,
- 3 promise, inducement, or benefit".
- 4 2. On page 3, lines 13 and 14, strike "in any manner";
- 5 and in line 14 after "authority" insert ", during the course of
- 6 which the jailhouse informer was offered or received any deal,
- 7 promise, inducement, or benefit".

**LEGISLATIVE BILL 491.** Placed on General File - Com AM288.  
 AM288

- 1 1. Insert the following new sections:
- 2 Section 1. Section 69-2436, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 69-2436 (1) A permit to carry a concealed handgun is
- 5 valid throughout the state for a period of five years after the
- 6 date of issuance. The fee for issuing a permit is one hundred
- 7 dollars.
- 8 (2) The Nebraska State Patrol shall renew a person's
- 9 permit to carry a concealed handgun for a renewal period of five
- 10 years, subject to continuing compliance with the requirements of
- 11 section 69-2433. The renewal fee is fifty dollars, and renewal may
- 12 be applied for up to four months before expiration of a permit to
- 13 carry a concealed handgun.
- 14 (3) The applicant shall submit the fee with the
- 15 application to the Nebraska State Patrol. The fee shall be remitted
- 16 to the State Treasurer for credit to the ~~Public Safety-Nebraska~~
- 17 State Patrol Cash Fund.
- 18 Sec. 2. Section 69-2439, Revised Statutes Cumulative

19 Supplement, 2006, is amended to read:

20 69-2439 (1) ~~Any A~~ peace officer having shall bring an  
 21 application for revocation of the permit to be prosecuted as  
 22 provided in subsection (2) of this section if he or she has  
 23 probable cause to believe that a permit holder

1 (a) Is is no longer in compliance with one or more  
 2 requirements of section 69-2433; shall bring an application for  
 3 revocation of the permit to be prosecuted as provided in subsection  
 4 (2) of this section.

5 (b) Is in possession of a concealed handgun while  
 6 consuming alcohol or in a location prohibited by section 69-2441;

7 (c) Has failed to report an incident pursuant to section  
 8 69-2442;

9 (d) Is not in possession of his or her permit and other  
 10 identification while carrying a concealed handgun as required by  
 11 subsection (1) of section 69-2440;

12 (e) Has failed to immediately inform a peace officer or  
 13 emergency services personnel that he or she is carrying a concealed  
 14 handgun as required by subsection (2) of section 69-2440; or

15 (f) Has failed to submit to an order from a peace officer  
 16 or emergency services personnel to secure a handgun pursuant to  
 17 subsection (3) of section 69-2440.

18 (2) It is the duty of the county attorney or his or  
 19 her deputy of the county in which such permit holder resides  
 20 to prosecute a case for the revocation of a permit to carry  
 21 a concealed handgun brought pursuant to subsection (1) of this  
 22 section. In case the county attorney refuses or is unable to  
 23 prosecute the case, the duty to prosecute shall be upon the  
 24 Attorney General or his or her assistant.

25 (3) The case shall be prosecuted as a civil case, and  
 26 the permit shall be revoked upon a showing by a preponderance  
 27 of the evidence that the permit holder does not meet one or more  
 1 of the requirements of section 69-2433 or has violated any of  
 2 the provisions of the Concealed Handgun Permit Act specified in  
 3 subsection (1) of this section.

4 (4) A person who has his or her permit revoked under  
 5 this section may be fined up to one thousand dollars and shall  
 6 be charged with the costs of the prosecution. The money collected  
 7 under this subsection as an administrative fine shall be remitted  
 8 to the State Treasurer for distribution in accordance with Article  
 9 VII, section 5, of the Constitution of Nebraska.

10 2. On page 2, line 10, after the stricken comma insert  
 11 "or"; in line 11 reinstate the stricken "semiprofessional" and  
 12 strike "or"; in line 14 strike "private or public" and insert  
 13 "public, private, denominational, or parochial"; in line 15 after  
 14 the last semicolon insert "hospital"; in line 16 after "room"  
 15 insert an underscored comma; and strike beginning with "that" in  
 16 line 18 through the semicolon in line 19, show as stricken, and  
 17 insert an underscored semicolon.

- 18 3. On page 4, strike lines 19 through 21; and in line  
19 22 after "sections" insert "69-2436, 69-2439," and after "69-2441"  
20 insert a comma.  
21 4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 586.** Placed on General File - Com AM402.  
AM402

- 1 1. On page 2, lines 3, 7, 10, 19, and 21; and page 3,  
2 line 1, after the second comma insert "chiropractor".  
3 2. On page 2, strike the new matter in lines 13 through  
4 17 and insert "For persons covered under medical insurance or  
5 another health benefit plan, the amount of the lien shall be  
6 reduced by the discount or other limitation which would have  
7 been applied had the claim been submitted for reimbursement to  
8 the medical insurer or administrator of such other health benefit  
9 plan.".

**LEGISLATIVE BILL 619.** Placed on General File - Com AM360.  
AM360

- 1 1. On page 3, line 22, after the period insert "The  
2 charge assessed by the State Treasurer or a state agency shall not  
3 exceed thirty dollars.".

**LEGISLATIVE BILL 620.** Placed on General File - Com AM361.  
AM361

- 1 1. Insert the following new section:  
2 Sec. 2. (1) The State Treasurer, with state agency  
3 approval, may collect a fee from a debtor of the state agency  
4 electronically equal to the cost of processing any payments for  
5 returned check charges or charges for electronic payments not  
6 accepted, except that the fee shall not exceed thirty dollars. The  
7 fee shall be remitted to the Treasury Management Cash Fund. The fee  
8 shall be used to offset the cost incurred by the State Treasurer  
9 from the collection of bad debt incurred by the state agency.  
10 (2) After the payor has originated two bad debt payments  
11 to a state agency in a period of one year, the state agency may  
12 refuse to accept future payments by check and may require a money  
13 order, cash, a cashier's check, or a certified check for payment.  
14 2. On page 2, line 11, after "accepted" insert ", except  
15 that the fee shall not exceed thirty dollars.".  
16 3. Renumber the remaining section accordingly.

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 255.** Title read. Considered.

Committee AM453, found on page 657, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 34.** Senator Erdman renewed his amendment, AM205, found on page 482 and considered on page 685.

Senator Schimek renewed her amendment, AM509, found on page 675 and considered on page 685, to the Erdman amendment.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?"

Senator Erdman moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

The motion to cease debate prevailed with 25 ayes, 12 nays, 9 not voting, and 3 excused and not voting.

The Schimek amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the Erdman amendment:

FA33

Amend AM205 In line 14, strike beginning with "consider" through "issues" in line 15, and insert: "among other things, consider, study, monitor, and review legislation that impacts state-tribal relations issues and to present draft legislation and policy recommendations to the appropriate standing committee of the Legislature"

**SPEAKER FLOOD PRESIDING****PRESIDENT SHEEHY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Chambers amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Erdman amendment, as amended, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 32 ayes, 6 nays, 9 present and not voting, and 2 excused and not voting.

### **COMMITTEE REPORTS** **Education**

**LEGISLATIVE BILL 30.** Indefinitely postponed.  
**LEGISLATIVE BILL 234.** Indefinitely postponed.  
**LEGISLATIVE BILL 357.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

### **Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 196.** Placed on General File - Com AM506.  
AM506

- 1 1. On page 2, line 25, after the second comma insert
- 2 "rescue vehicles".
- 3 2. On page 3, line 25, after "any" insert "authorized".
- 4 3. On page 4, line 1, strike "any" and show as stricken;
- 5 and strike lines 2 and 3, show the old matter as stricken,
- 6 and insert "an authorized emergency vehicle shall include funeral
- 7 escort".

**LEGISLATIVE BILL 208.** Placed on General File - Com AM498.  
AM498

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 52-118, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 52-118 (1) Except as provided in subsection (2) of this
- 6 section, it shall be the duty of the State of Nebraska or any
- 7 department or agency thereof, the county boards, the contracting
- 8 board of all cities, villages, and school districts, all public
- 9 boards empowered by law to enter into a contract for the erecting,
- 10 furnishing, or repairing of any public building, bridge, highway,
- 11 or other public structure or improvement, and any officer or
- 12 officers so empowered by law to enter into such contract, to which
- 13 the general provisions of the mechanics' lien laws do not apply
- 14 and when the mechanics and laborers have no lien to secure the
- 15 payment of their wages and suppliers who furnish material and
- 16 who lease equipment for such work have no lien to secure payment
- 17 therefor, to take from the person as defined in section 49-801
- 18 to whom the contract is awarded a payment bond or bonds in a sum

19 not less than the contract price with a corporate surety company  
 20 and agent selected by such person, conditioned for the payment of  
 21 all laborers and mechanics for labor that is performed and for the  
 22 payment for material and equipment rental which is actually used  
 23 or rented in the erecting, furnishing, or repairing of the public  
 1 structure or improvement or in performing the contract.

2 (2) The labor and material payment bond or bonds referred  
 3 to in subsection (1) of this section shall not be required for  
 4 (a) any project bid or proposed by the State of Nebraska or any  
 5 department or agency thereof which has a total cost of fifteen  
 6 thousand dollars or less or (b) any project bid or proposed by any  
 7 county board, contracting board of any city, village, or school  
 8 district, public board, or officer referred to in subsection (1) of  
 9 this section which has a total cost of ~~five-ten~~ thousand dollars  
 10 or less unless the state, department, agency, board, or officer  
 11 includes a bond requirement in the specifications for the project.

12 (3) The bond or bonds referred to in subsection (1) of  
 13 this section shall be to, filed with, approved by, and safely kept  
 14 by the State of Nebraska, department or agency thereof, officer  
 15 or officers, or board awarding the contract. No contract referred  
 16 to in subsection (1) of this section shall be entered into by  
 17 the State of Nebraska, department or agency thereof, officer or  
 18 officers, or board referred to in subsection (1) of this section  
 19 until the bond or bonds referred to in subsection (1) of this  
 20 section has been so made, filed, and approved.

21 (4) The bond or bonds referred to in subsection (1) of  
 22 this section may be taken from the person to whom the contract  
 23 is awarded by the owner and owner's representative jointly as  
 24 determined by the owner. The corporate surety company referred to  
 25 in subsection (1) of this section shall have a rating acceptable to  
 26 the owner as the owner may require.

27 Sec. 2. Original section 52-118, Reissue Revised Statutes  
 1 of Nebraska, is repealed.

**LEGISLATIVE BILL 497.** Placed on General File - Com AM496.  
 AM496

1 1. On page 2, strike beginning with "person" in  
 2 line 17 through "entity" in line 18 and insert "individual,  
 3 legal representative, partnership, limited liability company,  
 4 corporation, association, business trust, or other business  
 5 entity"; and in line 22 strike "eighty" and insert "seventy-nine".

6 2. On page 3, lines 4 and 5 and 10 and 11, strike  
 7 beginning with "Family" through the period.

8 3. On page 5, line 10, strike "circuit" and insert  
 9 "district".

**LEGISLATIVE BILL 100.** Indefinitely postponed.

**LEGISLATIVE BILL 172.** Indefinitely postponed.



(Signed) Ray Aguilar, Chairperson

### **Agriculture**

**LEGISLATIVE BILL 632.** Placed on General File - Com AM527.  
AM527

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 54-702, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 54-702 The Department of Agriculture may, within the
- 6 framework and consistent with standards of the National Animal
- 7 Identification System, cooperate and coordinate with the Animal and
- 8 Plant Health Inspection Service of the United States Department
- 9 of Agriculture and other local, state, and national agencies
- 10 and organizations, public or private, to define premises where
- 11 livestock are located, to develop a voluntary premises registration
- 12 system for Nebraska, and to implement other state components of
- 13 a voluntary national uniform system of animal identification. If
- 14 the department implements such a system, the department shall also
- 15 develop and facilitate a process of withdrawal of registration
- 16 that would remove premises identifiers from its data base. Written
- 17 confirmation shall be sent upon withdrawal of registration from
- 18 the department's data base. The department shall cooperate with the
- 19 United States Department of Agriculture in the process to withdraw
- 20 registrations.
- 21 Sec. 2. Original section 54-702, Revised Statutes
- 22 Cumulative Supplement, 2006, is repealed.

(Signed) Philip Erdman, Chairperson

### **Transportation and Telecommunications**

**LEGISLATIVE RESOLUTION 28.** Reported to the Legislature for further consideration.

**LEGISLATIVE BILL 253.** Placed on General File.

**LEGISLATIVE BILL 486.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 425.** Placed on General File - Com AM511.  
AM511

- 1 1. On page 5, line 14, strike "(1)"; and strike line 25.
- 2 2. On page 6, strike lines 1 through 3.

(Signed) Rich Pahls, Chairperson

**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.

Lucinda Glen - State Personnel Board

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

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.

Tim Hofbauer - State Emergency Response Commission  
Dana Miller - State Emergency Response Commission

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

(Signed) Ray Aguilar, Chairperson

**Agriculture**

The Agriculture 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.

Sallie Atkins - Nebraska State Fair Board

VOTE: Aye: Senators Karpisek, Preister, McDonald, Dubas, Dierks, Erdman. Nay: None. Absent: Senators Chambers and Wallman.

The Agriculture 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.

Linda Lovgren - Nebraska State Fair Board

VOTE: Aye: Senators Karpisek, Preister, McDonald, Dubas, Dierks, Erdman. Nay: None. Absent: Senators Chambers and Wallman.

(Signed) Philip Erdman, Chairperson

### Transportation and Telecommunications

The Transportation and Telecommunications 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.

Jack Henry - Nebraska Motor Vehicle Industry Licensing Board  
Toby Miller - Nebraska Motor Vehicle Industry Licensing Board  
Kelly Smith - Nebraska Motor Vehicle Industry Licensing Board

VOTE: Aye: Senators Aguilar, Stuthman, Schimek, Loudon, Hudkins, Fischer, Pedersen and Mines. Nay: None. Absent: None.

The Transportation and Telecommunications 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.

Linda Aerni - Nebraska Information Technology Commission  
Patrick Flanagan - Nebraska Information Technology Commission  
Lance Hedquist - Nebraska Information Technology Commission  
Daniel Hoelsing - Nebraska Information Technology Commission  
Harold Huggenberger - Nebraska Information Technology Commission  
Doug Kristensen - Nebraska Information Technology Commission

VOTE: Aye: Senators Hudkins, Loudon, Aguilar, Schimek, Pedersen, Mines, Fischer and Stuthman. Nay: None. Absent: None.

(Signed) Deb Fischer, Chairperson

### AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB 470A:  
AM487

- 1 1. On page 2, after line 7 insert the following:
- 2 "The appropriation made by this section shall only be
- 3 used in carrying out the provisions of Legislative Bill 470, One
- 4 Hundredth Legislature, First Session, 2007, and such appropriation
- 5 shall only be expended from a separate and distinct budget
- 6 subprogram and shall not be commingled with any other expenses."

### UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 296. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Jered Matzke from Gothenburg; 17 ninth- and tenth-grade students and teacher from Bellevue West High School, Bellevue; former Senator Ed Schrock from Holdrege; and 30 members of the Blair Chamber of Commerce.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

**ADJOURNMENT**

At 11:51 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 1, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-EIGHTH DAY - MARCH 1, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 1, 2007

**PRAYER**

The prayer was offered by Senator Dierks.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Chambers, Cornett, Friend, Gay, Heidemann, Howard, Janssen, Karpisek, Kopplin, Pedersen, Preister, Rogert, Synowiecki, and White who were excused; and Senators Lathrop, McDonald, Mines, and Nantkes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-seventh day was approved.

**COMMITTEE REPORT  
Health and Human Services**

**LEGISLATIVE BILL 171.** Placed on General File - Com AM522.  
AM522

- 1 1. Strike original section 1 and insert the following new
- 2 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.
- 14 (b) The department shall report annually to the Health

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

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

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

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

(Signed) Joel Johnson, Chairperson

### COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 464.** Placed on Select File - ER8030.  
 ER8030

- 1 1. On page 4, line 23, strike the comma, show as
- 2 stricken, and insert "and".

**LEGISLATIVE BILL 568.** Placed on Select File.

**LEGISLATIVE BILL 299.** Placed on Select File - ER8032.  
 ER8032

- 1 1. On page 1, line 2, after "37-4,111," insert "37-513,";
- 2 and in line 8 after the semicolon insert "to provide for regulation

- 3 of trapping in the county road right-of-way;" .  
 4 2. On page 17, line 17, strike "subsection" and insert  
 5 "section".

**LEGISLATIVE BILL 374.** Placed on Select File - ER8031.  
 ER8031

- 1 1. On page 4, lines 6 and 11, strike "section." and  
 2 insert "act".

**LEGISLATIVE BILL 203.** Placed on Select File - ER8033.  
 ER8033

- 1 1. On page 1, strike lines 2 and 3 and insert "71-403,  
 2 71-452, and 71-453, Reissue Revised Statutes of Nebraska, and  
 3 sections 71-401 and 71-434, Revised Statutes Cumulative"; and in  
 4 line 5 after "process" insert "for disciplinary action".

(Signed) Amanda McGill, Chairperson

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 28, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Campbell, Mary M./Campbell & Associates  
 March of Dimes Birth Defects Foundation

Crawford, Derek

(Withdrawn 02/28/2007)

Kraft Foods North America, Inc. - Altria  
 Corporate Services, Inc.

(Withdrawn 02/28/2007)

Philip Morris USA, Inc. - Altria Corporate  
 Services, Inc.

Hill, Denise A.

(Withdrawn 02/26/2007)

Berkshire Hathaway Homestate Companies

Keigher/Rasmussen & Associates, LLC

(Withdrawn 02/26/2007)

Kraft Foods North America, Inc. - Altria  
 Corporate Services, Inc.

Mortland, Thomas

Berkshire Hathaway Homestate Companies

Scherer, Larry

Education Association, Nebraska State

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 213.**

A BILL FOR AN ACT relating to courts; to amend sections 24-514 and 25-2732, Reissue Revised Statutes of Nebraska; to change provisions relating to tape recorders and recording; 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, 29:

Adams	Dierks	Fulton	Langemeier	Raikes
Aguilar	Dubas	Hansen	Louden	Schimek
Avery	Engel	Harms	McGill	Stuthman
Burling	Erdman	Hudkins	Nelson	Wallman
Carlson	Fischer	Johnson	Pankonin	Wightman
Christensen	Flood	Kruse	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Pahls

Excused and not voting, 19:

Ashford	Gay	Karpisek	Mines	Rogert
Chambers	Heidemann	Kopplin	Nantkes	Synowiecki
Cornett	Howard	Lathrop	Pedersen	White
Friend	Janssen	McDonald	Preister	

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

**LEGISLATIVE BILL 263.**

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2036, Reissue Revised Statutes of Nebraska; to change provisions relating to permits; 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, 29:



Adams	Dierks	Fulton	Langemeier	Pirsch
Aguilar	Dubas	Hansen	Louden	Raikes
Avery	Engel	Harms	McGill	Stuthman
Burling	Erdman	Hudkins	Nelson	Wallman
Carlson	Fischer	Johnson	Pahls	Wightman
Christensen	Flood	Kruse	Pankonin	

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 19:

Ashford	Gay	Karpisek	Mines	Rogert
Chambers	Heidemann	Kopplin	Nantkes	Synowiecki
Cornett	Howard	Lathrop	Pedersen	White
Friend	Janssen	McDonald	Preister	

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

### **LEGISLATIVE BILL 290.**

A BILL FOR AN ACT relating to courts; to amend section 24-809, Reissue Revised Statutes of Nebraska; to change provisions relating to the judicial nominating commission as prescribed; and to repeal the original section.

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

Voting in the affirmative, 30:

Adams	Dierks	Fulton	Langemeier	Pirsch
Aguilar	Dubas	Hansen	Louden	Raikes
Avery	Engel	Harms	McGill	Schimek
Burling	Erdman	Hudkins	Nelson	Stuthman
Carlson	Fischer	Johnson	Pahls	Wallman
Christensen	Flood	Kruse	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 19:

Ashford	Gay	Karpisek	Mines	Rogert
Chambers	Heidemann	Kopplin	Nantkes	Synowiecki
Cornett	Howard	Lathrop	Pedersen	White
Friend	Janssen	McDonald	Preister	

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

### **LEGISLATIVE BILL 298.**

A BILL FOR AN ACT relating to the Election Act; to amend section 32-618, Reissue Revised Statutes of Nebraska; to change the number of signatures required on nominating petitions as prescribed; and to repeal the original section.

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

Voting in the affirmative, 29:

Adams	Dierks	Fulton	Langemeier	Raikes
Aguilar	Dubas	Hansen	Louden	Schimek
Avery	Engel	Harms	McGill	Stuthman
Burling	Erdman	Hudkins	Nelson	Wallman
Carlson	Fischer	Johnson	Pahls	Wightman
Christensen	Flood	Kruse	Pankonin	

Voting in the negative, 0.

Present and not voting, 2:

Lathrop	Pirsch
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Excused and not voting, 18:

Ashford	Gay	Karpisek	Nantkes	Synowiecki
Chambers	Heidemann	Kopplin	Pedersen	White
Cornett	Howard	McDonald	Preister	
Friend	Janssen	Mines	Rogert	

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

### **LEGISLATIVE BILL 307.**

A BILL FOR AN ACT relating to all-terrain vehicles; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to change provisions relating to the operation of all-terrain vehicles as prescribed; and to repeal the original section.

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

Voting in the affirmative, 29:

Adams	Engel	Harms	Louden	Raikes
Aguilar	Erdman	Hudkins	McGill	Schimek
Avery	Fischer	Johnson	Nelson	Stuthman
Burling	Flood	Kruse	Pahls	Wallman
Carlson	Fulton	Langemeier	Pankonin	Wightman
Christensen	Hansen	Lathrop	Pirsch	

Voting in the negative, 1:

Dubas

Present and not voting, 1:

Dierks

Excused and not voting, 18:

Ashford	Gay	Karpisek	Nantkes	Synowiecki
Chambers	Heidemann	Kopplin	Pedersen	White
Cornett	Howard	McDonald	Preister	
Friend	Janssen	Mines	Rogert	

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

### **LEGISLATIVE BILL 311.**

A BILL FOR AN ACT relating to the Election Act; to amend section 32-1409, Reissue Revised Statutes of Nebraska; to change provisions relating to petition signature verification; 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, 31:

Adams	Dubas	Harms	McGill	Stuthman
Aguilar	Engel	Hudkins	Nelson	Wallman
Avery	Erdman	Johnson	Pahls	Wightman
Burling	Fischer	Kruse	Pankonin	
Carlson	Flood	Langemeier	Pirsch	
Christensen	Fulton	Lathrop	Raikes	
Dierks	Hansen	Louden	Schimek	

Voting in the negative, 0.

Excused and not voting, 18:

Ashford	Gay	Karpisek	Nantkes	Synowiecki
Chambers	Heidemann	Kopplin	Pedersen	White
Cornett	Howard	McDonald	Preister	
Friend	Janssen	Mines	Rogert	

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

### **LEGISLATIVE BILL 313.**

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2429, Revised Statutes Cumulative Supplement, 2006; to exempt certain animal feeding operations from the Engineers and Architects Regulation Act; 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, 31:

Adams	Dubas	Harms	McGill	Stuthman
Aguilar	Engel	Hudkins	Nelson	Wallman
Avery	Erdman	Johnson	Pahls	Wightman
Burling	Fischer	Kruse	Pankonin	
Carlson	Flood	Langemeier	Pirsch	
Christensen	Fulton	Lathrop	Raikes	
Dierks	Hansen	Louden	Schimek	

Voting in the negative, 0.

Excused and not voting, 18:

Ashford	Gay	Karpisek	Nantkes	Synowiecki
Chambers	Heidemann	Kopplin	Pedersen	White
Cornett	Howard	McDonald	Preister	
Friend	Janssen	Mines	Rogert	

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

### **LEGISLATIVE BILL 434.**

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1478.01 and 49-1483.03, Reissue

Revised Statutes of Nebraska, and sections 49-1458 and 49-1479.02, Revised Statutes Cumulative Supplement, 2006; to change late filing fees as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 31:

Adams	Dubas	Harms	McGill	Stuthman
Aguilar	Engel	Hudkins	Nelson	Wallman
Avery	Erdman	Johnson	Pahls	Wightman
Burling	Fischer	Kruse	Pankonin	
Carlson	Flood	Langemeier	Pirsch	
Christensen	Fulton	Lathrop	Raikes	
Dierks	Hansen	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 17:

Ashford	Gay	Karpisek	Pedersen	White
Chambers	Heidemann	Kopplin	Preister	
Cornett	Howard	Mines	Rogert	
Friend	Janssen	Nantkes	Synowiecki	

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

#### **LEGISLATIVE BILL 472.**

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend sections 48-801, 48-804, 48-804.01, 48-805, 48-806, 48-816.01, 48-838, and 49-617, Reissue Revised Statutes of Nebraska; to change statutory references to members of the commission; 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	Dubas	Harms	McDonald	Stuthman
Aguilar	Engel	Hudkins	McGill	Wallman
Avery	Erdman	Johnson	Nelson	Wightman
Burling	Fischer	Kruse	Pahls	
Carlson	Flood	Langemeier	Pankonin	
Christensen	Fulton	Lathrop	Pirsch	
Dierks	Hansen	Louden	Raikes	

Voting in the negative, 1:

Schimek

Excused and not voting, 17:

Ashford	Gay	Karpisek	Pedersen	White
Chambers	Heidemann	Kopplin	Preister	
Cornett	Howard	Mines	Rogert	
Friend	Janssen	Nantkes	Synowiecki	

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

### **LEGISLATIVE BILL 527.**

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1449, 49-1463.02, and 49-14,140, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Cumulative Supplement, 2006; to provide registration fees for committees; to provide for waiver of interest as prescribed; 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	Dubas	Harms	McGill	Stuthman
Aguilar	Engel	Hudkins	Nelson	Wallman
Avery	Erdman	Johnson	Pahls	Wightman
Burling	Fischer	Kruse	Pankonin	
Carlson	Flood	Langemeier	Pirsch	
Christensen	Fulton	Lathrop	Raikes	
Dierks	Hansen	McDonald	Schimek	

Voting in the negative, 1:

Louden

Excused and not voting, 17:

Ashford	Gay	Karpisek	Pedersen	White
Chambers	Heidemann	Kopplin	Preister	
Cornett	Howard	Mines	Rogert	
Friend	Janssen	Nantkes	Synowiecki	

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 549 with 31 ayes, 1 nay, 1 present and not voting, and 16 excused and not voting.

The following bill was put upon final passage:

### LEGISLATIVE BILL 549.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-116.02, 53-117.07, 53-123, 53-124, 53-129, 53-131, 53-133, 53-134, 53-134.03, 53-169, 53-171, 53-188, and 53-1,115, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-124.11, 53-124.12, 53-132, and 53-164.01, Revised Statutes Cumulative Supplement, 2006; to provide for a microdistillery license; to define terms; 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	Engel	Hudkins	McGill	Schimek
Aguilar	Erdman	Johnson	Nantkes	Stuthman
Avery	Fischer	Kruse	Nelson	Wightman
Carlson	Flood	Langemeier	Pahls	
Christensen	Fulton	Lathrop	Pankonin	
Dierks	Hansen	Louden	Pirsch	
Dubas	Harms	McDonald	Raikes	

Voting in the negative, 1:

Wallman

Present and not voting, 1:

Burling

Excused and not voting, 16:

Ashford	Gay	Karpisek	Preister
Chambers	Heidemann	Kopplin	Rogert
Cornett	Howard	Mines	Synowiecki
Friend	Janssen	Pedersen	White

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 549A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 549, 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, 34:

Adams	Dubas	Harms	McDonald	Pirsch
Aguilar	Engel	Hudkins	McGill	Raikes
Avery	Erdman	Johnson	Mines	Schimek
Burling	Fischer	Kruse	Nantkes	Stuthman
Carlson	Flood	Langemeier	Nelson	Wallman
Christensen	Fulton	Lathrop	Pahls	Wightman
Dierks	Hansen	Louden	Pankonin	

Voting in the negative, 0.

Excused and not voting, 15:

Ashford	Friend	Howard	Kopplin	Rogert
Chambers	Gay	Janssen	Pedersen	Synowiecki
Cornett	Heidemann	Karpisek	Preister	White

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

**LEGISLATIVE BILL 99.** With Emergency.

A BILL FOR AN ACT relating to receivers; to amend section 25-1081, Reissue Revised Statutes of Nebraska; to change provisions relating to the appointment of receivers; to repeal the original section; 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, 34:

Adams	Dubas	Harms	McDonald	Pirsch
Aguilar	Engel	Hudkins	McGill	Raikes
Avery	Erdman	Johnson	Mines	Schimek
Burling	Fischer	Kruse	Nantkes	Stuthman
Carlson	Flood	Langemeier	Nelson	Wallman
Christensen	Fulton	Lathrop	Pahls	Wightman
Dierks	Hansen	Louden	Pankonin	

Voting in the negative, 0.

Excused and not voting, 15:

Ashford	Friend	Howard	Kopplin	Rogert
Chambers	Gay	Janssen	Pedersen	Synowiecki
Cornett	Heidemann	Karpisek	Preister	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 108.** With Emergency.

A BILL FOR AN ACT relating to fences; to amend sections 2-4806, 2-4808, 34-102, 34-112, and 37-1012, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to fence viewers and viewing; to provide a civil action relating to fence disputes; to provide for mediation of such disputes; to harmonize provisions; to repeal the original sections; to outright repeal sections 34-101, 34-103, 34-104, 34-105, 34-106, 34-107, 34-108, 34-109, 34-110, 34-111, and 34-113, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 34:

Adams	Dubas	Harms	McDonald	Pirsch
Aguilar	Engel	Hudkins	McGill	Raikes
Avery	Erdman	Johnson	Mines	Schimek
Burling	Fischer	Kruse	Nantkes	Stuthman
Carlson	Flood	Langemeier	Nelson	Wallman
Christensen	Fulton	Lathrop	Pahls	Wightman
Dierks	Hansen	Louden	Pankonin	

Voting in the negative, 0.

Excused and not voting, 15:

Ashford	Friend	Howard	Kopplin	Rogert
Chambers	Gay	Janssen	Pedersen	Synowiecki
Cornett	Heidemann	Karpisek	Preister	White

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 166 with 33 ayes, 1 nay, and 15 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 166.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 72-258.03, 77-1233.04, and 77-1613.02, Reissue Revised Statutes of Nebraska, and sections 60-147, 77-201, 77-202.03, 77-1344, 77-1347.01, 77-1348, 77-1355, and 77-5018, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to mobile home transfer statements, educational lands appraisal, and property taxation and assessment; to repeal the original sections; to outright repeal section 77-1216, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 34:

Adams	Dubas	Harms	McDonald	Pirsch
Aguilar	Engel	Hudkins	McGill	Raikes
Avery	Erdman	Johnson	Mines	Schimek
Burling	Fischer	Kruse	Nantkes	Stuthman
Carlson	Flood	Langemeier	Nelson	Wallman
Christensen	Fulton	Lathrop	Pahls	Wightman
Dierks	Hansen	Louden	Pankonin	

Voting in the negative, 0.

Excused and not voting, 15:

Ashford	Friend	Howard	Kopplin	Rogert
Chambers	Gay	Janssen	Pedersen	Synowiecki
Cornett	Heidemann	Karpisek	Preister	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 191.** With Emergency.

A BILL FOR AN ACT relating to corporations; to amend sections 21-2095 and 44-211, Reissue Revised Statutes of Nebraska; to change provisions relating to directors; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 33:

Adams	Dubas	Harms	McGill	Raikes
Aguilar	Engel	Hudkins	Mines	Schimek
Avery	Erdman	Johnson	Nantkes	Stuthman
Burling	Fischer	Kruse	Nelson	Wallman
Carlson	Flood	Langemeier	Pahls	Wightman
Christensen	Fulton	Louden	Pankonin	
Dierks	Hansen	McDonald	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 15:

Ashford	Friend	Howard	Kopplin	Rogert
Chambers	Gay	Janssen	Pedersen	Synowiecki
Cornett	Heidemann	Karpisek	Preister	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 333.** With Emergency.

A BILL FOR AN ACT relating to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act; to amend

sections 81-15,236, 81-15,237, 81-15,247, 81-15,248, and 81-15,250, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to private onsite wastewater treatment systems; to change powers and duties of the Environmental Quality Council; to provide for fees; to provide for waivers of requirements as prescribed; to rename a fund and create a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 33:

Adams	Dubas	Harms	McDonald	Pirsch
Aguilar	Engel	Hudkins	McGill	Raikes
Avery	Erdman	Johnson	Mines	Schimek
Burling	Fischer	Kruse	Nantkes	Wallman
Carlson	Flood	Langemeier	Nelson	Wightman
Christensen	Fulton	Lathrop	Pahls	
Dierks	Hansen	Louden	Pankonin	

Voting in the negative, 0.

Present and not voting, 1:

Stuthman

Excused and not voting, 15:

Ashford	Friend	Howard	Kopplin	Rogert
Chambers	Gay	Janssen	Pedersen	Synowiecki
Cornett	Heidemann	Karpisek	Preister	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 422.** With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-191, 54-192, and 54-194, Reissue Revised Statutes of Nebraska; to change provisions relating to membership of the Nebraska Brand Committee; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 34:

Adams	Dubas	Harms	McDonald	Pirsch
Aguilar	Engel	Hudkins	McGill	Raikes
Avery	Erdman	Johnson	Mines	Schimek
Burling	Fischer	Kruse	Nantkes	Stuthman
Carlson	Flood	Langemeier	Nelson	Wallman
Christensen	Fulton	Lathrop	Pahls	Wightman
Dierks	Hansen	Louden	Pankonin	

Voting in the negative, 0.

Excused and not voting, 15:

Ashford	Friend	Howard	Kopplin	Rogert
Chambers	Gay	Janssen	Pedersen	Synowiecki
Cornett	Heidemann	Karpisek	Preister	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 213, 263, 290, 298, 307, 311, 313, 434, 472, 527, 549, 549A, 99, 108, 166, 191, 333, and 422.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 33 and 34 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 33 and 34.

### **COMMITTEE REPORTS**

#### **Transportation and Telecommunications**

**LEGISLATIVE BILL 561.** Placed on General File - Com AM531.  
AM531

- 1 1. On page 3, strike lines 7 through 19; and in line 20
- 2 strike the new matter and insert "(4)".

**LEGISLATIVE BILL 621.** Placed on General File - Com AM533.  
AM533

- 1 1. On page 3, line 25, strike "5" and insert "4".
- 2 2. On page 5, line 7, strike the new matter and reinstate

3 the stricken matter; in line 9 strike "six", show as stricken, and  
 4 insert "five"; and in line 21 strike "Four" and insert "Three".

(Signed) Deb Fischer, Chairperson

### Education

#### **LEGISLATIVE BILL 658.** Placed on General File - Com AM514. AM514

- 1 1. Insert the following new sections:
- 2 Sec. 66. Section 79-1001, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 79-1001 Sections 79-1001 to 79-1033 and section 69 of
- 5 this act shall be known and may be cited as the Tax Equity and
- 6 Educational Opportunities Support Act.
- 7 Sec. 68. Section 79-1007.02, Revised Statutes Cumulative
- 8 Supplement, 2006, is amended to read:
- 9 79-1007.02 For state aid calculated for school fiscal
- 10 year 1998-99 and each school fiscal year thereafter:
- 11 (1) Using data from the annual financial reports for the
- 12 second school fiscal year immediately preceding the school fiscal
- 13 year in which aid is to be paid, the annual statistical summary
- 14 reports for the school fiscal year immediately preceding the school
- 15 fiscal year in which aid is to be paid, the fall membership reports
- 16 and supplements thereto for the school fiscal year immediately
- 17 preceding the school fiscal year in which aid is to be paid,
- 18 and the school district census as reported under sections 79-524
- 19 and 79-578 for the second school fiscal year preceding the school
- 20 fiscal year in which aid is to be paid, the department shall
- 21 divide the local systems into three cost groupings prior to the
- 22 certification of state aid based upon the following criteria:
- 23 (a) The very sparse cost grouping will consist of local
- 1 systems that have (i)(A) less than one-half student per square
- 2 mile in each county in which each high school attendance center
- 3 is located, based on the school district census, (B) less than
- 4 one formula student per square mile in the local system, and (C)
- 5 more than fifteen miles between the high school attendance center
- 6 and the next closest high school attendance center on paved roads
- 7 or (ii)(A) more than four hundred fifty square miles in the local
- 8 system, (B) less than one-half student per square mile in the local
- 9 system, and (C) more than fifteen miles between each high school
- 10 attendance center and the next closest high school attendance
- 11 center on paved roads;
- 12 (b) The sparse cost grouping will consist of local
- 13 systems that do not qualify for the very sparse cost grouping but
- 14 which meet the following criteria:
- 15 (i)(A) Less than two students per square mile in the
- 16 county in which each high school is located, based on the school
- 17 district census, (B) less than one formula student per square mile

18 in the local system, and (C) more than ten miles between each  
19 high school attendance center and the next closest high school  
20 attendance center on paved roads;

21 (ii)(A) Less than one and one-half formula students per  
22 square mile in the local system and (B) more than fifteen miles  
23 between each high school attendance center and the next closest  
24 high school attendance center on paved roads;

25 (iii)(A) Less than one and one-half formula students per  
26 square mile in the local system and (B) more than two hundred  
27 seventy-five square miles in the local system; or

1 (iv)(A) Less than two formula students per square mile in  
2 the local system and (B) the local system includes an area equal  
3 to ninety-five percent or more of the square miles in the largest  
4 county in which a high school attendance center is located in the  
5 local system; and

6 (c) The standard cost grouping will consist of local  
7 systems that do not qualify for the very sparse or the sparse cost  
8 groupings.

9 For purposes of subdivision (1) of this section, if a  
10 local system did not operate and offer instruction in grades nine  
11 through twelve within the boundaries of the local system during the  
12 school fiscal year immediately preceding the school fiscal year in  
13 which aid is to be paid, the local system shall not be considered  
14 to have a high school attendance center;

15 (2)(a) The department shall calculate the average formula  
16 cost per student in each cost grouping by dividing the total  
17 estimated general fund operating expenditures for the cost grouping  
18 by the difference between the total adjusted formula students for  
19 all local systems in the cost grouping minus (i) the adjusted  
20 formula students attributed to early childhood education programs  
21 approved by the department pursuant to section 79-1103 for the  
22 first two school fiscal years for which students attributed to  
23 early childhood education programs approved by the department  
24 pursuant to section 79-1103 are being included in the calculation  
25 of state aid for the local system and (ii) for the first two  
26 school fiscal years immediately following the school fiscal year in  
27 which a district in the local system received an expansion grant  
1 pursuant to section 79-1103, the difference between the adjusted  
2 formula students attributed to early childhood education programs  
3 approved by the department pursuant to section 79-1103 for the  
4 school fiscal year immediately following the school fiscal year in  
5 which a district in the local system received an expansion grant  
6 minus the adjusted formula students attributed to early childhood  
7 education programs approved by the department pursuant to section  
8 79-1103 for the school fiscal year in which a district in the  
9 local system received an expansion grant. For the calculation of  
10 state aid for school fiscal year 1999-00 and for each school fiscal  
11 year thereafter, the average formula cost per student in each cost  
12 grouping shall not be recalculated for the final calculation of

13 state aid pursuant to section 79-1065. The calculation of total  
14 adjusted formula students for purposes of this subdivision shall  
15 take into account the requirements of subdivision (2) of section  
16 79-1007.01. For school fiscal years prior to school fiscal year  
17 2008-09, the total estimated general fund operating expenditures  
18 for the cost grouping is equal to the total adjusted general fund  
19 operating expenditures for all local systems in the cost grouping  
20 multiplied by a cost growth factor. For school fiscal year 2008-09  
21 and each school fiscal year thereafter, the total estimated general  
22 fund operating expenditures for the cost grouping is equal to the  
23 total adjusted general fund operating expenditures for all local  
24 systems in the cost grouping.

25 (b) The cost growth factor for each cost grouping is  
26 equal to the sum of: (i) One; plus (ii) the product of two  
27 times the ratio of the difference between the formula students  
1 attributable to the cost grouping without weighting or adjustment  
2 pursuant to section 79-1007.01 and the sum of the average  
3 daily membership plus tuitioned students attributable to the cost  
4 grouping for the most recently available complete data year divided  
5 by the sum of the average daily membership plus tuitioned students  
6 attributable to the cost grouping for the most recently available  
7 complete data year, except that the ratio shall not be less than  
8 zero; plus (iii) the basic allowable growth rate pursuant to  
9 section 79-1025 for the school fiscal year in which the aid is to  
10 be distributed; plus (iv) the basic allowable growth rate pursuant  
11 to section 79-1025 for the school fiscal year immediately preceding  
12 the school fiscal year in which the aid is to be distributed;  
13 plus (v) one-half of any additional growth rate allowed by special  
14 action of school boards for the school fiscal year in which the  
15 aid is to be distributed as determined for the school fiscal  
16 year immediately preceding the school fiscal year when aid is to  
17 be distributed; plus (vi) one-half of any additional growth rate  
18 allowed by special action of the school boards for the school  
19 fiscal year immediately preceding the school fiscal year when the  
20 aid is to be distributed;

21 (3) For school fiscal years 2002-03 through 2006-07, each  
22 local system's formula need shall be calculated by subtracting  
23 the temporary aid adjustment factor from the sum of the local  
24 system's transportation allowance, the local system's special  
25 receipts allowance, and the product of the local system's adjusted  
26 formula students multiplied by the average formula cost per student  
27 in the local system's cost grouping. The calculation of total  
1 adjusted formula students for purposes of this subdivision shall  
2 take into account the requirements of subdivision (2) of section  
3 79-1007.01;

4 (4) For school fiscal year 2007-08, each local system's  
5 formula need shall be calculated by subtracting the temporary aid  
6 adjustment factor from the sum of the local system's transportation  
7 allowance, special receipts allowance, and distance education and



8 telecommunications allowance and the product of the local system's  
 9 adjusted formula students multiplied by the average formula cost  
 10 per student in the local system's cost grouping. The calculation  
 11 of total adjusted formula students for purposes of this subdivision  
 12 shall take into account the requirements of subdivision (2) of  
 13 section 79-1007.01; and

14 (5) For school fiscal year 2008-09 and each school  
 15 fiscal year thereafter, each school district's formula need shall  
 16 equal the greater of (a) the sum of the school district's  
 17 transportation allowance, remote elementary allowance, elementary  
 18 class size allowance, focus school and program allowance, limited  
 19 English proficiency allowance, poverty allowance, special receipts  
 20 allowance, and distance education and telecommunications allowance  
 21 plus the product of the school district's adjusted formula students  
 22 multiplied by the average formula cost per student in the school  
 23 district's local system cost grouping or (b) if the school  
 24 district's general fund levy was at or above ninety-nine cents  
 25 per one hundred dollars of valuation for the previous year,  
 26 the school district's prior year formula need multiplied by one  
 27 hundred percent. The calculation of total adjusted formula students  
 1 for purposes of this subdivision shall take into account the  
 2 requirements of subdivision (2) of section 79-1007.03.

3 Sec. 69. For school fiscal year 2008-09 and each school  
 4 fiscal year thereafter, the department shall determine the remote  
 5 elementary allowance for each local system in the standard cost  
 6 grouping which has at least one qualifying remote elementary  
 7 attendance center and which submits the information required for  
 8 the calculation on a form prescribed by the department on or  
 9 before October 15 for state aid certified pursuant to section  
 10 79-1022 and on or before June 30 for the final calculation of  
 11 state aid pursuant to section 79-1065. For purposes of calculations  
 12 pursuant to this section, a qualifying remote elementary attendance  
 13 center is an elementary attendance center, in a district with  
 14 multiple elementary attendance centers, which does not have another  
 15 elementary attendance center within seven miles in the same school  
 16 district and which is not the elementary attendance center with  
 17 the greatest number of formula students attributed to it in the  
 18 school district. The remote elementary allowance for each local  
 19 system with at least one qualifying remote elementary attendance  
 20 center shall equal the product of the formula students in grades  
 21 kindergarten through six attributed to the qualifying remote  
 22 elementary attendance centers in the local system multiplied by  
 23 fifty percent of the statewide average general fund operating  
 24 expenditures per formula student.

25 2. On page 3, line 4; and page 5, line 7, after "contain"  
 26 insert "a statement providing the reason for the request to create  
 27 the proposed district.".

1 3. On page 8, line 5, after the period insert the  
 2 following new paragraph:

3     "The local system shall also have a single  
 4 collective-bargaining agreement, negotiated by the Class II,  
 5 III, or IV school district in such local system, covering all of  
 6 the teachers in the local system, with the financial responsibility  
 7 for providing compensation and benefits remaining with the school  
 8 district employing the teacher. For purposes of reduction in  
 9 force pursuant to sections 79-846 to 79-849, a teacher shall be  
 10 considered a teacher of the district employing such teacher, but  
 11 such teacher shall be given full credit for the years of teaching  
 12 experience in the local system and tenure or permanent status  
 13 rights if such teacher is hired by another school district in the  
 14 same local system."

15     4. On page 76, line 22, after the first comma insert  
 16 "remote elementary allowance."

17     5. Renumber the remaining sections and amend the repealer  
 18 accordingly.

(Signed) Ron Raikes, Chairperson

### **MOTION - Suspend Rules**

Senator Flood offered the following motion:

To suspend the rules, Rule 3, Section 13, and cancel the public hearings scheduled for today, March 1, 2007, by the following committees: Appropriations; Government, Military and Veterans Affairs; Judiciary; Natural Resources; and Revenue.

The Flood motion prevailed with 31 ayes, 0 nays, 2 present and not voting, and 16 excused and not voting.

### **MOTION - Approve Appointments**

Senator McDonald moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 681:

Nebraska Arts Council  
 Steven Bloch  
 Sandra J. Schroeder  
 Joanne F. Shephard

Voting in the affirmative, 26:

Adams	Engel	Hudkins	McGill	Wallman
Aguilar	Erdman	Johnson	Nantkes	Wightman
Avery	Fischer	Langemeier	Pirsch	
Carlson	Flood	Lathrop	Raikes	
Christensen	Fulton	Louden	Schimek	
Dubas	Hansen	McDonald	Stuthman	

Voting in the negative, 0.

Present and not voting, 7:

Burling	Harms	Mines	Pankonin
Dierks	Kruse	Nelson	

Excused and not voting, 16:

Ashford	Gay	Karpisek	Preister
Chambers	Heidemann	Kopplin	Rogert
Cornett	Howard	Pahls	Synowiecki
Friend	Janssen	Pedersen	White

The appointments were confirmed with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 296.** Senator Johnson renewed his amendment, AM435, printed separately and referred to on page 648 and considered on pages 674 and 679.

The Johnson amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 239.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 390.** Advanced to E & R for engrossment.

### ANNOUNCEMENT

The Chair announced today is Senator Fischer's birthday.

### GENERAL FILE

**LEGISLATIVE BILL 349.** Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

**LEGISLATIVE BILL 192.** Title read. Considered.

Committee AM240, found on page 490, was considered.

Senator Harms renewed his amendment, AM285, found on page 554, to the committee amendment.

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

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 4 present and not voting, and 16 excused and not voting.

**LEGISLATIVE BILL 295.** Title read. Considered.

Committee AM190, printed separately and referred to on page 497, was considered.

Senator Louden renewed his amendment, AM385, found on page 590, to the committee amendment.

The Louden amendment was adopted with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Senator Louden offered the following amendment:  
AM551

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 46-601.01, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 46-601.01 For purposes of Chapter 46, article 6:
- 5 ~~(4)-(1)(a)~~ Water well means any excavation that is
- 6 drilled, cored, bored, washed, driven, dug, jetted, or otherwise
- 7 constructed for the purpose of exploring for ground water,
- 8 monitoring ground water, utilizing the geothermal properties of
- 9 the ground, obtaining hydrogeologic information, or extracting
- 10 water from or injecting fluid as defined in section 81-1502 into
- 11 the underground water reservoir.
- 12 (b) Water well includes any excavation made for any
- 13 purpose if ground water flows into the excavation under natural
- 14 pressure and a pump or other device is placed in the excavation
- 15 for the purpose of withdrawing water from the excavation for
- 16 irrigation. For such excavations, construction means placing a pump
- 17 or other device into the excavation for the purpose of withdrawing
- 18 water for irrigation.
- 19 (c) Water well does not include any excavation made for
- 20 obtaining or prospecting for oil or natural gas or for inserting
- 21 media to repressure oil or natural gas bearing formations regulated
- 22 by the Nebraska Oil and Gas Conservation Commission; and
- 23 (2) Common carrier means any carrier of water including a
- 1 pipe, canal, ditch, or other means of piping or adjoining water for

2 irrigation purposes.

3 Sec. 8. Section 46-1212, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 46-1212 Water well shall mean any excavation that is  
6 drilled, cored, bored, washed, driven, dug, jetted, or otherwise  
7 constructed for the purpose of exploring for ground water,  
8 monitoring ground water, utilizing the geothermal properties of  
9 the ground, obtaining hydrogeologic information, or extracting  
10 water from or injecting fluid as defined in section 81-1502 into  
11 the underground water reservoir. Water well shall not include  
12 any excavation (1) made for obtaining or prospecting for oil or  
13 natural gas or for inserting media to repressure oil or natural  
14 gas bearing formations regulated by the Nebraska Oil and Gas  
15 Conservation Commission or (2) described in subdivision (1)(b) of  
16 section 46-601.01.

17 Sec. 9. Sections 1, 4, 5, 6, 7, 12, and 13 of this act  
18 become operative three calendar months after the adjournment of  
19 this legislative session. The other sections of this act become  
20 operative on their effective date.

21 Sec. 10. If any section in this act or any part of any  
22 section is declared invalid or unconstitutional, the declaration  
23 shall not affect the validity or constitutionality of the remaining  
24 portions.

25 Sec. 11. Original sections 46-601.01 and 46-1212, Reissue  
26 Revised Statutes of Nebraska, and section 46-602, Revised Statutes  
27 Cumulative Supplement, 2006, are repealed.

1 Sec. 14. Since an emergency exists, this act takes effect  
2 when passed and approved according to law.

3 2. On page 13, after line 18 insert the following new  
4 subsection:

5 "(11) Water wells described in subdivision (1)(b) of  
6 section 46-601.01 shall be registered with the Department of  
7 Natural Resources as provided in subsection (1) of this section  
8 within sixty days after the water well is constructed. Water wells  
9 described in subdivision (1)(b) of section 46-601.01 which were  
10 constructed prior to the operative date of this section shall be  
11 registered within one hundred eighty days of such date.".

12 3. On page 26, line 24, strike the second comma; and in  
13 line 25 strike "46-602,".

14 4. Renumber the remaining sections accordingly.

The Louden amendment was adopted with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

**LEGISLATIVE BILL 136.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

**LEGISLATIVE BILL 537.** Title read. Considered.

Committee AM282, found on page 511, was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

### **COMMITTEE REPORTS** **Revenue**

**LEGISLATIVE BILL 502.** Placed on General File - Com AM544.  
AM544

- 1 1. On page 2, lines 12 and 15, strike "one hundred" and
- 2 insert "fifty".

**LEGISLATIVE BILL 3.** Indefinitely postponed.

**LEGISLATIVE BILL 60.** Indefinitely postponed.

**LEGISLATIVE BILL 278.** Indefinitely postponed.

**LEGISLATIVE BILL 340.** Indefinitely postponed.

**LEGISLATIVE BILL 443.** Indefinitely postponed.

**LEGISLATIVE BILL 487.** Indefinitely postponed.

**LEGISLATIVE BILL 662.** Indefinitely postponed.

(Signed) M. L. Dierks, Vice Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 425A.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 425, One Hundredth Legislature, First Session, 2007.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 1, 2007, at 10:38 a.m. were the following: LBs 213, 263, 290, 298, 307, 311, 313, 434, 472, 527, 549, 549A, 99e, 108e, 166e, 191e, 333e, and 422e.

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

**NOTICE OF COMMITTEE HEARINGS****Revenue**  
Room 1524

LB 416	Friday, March 9, 2007 (reschedule)	1:30 p.m.
LB 496	Friday, March 9, 2007 (reschedule)	1:30 p.m.
LB 169	Wednesday, March 14, 2007 (reschedule)	1:30 p.m.
LB 183	Wednesday, March 14, 2007 (reschedule)	1:30 p.m.
LB 354	Wednesday, March 14, 2007 (reschedule)	1:30 p.m.

(Signed) M. L. Dierks, Vice Chairperson

**Natural Resources**  
Room 1525

LB 594	Thursday, March 8, 2007 (reschedule)	1:30 p.m.
LB 493	Thursday, March 8, 2007 (reschedule)	1:30 p.m.

(Signed) LeRoy Loudon, Chairperson

**VISITORS**

Visitors to the Chamber were Jeff and Nolan Benjamin from Holdrege.

**ADJOURNMENT**

At 11:51 a.m., on a motion by Senator McGill, the Legislature adjourned until 10:00 a.m., Monday, March 5, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature





**THIRTY-NINTH DAY - MARCH 5, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 5, 2007

**PRAYER**

The prayer was offered by Pastor Rod Lyon, Conestoga Parish of the United Methodist Church, Denton, Pleasant Dale, and Raymond.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Carlson, Christensen, Heidemann, Karpisek, and Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-eighth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 83, 124, 145, 231, 248, and 347.

ST9011

Enrollment and Review Change to LB 248

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

1. On page 6, line 11, "32-1606" has been struck and "39-1606" inserted.

ST9010

## Enrollment and Review Change to LB 347

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

1. On page 1, line 2, "14-551," has been struck; in line 3 the second "and" has been struck; and in line 5 ", and section 14-553, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 206, One Hundredth Legislature, First Session, 2007" has been inserted after "2006".

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
**Health and Human Services**

**LEGISLATIVE BILL 480.** Placed on General File.

**LEGISLATIVE BILL 245.** Placed on General File - Com AM542.  
 AM542

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 71-3305, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 71-3305 (1) Except as otherwise provided in subsection  
 6 (2) of this section, any political subdivision as defined in  
 7 section 13-702; that provides the water supply ~~of for human~~  
 8 consumption for any city or village for human consumption having a  
 9 population of one thousand or more inhabitants shall add fluoride  
 10 to such water supply or have sufficient amounts of naturally  
 11 occurring fluoride in such water supply as provided in the  
 12 ~~amount and manner prescribed by the rules and regulations of the~~  
 13 Department of Health and Human Services Regulation and Licensure.  
 14 (2) ~~Fluoride shall not be added to the water supply of~~  
 15 ~~any city or village in which the voters have, after September 2,~~  
 16 ~~1973, adopted an ordinance by initiative prohibiting the adding of~~  
 17 ~~fluoride to its water supply. The procedure for the adoption of~~  
 18 ~~any such ordinance shall be that provided in sections 18 2501 to~~  
 19 ~~18 2536. No such ordinance may be adopted in a city or village~~  
 20 ~~receiving, or which has contracted to receive, its water supply,~~  
 21 ~~or any part thereof, from another political subdivision, or public~~  
 22 ~~or private entity, which adds fluoride to its water supply in~~  
 23 ~~compliance with subsection (1) of this section, or section 71 3306,~~  
 1 ~~or which has available only purchased fluoridated water with which~~  
 2 ~~to supply such city or village. In any city or village which is~~  
 3 subject to the requirements of subsection (1) of this section,  
 4 which does not have sufficient amounts of naturally occurring  
 5 fluoride in its water supply, and in which fluoride is not added  
 6 to its water supply, the voters of the city or village may adopt  
 7 an ordinance, after the effective date of this act, but before May

8 1, 2009, to prohibit the adding of fluoride to the water supply of  
 9 such city or village. The ordinance may be placed on the ballot by  
 10 a majority vote of the governing body of the city or village or by  
 11 initiative pursuant to sections 18-2501 to 18-2538.

12 Sec. 2. Original section 71-3305, Reissue Revised  
 13 Statutes of Nebraska, is repealed.

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

**LEGISLATIVE BILL 400.** Placed on General File - Com AM543.  
 AM543

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

3 Sec. 2. The department shall conduct an audit of drug  
 4 rebate payments owed to the state from the sale of prescription  
 5 drugs under the medical assistance program to ensure timely  
 6 and accurate payments by all manufacturers. Manufacturers of  
 7 prescription drugs that are subject to the audit requirement  
 8 of this section shall fully cooperate with the department during  
 9 such audit. The department shall use generally accepted government  
 10 auditing principles and standards in conducting such audit. The  
 11 department shall prepare and submit a report of such audit to the  
 12 committee on or before July 1, 2008. This section terminates on  
 13 July 2, 2008.

**LEGISLATIVE BILL 426.** Placed on General File - Com AM523.  
 AM523

1 1. On page 9, line 14, after "any" insert "non-alcohol".

2 2. On page 14, strike lines 6 and 7 and insert "Renewal  
 3 shall also require payment of the applicable fee established by the  
 4 department in rules and regulations".

5 3. On page 16, line 7, strike "may" and insert "shall";  
 6 and in line 19 after the period insert "The immunity granted  
 7 by this section shall not apply to any person causing damage or  
 8 injury by his or her willful, wanton, or grossly negligent act of  
 9 commission or omission".

**LEGISLATIVE RESOLUTION 10.** Reported to the Legislature for  
 further consideration with the following amendment:

AM545

1 1. Strike the original provisions and insert the  
 2 following new provisions:

3 WHEREAS, the Legislature regards the health of our  
 4 children to be of paramount importance to families in our state;  
 5 and

6 WHEREAS, the Legislature regards poor child health as a  
 7 threat to the educational achievement and social and psychological  
 8 well-being of the children of our state; and

9 WHEREAS, the Legislature considers protecting the health

10 of our children to be essential to their well-being and the quality  
 11 of life in our state; and

12 WHEREAS, the Legislature considers "Kids Connection",  
 13 the children's health insurance program of this state which has  
 14 enrolled 111,919 uninsured children since its inception in 1998, to  
 15 be an integral part of the arrangements for health benefits for the  
 16 children of the State of Nebraska; and

17 WHEREAS, the Legislature recognizes the value of "Kids  
 18 Connection" in preserving child wellness, preventing and treating  
 19 childhood disease, improving health outcomes, and reducing overall  
 20 health costs; and

21 WHEREAS, the Legislature considers the federal funding  
 22 available for "Kids Connection" to be indispensable to providing  
 23 health benefits for children of modest means.

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

3 1. The Legislature urges the members of Nebraska's  
 4 congressional delegation to ensure that Congress timely  
 5 reauthorizes the State Children Health Insurance Program (SCHIP) to  
 6 assure appropriate federal funding.

7 2. The Legislature urges the Governor to use his best  
 8 efforts to work with the Nebraska congressional delegation to  
 9 ensure that SCHIP is reauthorized in a timely manner.

(Signed) Joel Johnson, Chairperson

### **Transportation and Telecommunications**

**LEGISLATIVE BILL 661.** Placed on General File - Com AM455.  
 (Amendment is printed separately and available in the Bill Room, Room  
 1104.)

(Signed) Deb Fischer, Chairperson

### **Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 252.** Placed on General File.

**LEGISLATIVE BILL 477.** Indefinitely postponed.

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.

Carlos Castillo - Department of Administrative Services

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

(Signed) Ray Aguilar, Chairperson

### **Natural Resources**

The Natural Resources 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.

Mark Graham - Nebraska Power Review Board

VOTE: Aye: Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Loudon. Nay: None. Absent: Senators Kopplin, Wallman.

The Natural Resources 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.

Ronald H. Stave - Game and Parks Commission

VOTE: Aye: Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Loudon. Nay: None. Absent: Senators Kopplin, Wallman.

(Signed) LeRoy Loudon, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 497.** Title read. Considered.

Committee AM496, found on page 696, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator White offered the following amendment:

FA34

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

The White amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 395.** The first committee amendment, FA15, found on page 564, was renewed.

The Johnson amendment, FA21, found on page 568 and considered on page 574, to the first committee amendment, was renewed.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Senator Johnson moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Johnson amendment was adopted with 49 ayes, 0 nays, and 0 not voting.

The Chair declared the call raised.

Pending.

### **SPEAKER FLOOD PRESIDING**

#### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 35, 36, and 38 were adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 35, 36, and 38.

### **SENATOR LANGEMEIER PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 395.** The first committee amendment, FA15, found on page 564 and considered in this day's Journal, was renewed.

Senator Gay moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The first committee amendment, as amended, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Pending.

#### **MOTION - Suspend Rules**

Senator Ashford offered the following motion:

Suspend Rule 3, Section 13, for Friday, March 9, 2007, to permit scheduling of public hearings on certain gubernatorial appointments by the Judiciary Committee.

The Ashford motion prevailed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

## NOTICE OF COMMITTEE HEARING

**Judiciary**  
Room 1113

Friday, March 9, 2007

1:30 p.m.

Scot Adams - Community Corrections Council  
 Scott Arnold - Crime Victim's Reparations Committee  
 Robert L. Boozer - Board of Parole  
 Kermit Brashear - Community Corrections Council  
 Catherine Cook - Community Corrections Council  
 Jeffrey Davis - Community Corrections Council  
 Thomas Dorwart - Community Corrections Council  
 Julie Hippen - Community Corrections Council  
 Joe Kelly - Community Corrections Council  
 Robert Lindemeier - Community Corrections Council  
 James Riskowski - Crime Victim's Reparations Committee  
 Alan Smith - Community Corrections Council

(Signed) Brad Ashford, Chairperson

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 286.** Placed on Select File - ER8034.

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

**LEGISLATIVE BILL 255.** Placed on Select File.

**LEGISLATIVE BILL 34.** Placed on Select File - ER8035.

ER8035

1 1. Strike the original section and all amendments thereto  
 2 and insert the following new section:  
 3 Section 1. The State-Tribal Relations Committee is hereby  
 4 established as a special legislative committee with the intent of  
 5 fostering better relationships between the state and the federally  
 6 recognized Indian tribes within the state. The Executive Board  
 7 of the Legislative Council shall appoint seven members of the  
 8 Legislature to the committee. The appointments shall be based on  
 9 interest and knowledge. The chairperson and vice-chairperson of the  
 10 State-Tribal Relations Committee shall also be designated by the  
 11 executive board. All appointments shall be made within the first  
 12 six days of the legislative session in odd-numbered years. Members  
 13 shall serve two-year terms corresponding with legislative sessions  
 14 and may be reappointed for consecutive terms. The committee shall  
 15 meet as necessary to, among other things, consider, study, monitor,

16 and review legislation that impacts state-tribal relations issues  
 17 and to present draft legislation and policy recommendations to the  
 18 appropriate standing committee of the Legislature.

**LEGISLATIVE BILL 349.** Placed on Select File.

**LEGISLATIVE BILL 192.** Placed on Select File - ER8039.  
 ER8039

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 85-1412, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 85-1412 The commission shall have the following
- 6 additional powers and duties:
- 7 (1) Conduct surveys and studies as may be necessary to
- 8 undertake the coordination function of the commission pursuant
- 9 to section 85-1403 and request information from governing
- 10 boards and appropriate administrators of public institutions and
- 11 other governmental agencies for research projects. All public
- 12 institutions and governmental agencies receiving state funds
- 13 shall comply with reasonable requests for information under this
- 14 subdivision. Public institutions may comply with such requests
- 15 pursuant to section 85-1417;
- 16 (2) Recommend to the Legislature and the Governor
- 17 legislation it deems necessary or appropriate to improve
- 18 postsecondary education in Nebraska and any other legislation it
- 19 deems appropriate to change the role and mission provisions in
- 20 sections 85-917 to 85-966.01;
- 21 (3) Establish any advisory committees as may be necessary
- 22 to undertake the coordination function of the commission pursuant
- 23 to section 85-1403 or to solicit input from affected parties
- 1 such as students, faculty, governing boards, administrators
- 2 of the public institutions, administrators of the private
- 3 nonprofit institutions of postsecondary education and proprietary
- 4 institutions in the state, and community and business leaders
- 5 regarding the coordination function of the commission;
- 6 (4) Participate in or designate an employee or employees
- 7 to participate in any committee which may be created to prepare
- 8 a coordinated plan for the delivery of educational programs and
- 9 services in Nebraska through the telecommunications system;
- 10 (5) Seek a close liaison with the State Board of
- 11 Education and the State Department of Education in recognition
- 12 of the need for close coordination of activities between elementary
- 13 and secondary education and postsecondary education;
- 14 (6) Administer the Integrated Postsecondary Education
- 15 Data System or other information system or systems to provide the
- 16 commission with timely, comprehensive, and meaningful information
- 17 pertinent to the exercise of its duties. The information system
- 18 shall be designed to provide comparable data on each public



19 institution. The commission shall also administer the uniform  
20 information system prescribed in sections 85-1421 to 85-1427 known  
21 as the Nebraska Educational Data System. Public institutions shall  
22 supply the appropriate data for the information system or systems  
23 required by the commission;

24 (7) Administer the ~~Community Scholarship Foundation~~  
25 Access College Early Scholarship Program Act and the Nebraska  
26 Scholarship Act;

27 (8) Accept and administer loans, grants, and programs  
1 from the federal or state government and from other sources, public  
2 and private, for carrying out any of its functions, including  
3 the administration of privately endowed scholarship programs. Such  
4 loans and grants shall not be expended for any other purposes than  
5 those for which the loans and grants were provided. The commission  
6 shall determine eligibility for such loans, grants, and programs,  
7 and such loans and grants shall not be expended unless approved by  
8 the Governor;

9 (9) Consistent with section 85-1620, approve, in a  
10 timely manner, new baccalaureate degree programs to be offered  
11 at private postsecondary career schools as defined in section  
12 85-1603. The commission may charge a reasonable fee based on  
13 its administrative costs for authorizations pursuant to this  
14 subdivision and section 85-1620. The commission shall report such  
15 action to the Commissioner of Education;

16 (10) Pursuant to sections 85-1101 to 85-1104, authorize  
17 out-of-state institutions of higher or postsecondary education to  
18 offer courses or degree programs in this state;

19 (11) Pursuant to sections 85-1105 to 85-1111, approve  
20 or disapprove petitions to establish new private colleges in this  
21 state;

22 (12) On or before December 1, 2000, and on or before  
23 December 1 every two years thereafter, submit to the Legislature  
24 and the Governor a report of its objectives and activities and  
25 any new private colleges in Nebraska and the implementation of any  
26 recommendations of the commission for the preceding two calendar  
27 years;

1 (13) Provide staff support for interstate compacts on  
2 postsecondary education; and

3 (14) Request inclusion of the commission in any existing  
4 grant review process and information system.

5 Sec. 2. Sections 2 to 9 of this act shall be known and  
6 may be cited as the Access College Early Scholarship Program Act.

7 Sec. 3. For purposes of the Access College Early  
8 Scholarship Program Act:

9 (1) Commission means the Coordinating Commission for  
10 Postsecondary Education;

11 (2) Extreme hardship means any event, including fire,  
12 illness, accident, or job loss, that has recently resulted in a  
13 significant financial difficulty for a student or the student's

14 parent or legal guardian;

15 (3) Postsecondary educational institution means a  
 16 two-year or four-year college or university in Nebraska which is a  
 17 member institution of an accrediting body recognized by the United  
 18 States Department of Education; and

19 (4) Student means a student attending a Nebraska high  
 20 school.

21 Sec. 4. The Access College Early Scholarship Program is  
 22 established. The purpose of the program is to provide financial  
 23 assistance to low-income students who are taking courses for credit  
 24 at a postsecondary educational institution while still enrolled in  
 25 high school. The program shall be administered by the commission.

26 Sec. 5. A student is eligible for the Access College  
 27 Early Scholarship Program if:

1 (1) Such student or the student's parent or legal  
 2 guardian is eligible to receive:

3 (a) Supplemental Security Income;

4 (b) Food stamps;

5 (c) Free or reduced-price lunches under United States  
 6 Department of Agriculture child nutrition programs;

7 (d) Aid to families with dependent children; or

8 (e) Assistance under the Special Supplemental Nutrition  
 9 Program for Women, Infants, and Children; or

10 (2) The student or the student's parent or legal guardian  
 11 has experienced an extreme hardship.

12 Sec. 6. (1) An applicant for the Access College Early  
 13 Scholarship Program shall complete an application form developed  
 14 and provided by the commission and shall forward the form to his  
 15 or her guidance counselor. The guidance counselor shall verify the  
 16 student's eligibility under the Access College Early Scholarship  
 17 Program Act and shall forward the information to the commission  
 18 for review within fifteen days following receipt of the form from  
 19 the student. Notification of tuition and fees shall be provided  
 20 to the commission by the student, high school, or postsecondary  
 21 educational institution as determined by the commission.

22 (2) The commission shall review the application and  
 23 verify the student's eligibility under the act. The commission  
 24 shall notify the student and the student's guidance counselor of  
 25 the verification of eligibility and the estimated award amount in  
 26 writing within thirty days following receipt of the form from the  
 27 student's guidance counselor. The scholarship award shall equal the  
 1 tuition and fees accrued by the student from the postsecondary  
 2 educational institution. The commission shall forward such amount  
 3 directly to the postsecondary educational institution as payment of  
 4 such student's tuition and fees.

5 (3) The commission shall make such payments in the order  
 6 the applications are received by the commission until funds are  
 7 inadequate to fulfill any remaining scholarships.

8 (4) There is no limit on the number of scholarships a

9 student may receive under the act.

10 Sec. 7. The commission shall prepare a biennial report  
 11 on scholarships awarded pursuant to the Access College Early  
 12 Scholarship Program Act and shall submit the report to the Clerk of  
 13 the Legislature. The report shall include, but not be limited to,  
 14 the number and amount of scholarships awarded and the postsecondary  
 15 educational institutions attended by scholarship recipients.

16 Sec. 8. A student or the student's parent or legal  
 17 guardian may request in writing a review of any adverse decision  
 18 by requesting such review within twenty days following notice of  
 19 the adverse decision, addressed to the executive director of the  
 20 commission. The review shall be pursuant to the Administrative  
 21 Procedure Act.

22 Sec. 9. The commission may adopt and promulgate rules  
 23 and regulations to carry out the Access College Early Scholarship  
 24 Program Act.

25 Sec. 10. Original section 85-1412, Revised Statutes  
 26 Cumulative Supplement, 2006, is repealed.

27 Sec. 11. The following sections are outright repealed:

- 1 Sections 85-2001, 85-2002, 85-2003, 85-2004, 85-2005, 85-2006,
- 2 85-2007, 85-2008, 85-2009, and 85-2010, Revised Statutes Cumulative
- 3 Supplement, 2006.

**LEGISLATIVE BILL 295.** Placed on Select File - ER8036.

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

**LEGISLATIVE BILL 136.** Placed on Select File - ER8037.  
 ER8037

- 1 1. On page 10, line 11, after the first comma insert
- 2 "and".

**LEGISLATIVE BILL 537.** Placed on Select File - ER8038.  
 ER8038

- 1 1. On page 1, line 4, after "a" insert "Nebraska-based".

(Signed) Amanda McGill, Chairperson

### ANNOUNCEMENTS

The Transportation and Telecommunications Committee designates LB 661 as its priority bill.

Senator Dierks designates LB 629 as his priority bill.

The Legislative Performance Audit Committee designates LB 653 as its priority bill.

Senator McDonald designates LB 143 as her priority bill.

Senator Adams designates LB 562 as his priority bill.

### RESOLUTION

**LEGISLATIVE RESOLUTION 42.** Introduced by Heidemann, 1.

WHEREAS, the Falls City Sacred Heart Lady Irish won the Class D-2 Volleyball State Championship; and

WHEREAS, the Lady Irish compiled a season record of twenty wins and eleven losses; and

WHEREAS, the outstanding individual players, as well as the entire volleyball team, should be recognized for their excellent volleyball season; and

WHEREAS, we should continue to recognize the achievements of our young people in all positive areas of endeavor.

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

1. That Emmalena Kelly, Erin Bangert, Amanda Vonderschmidt, Liz Bieker, Toni Kean, Rachel Aitken, Katelyn Wheeler, Darcy Stice, Veronica Keithley, Emily Hutfles, Kathryn Bieker, Morgan Handley, Miranda Chandler, Rachel Bieker, Alicia Goltz, Macie Kuker, Janey Malcolm, and Danielle Tramp be congratulated for their achievement in claiming the Class D-2 State Volleyball Title.

2. That coaches Lori Harring and Kim Schmoldt be applauded for their efforts in teaching and providing guidance to the young women on the team.

3. That a copy of this resolution be sent to Head Coach Lori Harring.

Laid over.

### UNANIMOUS CONSENT - Add Cointroducers

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB 20. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 551. No objections. So ordered.

### WITHDRAW - Cointroducer

Senator Hudkins withdrew her name as cointroducer to LB 173.

### VISITORS

Visitors to the Chamber were Lyle McKlem from Raymond; 29 twelfth-grade students and teachers from Wilcox and Hildreth; Tom and Cara Perkins from Scottsbluff; members of Guiding Star Girl Scouts and sponsors from western Nebraska; Lisa Frick from Lexington and Margie Nowak from

York; and members of Delta Kappa Gamma International Teacher Honorary Society from across the state.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Cornett, the Legislature adjourned until 9:00 a.m., Tuesday, March 6, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTIETH DAY - MARCH 6, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 6, 2007

**PRAYER**

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

**ROLL CALL**

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

The roll was called and all members were present except Senators McGill Mines, and Pedersen who were excused; and Senators Chambers, Cornett, Dierks, Flood, Stuthman, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-ninth day was approved.

**NOTICE OF COMMITTEE HEARING**  
**Government, Military and Veterans Affairs**  
Room 1507

LB 694	Wednesday, March 14, 2007 (reschedule)	1:30 p.m.
LB 686	Wednesday, March 14, 2007 (reschedule)	1:30 p.m.
LB 646	Wednesday, March 14, 2007 (reschedule)	1:30 p.m.
LB 528	Wednesday, March 14, 2007 (reschedule)	1:30 p.m.
Wednesday, March 14, 2007 (reschedule)		1:30 p.m.
John E. Falgione - State Fire Marshal		

(Signed) Ray Aguilar, Chairperson

**ANNOUNCEMENTS**

Senator Pedersen designates LB 405 as his priority bill.

Senator Hudkins designates LB 663 as her priority bill.

### MESSAGE FROM THE GOVERNOR

March 5, 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 Joseph Caruso has resigned as a member of the Commission for the Deaf and Hard of Hearing effective February 1, 2007.

Please withdraw his name from the Legislative Confirmation process.

Sincerely,  
(Signed) Dave Heineman  
Governor

### MOTIONS - Approve Appointments

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 698:

State Personnel Board  
Lucinda Glen

Voting in the affirmative, 31:

Adams	Erdman	Hudkins	McDonald	Wallman
Aguilar	Friend	Janssen	Nantkes	White
Avery	Fulton	Johnson	Pahls	Wightman
Burling	Gay	Kopplin	Pirsch	
Carlson	Hansen	Langemeier	Raikes	
Christensen	Harms	Lathrop	Rogert	
Engel	Heidemann	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Fischer	Karpisek	Nelson	Preister
Dubas	Howard	Kruse	Pankonin	

Excused and not voting, 9:



Chambers	Dierks	McGill	Pedersen	Synowiecki
Cornett	Flood	Mines	Stuthman	

The appointment was confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 698:

State Emergency Response Commission  
 Tim Hofbauer  
 Dana Miller

Voting in the affirmative, 31:

Adams	Erdman	Hudkins	Nelson	Synowiecki
Aguilar	Fischer	Janssen	Pahls	Wallman
Avery	Friend	Johnson	Pirsch	White
Burling	Fulton	Karpisek	Preister	
Carlson	Gay	Kopplin	Raikes	
Christensen	Hansen	Langemeier	Rogert	
Engel	Harms	Nantkes	Schimek	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Heidemann	Kruse	Louden	Pankonin
Dubas	Howard	Lathrop	McDonald	Wightman

Excused and not voting, 8:

Chambers	Dierks	McGill	Pedersen
Cornett	Flood	Mines	Stuthman

The appointments were confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Senator Erdman moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 698:

Nebraska State Fair Board  
 Linda Lovgren

Voting in the affirmative, 35:

Adams	Dubas	Hansen	Louden	Preister
Aguilar	Erdman	Heidemann	McDonald	Rogert
Ashford	Fischer	Hudkins	Nantkes	Schimek
Avery	Flood	Janssen	Nelson	Stuthman
Burling	Friend	Karpisek	Pahls	Synowiecki
Christensen	Fulton	Kruse	Pankonin	White
Cornett	Gay	Langemeier	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 9:

Carlson	Harms	Johnson	Lathrop	Wallman
Engel	Howard	Kopplin	Raikes	

Excused and not voting, 5:

Chambers	Dierks	McGill	Mines	Pedersen
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The appointment was confirmed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Erdman moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 698:

Nebraska State Fair Board  
Sallie Atkins

Voting in the affirmative, 27:

Adams	Fischer	Heidemann	Louden	Rogert
Burling	Friend	Howard	McDonald	Synowiecki
Cornett	Fulton	Johnson	Nantkes	Wightman
Dubas	Gay	Karpisek	Nelson	
Engel	Hansen	Kopplin	Pahls	
Erdman	Harms	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 17:

Aguilar	Christensen	Kruse	Raikes	White
Ashford	Flood	Lathrop	Schimek	
Avery	Hudkins	Pankonin	Stuthman	
Carlson	Janssen	Preister	Wallman	

Excused and not voting, 5:

Chambers	Dierks	McGill	Mines	Pedersen
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The appointment was confirmed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 699:

Nebraska Motor Vehicle Industry Licensing Board

Jack Henry  
Toby Miller  
Kelly Smith

Voting in the affirmative, 28:

Adams	Erdman	Harms	Kopplin	Rogert
Burling	Fischer	Heidemann	Langemeier	Schimek
Christensen	Friend	Howard	McDonald	Stuthman
Cornett	Fulton	Hudkins	Nantkes	Synowiecki
Dubas	Gay	Johnson	Nelson	
Engel	Hansen	Karpisek	Pirsch	

Voting in the negative, 0.

Present and not voting, 16:

Aguilar	Flood	Louden	Raikes
Ashford	Janssen	Pahls	Wallman
Avery	Kruse	Pankonin	White
Carlson	Lathrop	Preister	Wightman

Excused and not voting, 5:

Chambers	Dierks	McGill	Mines	Pedersen
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The appointments were confirmed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 699:

Nebraska Information Technology Commission

Linda Aerni  
Patrick Flanagan  
Lance Hedquist  
Daniel Hoelsing  
Harold Huggenberger  
Doug Kristensen

Voting in the affirmative, 33:

Adams	Dierks	Harms	Louden	Schimek
Aguilar	Engel	Heidemann	McDonald	Stuthman
Avery	Erdman	Howard	Nantkes	Synowiecki
Burling	Fischer	Hudkins	Nelson	Wallman
Carlson	Friend	Karpisek	Pirsch	Wightman
Christensen	Fulton	Kopplin	Preister	
Cornett	Hansen	Langemeier	Rogert	

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Gay	Kruse	Pankonin
Dubas	Janssen	Lathrop	Raikes
Flood	Johnson	Pahls	White

Excused and not voting, 4:

Chambers	McGill	Mines	Pedersen
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The appointments were confirmed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 395.** The second committee amendment is as follows:

FA16

6 Sec. 19. A proprietor shall post a no-smoking sign or the  
7 international no-smoking symbol clearly and conspicuously at every  
8 entrance to a place of employment or public place where smoking is  
9 prohibited under the Nebraska Clean Indoor Air Act and shall take  
10 other necessary and appropriate steps to ensure compliance with the  
11 act at such place.

14 7. On page 9, line 1, strike the third "and"; and in line  
15 2 strike "reasonable".

16 8. Renumber the remaining sections and correct internal  
17 references accordingly.

Senator White offered the following amendment to the second committee amendment:

AM593

(Amendments to FA16)

1 1. Strike the amendments and insert the following new  
2 amendment:

3 1. Strike the original sections and all amendments  
4 thereto and insert the following new sections:

5 Section 1. Sections 1 to 25 of this act shall be known  
6 and may be cited as the Nebraska Clean Indoor Air Act.

7     Sec. 2. The Legislature declares it to be the public  
8 policy of this state to encourage smoke-free places of employment  
9 and public places to reduce the health and safety risks posed  
10 by smoking in such places. The purposes of the Nebraska Clean  
11 Indoor Air Act are to protect the public health and welfare and to  
12 recognize that the need to breathe smoke-free air has priority over  
13 the desire to smoke.

14     Sec. 3. For purposes of the Nebraska Clean Indoor Air  
15 Act, the definitions found in sections 4 to 15 of this act apply.

16     Sec. 4. Employed means hired, contracted, subcontracted,  
17 or otherwise engaged to furnish goods or services.

18     Sec. 5. Employee means a person who is employed by an  
19 employer in consideration for direct or indirect monetary wages,  
20 profit, or other remuneration.

21     Sec. 6. Employer means a person, nonprofit entity, sole  
22 proprietorship, partnership, joint venture, corporation, limited  
1 partnership, limited liability company, cooperative, firm, trust,  
2 association, organization, or other business entity formed for  
3 profit-making purposes, including retail establishments where goods  
4 or services are sold, who or which employs one or more employees.

5     Sec. 7. Guestroom or suite means sleeping rooms and  
6 directly associated private areas, such as bathrooms, living  
7 rooms, and kitchen areas, if any, rented to the public for  
8 their exclusive transient occupancy, including, but not limited to,  
9 guestrooms or suites in hotels, motels, inns, lodges, or other such  
10 establishments.

11     Sec. 8. Health director means (1) the Director of  
12 Regulation and Licensure or, if a chief medical officer is  
13 appointed pursuant to section 81-3201, the chief medical officer,  
14 (2) a health director of a local public health department as  
15 defined in section 71-1626 or the medical advisor to the board  
16 of health of a county, city, or village, and (3) an authorized  
17 representative of any of such officers.

18     Sec. 9. Indoor area means an area enclosed by a floor,  
19 a ceiling, and floor-to-ceiling walls on all sides that are  
20 continuous and solid except for closeable entry and exit doors and  
21 windows.

22     Sec. 10. International no-smoking symbol means a  
23 pictorial representation of a burning cigarette enclosed in a red  
24 circle with a red bar across it.

25     Sec. 11. Place of employment means an indoor area under  
26 the control of a proprietor that an employee accesses as part  
27 of the course of employment without regard to whether work is  
1 occurring at any given time. The indoor area includes, but is not  
2 limited to, any work area, employee breakroom, restroom, conference  
3 room, meeting room, classroom, employee cafeteria, and hallway.

4     Sec. 12. Proprietor means any employer, owner, operator,  
5 supervisor, manager, or any other person who controls, governs, or  
6 directs the activities in a place of employment or public place.

7     Sec. 13. Public place means an indoor area to which the  
8 public is invited or in which the public is permitted, whether or  
9 not the public is always invited or permitted.

10     Sec. 14. Smoke or smoking means the lighting of any  
11 cigarette, cigar, or pipe or the possession of any lighted  
12 cigarette, cigar, or pipe, regardless of its composition.

13     Sec. 15. Tobacco retail outlet means a retail store that  
14 sells only tobacco and related products and in which the sale of  
15 other products is only incidental.

16     Sec. 16. Except as otherwise permitted pursuant to  
17 sections 17 and 23 of this act, it is unlawful for any person  
18 to smoke in a place of employment or a public place.

19     Sec. 17. The following areas shall be exempt from the  
20 prohibition in section 16 of this act:

21         (1) Private residences;

22         (2) Guestrooms and suites that are rented to guests and  
23 are designated as smoking rooms, except that not more than twenty  
24 percent of rooms rented to guests in an establishment may be  
25 designated as smoking rooms. All smoking rooms on the same floor  
26 shall be contiguous and smoke from these rooms shall not infiltrate  
27 into areas where smoking is prohibited under the Nebraska Clean  
1 Indoor Air Act;

2         (3) Tobacco retail outlets; and

3         (4) Areas used as part of a research study on the  
4 health effects of smoking conducted in a scientific or analytical  
5 laboratory either governed by state or federal law or at a  
6 college or university approved by the Coordinating Commission for  
7 Postsecondary Education. The proprietor shall post a temporary sign  
8 on all entrances to the laboratory indicating that smoking is being  
9 allowed for research purposes.

10     Sec. 18. A proprietor shall post a no-smoking sign or the  
11 international no-smoking symbol clearly and conspicuously at every  
12 entrance to a place of employment or public place where smoking is  
13 prohibited under the Nebraska Clean Indoor Air Act and shall take  
14 other necessary and appropriate steps to ensure compliance with the  
15 act at such place.

16     Sec. 19. No person or employer shall discharge, refuse  
17 to hire, or in any manner retaliate against an employee, applicant  
18 for employment, or customer because that employee, applicant, or  
19 customer exercises any rights afforded by the Nebraska Clean Indoor  
20 Air Act or reports or attempts to prosecute a violation of the act.

21     Sec. 20. (1) A person who smokes in a place of employment  
22 or a public place in violation of the Nebraska Clean Indoor Air  
23 Act is guilty of a Class V misdemeanor for the first offense  
24 and a Class IV misdemeanor for the second and any subsequent  
25 offenses. For each offense, a person charged with such a violation  
26 may voluntarily enroll, at his or her own expense, in a smoking  
27 cessation program approved by the Department of Health and Human  
1 Services. Upon successful completion of the program, the charge

2 shall be dismissed.

3 (2) A proprietor who fails, neglects, or refuses to  
4 perform a duty under the Nebraska Clean Indoor Air Act is guilty  
5 of a Class V misdemeanor for the first offense and a Class IV  
6 misdemeanor for the second and any subsequent offenses.

7 (3) Each day that a violation continues to exist shall  
8 constitute a separate and distinct offense.

9 (4) Every act or omission constituting a violation of  
10 the Nebraska Clean Indoor Air Act by an employee or agent of a  
11 proprietor is deemed to be the act or omission of such proprietor,  
12 and such proprietor shall be subject to the same penalty as if the  
13 act or omission had been committed by such proprietor.

14 Sec. 21. (1) The Department of Health and Human Services  
15 Regulation and Licensure shall engage in an ongoing program to  
16 explain and clarify the purposes and requirements of the Nebraska  
17 Clean Indoor Air Act to persons affected by the act and to guide  
18 proprietors in complying with the act. The program may include  
19 publication of a brochure for affected persons explaining the  
20 provisions of the act.

21 (2) The department shall adopt and promulgate rules  
22 and regulations necessary to implement the Nebraska Clean Indoor  
23 Air Act. The department shall consult with interested persons  
24 and professional organizations before adopting such rules and  
25 regulations.

26 Sec. 22. The Director of Regulation and Licensure and  
27 local public health departments as defined in section 71-1626 shall  
1 administer and enforce the provisions of the Nebraska Clean Indoor  
2 Air Act unless otherwise provided pursuant to section 23 of this  
3 act.

4 Sec. 23. (1)(a) In any city or village which had an  
5 ordinance with respect to smoking regulation in effect on January  
6 1, 2007, the provisions of such ordinance shall supersede the  
7 provisions of the Nebraska Clean Indoor Air Act until June 1, 2009.  
8 Beginning June 1, 2009, in such a city or village, the ordinance  
9 shall continue in effect unless:

10 (i) The governing body of the city or village adopts an  
11 ordinance on smoking regulation as described in subdivision (b) of  
12 this subsection; or

13 (ii) The governing body of the city or village, or the  
14 voters of the city or village pursuant to sections 18-2501 to  
15 18-2537, submit the issue of smoking regulation to the voters at an  
16 election called for such purpose.

17 (b) The smoking regulation under subdivision (a)(i) or  
18 (ii) of this subsection may be as stringent as the provisions  
19 of the Nebraska Clean Indoor Air Act, more stringent than such  
20 provisions, or less stringent than such provisions, including  
21 exempting any part or all of the city or village from such  
22 provisions.

23 (2)(a) In any city or village which did not have an

24 ordinance with respect to smoking in effect on January 1, 2007:

25 (i) The governing body of the city or village may adopt  
26 an ordinance on smoking regulation as described in subdivision (b)  
27 of this subsection; or

1 (ii) The governing body of the city or village, or the  
2 voters of the city or village pursuant to sections 18-2501 to  
3 18-2537, may submit the issue of smoking regulation to the voters  
4 at an election called for such purpose.

5 (b) The smoking regulation under subdivision (a)(i) or  
6 (ii) of this subsection may be as stringent as the provisions  
7 of the Nebraska Clean Indoor Air Act, more stringent than such  
8 provisions, or less stringent than such provisions, including  
9 exempting any part or all of the city or village from such  
10 provisions.

11 (3)(a) In any area of a county outside the corporate  
12 limits of a city or village:

13 (i) The county board may adopt a resolution regarding  
14 smoking regulation as described in subdivision (b) of this  
15 subsection for the area of the county outside the corporate  
16 limits of a city or village; or

17 (ii) The county board or the voters of the area of  
18 the county outside the corporate limits of a city or village may  
19 submit the issue of smoking regulation to the voters of such area  
20 at an election called for such purpose. The voters may have the  
21 issue placed on the ballot by submitting a petition containing the  
22 proposed smoking regulation to the county board signed by at least  
23 five percent of the number of registered voters of the area in the  
24 county outside the corporate limits of any city or village.

25 (b) The smoking regulation under subdivision (a)(i) or  
26 (ii) of this subsection may be as stringent as the provisions  
27 of the Nebraska Clean Indoor Air Act, more stringent than such  
1 provisions, or less stringent than such provisions, including  
2 exempting any part or all of the area of the county outside the  
3 corporate limits of any city or village from such provisions.

4 Sec. 24. The Nebraska Clean Indoor Air Act shall not be  
5 interpreted or construed to permit smoking where it is otherwise  
6 restricted by other applicable law.

7 Sec. 25. The Nebraska Clean Indoor Air Act shall be  
8 liberally construed to further its purposes.

9 Sec. 26. This act becomes operative on June 1, 2008.

10 Sec. 27. If any section in this act or any part of any  
11 section is declared invalid or unconstitutional, the declaration  
12 shall not affect the validity or constitutionality of the remaining  
13 portions.

14 Sec. 28. The following sections are outright repealed:  
15 Sections 71-5701, 71-5702, 71-5703, 71-5704, 71-5706, 71-5708,  
16 71-5709, 71-5710, 71-5711, 71-5712, and 71-5713, Reissue Revised  
17 Statutes of Nebraska, and sections 71-5705 and 71-5707, Revised  
18 Statutes Cumulative Supplement, 2006.



Senator Erdman moved the previous question. The question is, "Shall the debate now close?"

Senator Erdman moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The motion to cease debate prevailed with 28 ayes, 6 nays, 12 present and not voting, and 3 excused and not voting.

The White amendment was adopted with 28 ayes, 4 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The second committee amendment, as amended, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Johnson withdrew his amendments, AM345 and FA14, found on page 570.

Senator Johnson asked unanimous consent to withdraw the balance of the committee amendment, AM276, found on page 511. No objections. So ordered.

Senator Johnson withdrew his amendment, AM321, found on page 561.

Senator Nantkes withdrew her amendment, AM340, found on page 571.

Senator Rogert withdrew his amendment, AM349, found on page 571.

Senator Erdman withdrew his amendment, FA22, found on page 571.

Advanced to E & R for review with 32 ayes, 6 nays, 8 present and not voting, and 3 excused and not voting.

### **COMMITTEE REPORTS** **Enrollment and Review**

**LEGISLATIVE BILL 497.** Placed on Select File - ER8040.  
ER8040

- 1 1. On page 1, line 2, after "Act" insert "; and to
- 2 declare an emergency".
- 3 2. On page 3, line 12, strike "days" and insert "days'".

### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 239, 296, and 390.

(Signed) Amanda McGill, Chairperson

### ANNOUNCEMENTS

Senator Aguilar designates LB 564 as his priority bill.

The Natural Resources Committee designates LB 579 and LB 295 as its priority bills.

### NOTICE OF COMMITTEE HEARING

#### Appropriations

Room 1524

Tuesday, March 20, 2007 (reschedule)

1:30 p.m.

AGENCY 82 - Commission for the Deaf and Hard of Hearing

AGENCY 81 - Commission for the Blind and Visually Impaired

AGENCY 38 - Commission on the Status of Women

AGENCY 68 - Commission on Mexican-Americans

AGENCY 70 - State Foster Care Review Board

AGENCY 76 - Commission on Indian Affairs

(Signed) Lavon Heidemann, Chairperson

### ANNOUNCEMENT

Senator Hudkins announced the Rules Committee will hold a public hearing on March 20, 2007, at 12:00 p.m. in Room 1525.

### AMENDMENTS - Print in Journal

Senator Johnson filed the following amendment to LB 395:  
AM585

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 20 of this act shall be known
- 4 and may be cited as the Nebraska Clean Indoor Air Act.
- 5 Sec. 2. The purpose of the Nebraska Clean Indoor Air Act
- 6 is to protect the public health and welfare by prohibiting smoking
- 7 in public places and places of employment. The act shall not be
- 8 construed to prohibit or otherwise restrict smoking in outdoor
- 9 areas. The act shall not be construed to permit smoking where it is
- 10 prohibited or otherwise restricted by other applicable law. The act
- 11 shall be liberally construed to further its purpose.
- 12 Sec. 3. For purposes of the Nebraska Clean Indoor Air
- 13 Act, the definitions found in sections 4 to 13 of this act apply.
- 14 Sec. 4. Employed means hired, contracted, subcontracted,
- 15 or otherwise engaged to furnish goods or services.
- 16 Sec. 5. Employee means a person who is employed by an
- 17 employer in consideration for direct or indirect monetary wages.

18 profit, or other remuneration.

19 Sec. 6. Employer means a person, nonprofit entity, sole  
20 proprietorship, partnership, joint venture, corporation, limited  
21 partnership, limited liability company, cooperative, firm, trust,  
22 association, organization, or other business entity, including  
23 retail establishments where goods or services are sold, who or  
1 which employs one or more employees.

2 Sec. 7. Guestroom or suite means a sleeping room and  
3 directly associated private areas, such as a bathroom, a living  
4 room, and a kitchen area, if any, rented to the public for their  
5 exclusive transient occupancy, including, but not limited to, a  
6 guestrooms or suite in a hotel, motel, inn, lodge, or other such  
7 establishment.

8 Sec. 8. Indoor area means an area enclosed by a floor,  
9 a ceiling, and walls on all sides that are continuous and solid  
10 except for closeable entry and exit doors and windows and in which  
11 less than twenty percent of the total wall area is permanently open  
12 to the outdoors. For walls in excess of eight feet in height, only  
13 the first eight feet shall be used in determining such percentage.

14 Sec. 9. Place of employment means an indoor area under  
15 the control of a proprietor that an employee accesses as part  
16 of his or her employment without regard to whether the employee  
17 is present or work is occurring at any given time. The indoor  
18 area includes, but is not limited to, any work area, employee  
19 breakroom, restroom, conference room, meeting room, classroom,  
20 employee cafeteria, and hallway. A private residence is a place of  
21 employment when such residence is being used as a licensed child  
22 care program and one or more children who are not occupants of such  
23 residence are present.

24 Sec. 10. Proprietor means any employer, owner, operator,  
25 supervisor, manager, or other person who controls, governs, or  
26 directs the activities in a place of employment or public place.

27 Sec. 11. Public place means an indoor area to which the  
1 public is invited or in which the public is permitted, whether or  
2 not the public is always invited or permitted. A private residence  
3 is not a public place.

4 Sec. 12. Smoke or smoking means the lighting of any  
5 cigarette, cigar, pipe, or other smoking material or the possession  
6 of any lighted cigarette, cigar, pipe, or other smoking material,  
7 regardless of its composition.

8 Sec. 13. Tobacco retail outlet means a retail store that  
9 sells only tobacco and related products and in which the sale of  
10 other products is only incidental.

11 Sec. 14. Except as otherwise provided in sections 15 and  
12 16 of this act, it is unlawful for any person to smoke in a place  
13 of employment or a public place.

14 Sec. 15. The following indoor areas are exempt from  
15 section 14 of this act:

16 (1) Guestrooms and suites that are rented to guests and

17 are designated as smoking rooms, except that not more than twenty  
18 percent of rooms rented to guests in an establishment may be  
19 designated as smoking rooms. All smoking rooms on the same floor  
20 shall be contiguous, and smoke from such rooms shall not infiltrate  
21 into areas where smoking is prohibited under the Nebraska Clean  
22 Indoor Air Act;

23 (2) Indoor areas used in connection with a research  
24 study on the health effects of smoking conducted in a scientific  
25 or analytical laboratory under state or federal law or at a  
26 college or university approved by the Coordinating Commission for  
27 Postsecondary Education; and

1 (3) Tobacco retail outlets.

2 Sec. 16. On and after November 1, 2008, the voters of  
3 any city or village may adopt an ordinance that is less stringent  
4 or more stringent than the Nebraska Clean Indoor Air Act, except  
5 that such ordinance shall not be less stringent than the Nebraska  
6 Clean Indoor Air Act as such act existed immediately prior to the  
7 effective date of this act. Such ordinance may be placed on the  
8 ballot by a majority vote of the governing body of the city or  
9 village or by initiative under sections 18-2501 to 18-2538. A copy  
10 of such ordinance shall be provided to the Department of Health and  
11 Human Services Regulation and Licensure.

12 Sec. 17. A proprietor shall post a no-smoking sign or the  
13 international no-smoking symbol clearly and conspicuously at every  
14 entrance to a place of employment or public place where smoking is  
15 prohibited under the Nebraska Clean Indoor Air Act and shall take  
16 other necessary and appropriate steps to ensure compliance with the  
17 act at such place.

18 Sec. 18. (1) The Department of Health and Human Services  
19 Regulation and Licensure or a local public health department as  
20 defined in section 71-1626 may institute an action in any court  
21 with jurisdiction to enjoin a violation of the Nebraska Clean  
22 Indoor Air Act. Any interested party may report possible violations  
23 of the act to such departments.

24 (2) No person or employer shall discharge, refuse to  
25 hire, or in any manner retaliate against an employee, applicant  
26 for employment, or customer because such employee, applicant, or  
27 customer reports or attempts to report a violation of the act.

1 (3) The Department of Health and Human Services  
2 Regulation and Licensure or a local public health department may  
3 waive provisions of the Nebraska Clean Indoor Air Act upon good  
4 cause shown and shall provide for appropriate protection of the  
5 public health and safety in the granting of such waivers.

6 Sec. 19. (1) A person who smokes in a place of employment  
7 or a public place in violation of the Nebraska Clean Indoor Air  
8 Act is guilty of a Class V misdemeanor for the first offense and  
9 a Class IV misdemeanor for the second and any subsequent offenses.  
10 A person charged with such offense may voluntarily participate, at  
11 his or her own expense, in a smoking cessation program approved

12 by the Department of Health and Human Services Regulation and  
 13 Licensure. The charge against such person shall be dismissed upon  
 14 successful completion of the program.

15 (2) A proprietor who fails, neglects, or refuses to  
 16 perform a duty under the Nebraska Clean Indoor Air Act is guilty  
 17 of a Class V misdemeanor for the first offense and a Class IV  
 18 misdemeanor for the second and any subsequent offenses.

19 (3) Each day that a violation continues to exist shall  
 20 constitute a separate and distinct violation.

21 (4) Every act or omission constituting a violation of  
 22 the Nebraska Clean Indoor Air Act by an employee or agent of a  
 23 proprietor is deemed to be the act or omission of such proprietor,  
 24 and such proprietor shall be subject to the same penalty as if the  
 25 act or omission had been committed by such proprietor.

26 Sec. 20. The Department of Health and Human Services  
 27 Regulation and Licensure shall adopt and promulgate rules and  
 1 regulations necessary to implement the Nebraska Clean Indoor  
 2 Air Act. The department shall consult with interested persons  
 3 and professional organizations before adopting such rules and  
 4 regulations.

5 Sec. 21. If any section in this act or any part of any  
 6 section is declared invalid or unconstitutional, the declaration  
 7 shall not affect the validity or constitutionality of the remaining  
 8 portions.

9 Sec. 22. The following sections are outright repealed:  
 10 Sections 71-5701, 71-5702, 71-5703, 71-5704, 71-5706, 71-5708,  
 11 71-5709, 71-5710, 71-5711, 71-5712, and 71-5713, Reissue Revised  
 12 Statutes of Nebraska, and sections 71-5705 and 71-5707, Revised  
 13 Statutes Cumulative Supplement, 2006.

Senator Hudkins filed the following amendment to LB 659:  
 AM580

1 1. Insert the following new section:  
 2 Section 1. (1) The Nebraska Supreme Court has enacted  
 3 rules relating to Official Court Reporters. Rule 13 adopted by  
 4 the court reads as follows: "All leave, including holiday leave,  
 5 vacation leave, sick leave, funeral leave, family leave, military  
 6 leave, civil leave, injury leave, and workers' compensation  
 7 disability leave, shall be taken as provided in the authorized  
 8 leave policies of the Nebraska Supreme Court Personnel Policies  
 9 and Procedures. Provided, however, that an official reporter shall  
 10 take vacation leave at the same time as or at the discretion of  
 11 the appointing judge. If the official reporter is permitted to  
 12 take vacation at a time other than when the appointing judge takes  
 13 vacation and the services of a substitute reporter are required by  
 14 such judge, it shall be the obligation of the official reporter  
 15 taking vacation to arrange for the services of a substitute  
 16 reporter at no cost to the State, unless otherwise determined by  
 17 the State Court Administrator. The substitute reporter must have

18 passed an examination at least as stringent as that described  
 19 in Rule 4B. The arrangement may not be implemented unless first  
 20 approved by the State Court Administrator."

21 (2) That portion of Rule 13 that reads as follows: "it  
 22 shall be the obligation of the official reporter taking vacation  
 23 to arrange for the services of a substitute reporter at no cost  
 1 to the State, unless otherwise determined by the State Court  
 2 Administrator" is contrary to good public policy.

3 2. Renumber the remaining sections accordingly.

Senator Fischer filed the following amendment to LB 395:

FA23

On page 2, in line 18, after "act" insert "The Legislature further declares that since tobacco smoke is so offensive, the state shall no longer accept special privilege tax on cigarettes after effective date of this act."

Senator Erdman filed the following amendment to LB 395:

AM366

1 1. Strike section 24 and insert the following section:

2 Sec. 24. The Nebraska Clean Indoor Air Act preempts and  
 3 supersedes any ordinance or resolution of a political subdivision  
 4 that prohibits or regulates smoking in a place of employment or a  
 5 public place.

6 2. On page 2, strike beginning with "Nothing" in line 15  
 7 through line 18.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 43.** Introduced by Stuthman, 22.

WHEREAS, the Howells High School Wrestling Team won the Class D State Wrestling Championship; and

WHEREAS, since 1994, the Howells High School Wrestling Team has had at least one wrestler in the state championship finals each year except 1998 and has also been a top ten team at state each year but one; and

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

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

1. That the Howells High School Wrestling Team be congratulated for their exemplary effort this season.

2. That a copy of this resolution be sent to Coach Lee Schroeder and the Howells High School Wrestling Team.

Laid over.

**LEGISLATIVE RESOLUTION 44.** Introduced by Stuthman, 22.

WHEREAS, the Humphrey St. Francis Flyers girls' basketball team won

the Class D-1 Girls' State High School Basketball Championship with a 77-27 win over Freeman; and

WHEREAS, this was Humphrey St. Francis' third straight state title and the largest margin of victory of any state tournament championship game; and

WHEREAS, Humphrey St. Francis ended its season 26-0 and extended its winning streak to 50 games; and

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

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

1. That the Humphrey St. Francis Flyers girls' basketball team be congratulated for their exemplary effort this season.

2. That a copy of this resolution be sent to Coach Bryan Reichmuth and the Humphrey St. Francis Flyers girls' basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 45.** Introduced by Gay, 14.

WHEREAS, Technical Sergeant Kari Bealer has served in the United States Air Force for twenty years; and

WHEREAS, Technical Sergeant Kari Bealer has served since 2003 as the Noncommissioned Officer in Charge of Information Management for the University of Nebraska-Lincoln United States Air Force Reserve Officer Training Corps, Detachment 465; and

WHEREAS, during Technical Sergeant Kari Bealer's tenure at the University of Nebraska-Lincoln, Detachment 465 received an Excellent rating during the Inspector General's 2004 inspection, one of only two ROTC units to receive an Excellent rating; and

WHEREAS, Technical Sergeant Kari Bealer was instrumental in Detachment 465 receiving the 2005 Right of Line Award for being the best Air Force ROTC detachment in the nation; and

WHEREAS, Technical Sergeant Kari Bealer was instrumental in helping to commission over seventy new Air Force officers from all over Nebraska; and

WHEREAS, during Technical Sergeant Kari Bealer's service in the United States Air Force, she has been the recipient of several distinguished awards, including: The Joint Service Commendation Medal; the Air Force Commendation Medal with 2 Oak Leaf Clusters; the Air Force Achievement Medal; the Joint Meritorious Unit Award with 3 Oak Leaf Clusters; the Air Force Outstanding Unit Award; the Air Force Organizational Excellence Award with 2 Oak Leaf Clusters; the Air Force Good Conduct Medal with 5 Oak Leaf Clusters; the National Defense Service Medal with 1 Oak Leaf Cluster; the Global War on Terrorism Service Medal; the Korean Defense Service Medal; the Air Force Overseas Short Tour Service Ribbon; the Military Outstanding Volunteer Service Medal; the Air Force Longevity Service Award with 3 Oak Leaf Clusters; the Noncommissioned Officer

Professional Military Education Graduate Ribbon with 2 Oak Leaf Clusters; and the Air Force Training Ribbon.

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

1. That the Legislature congratulates Technical Sergeant Kari Bealer on her retirement from the United States Air Force and recognizes her for her outstanding service to the United States of America and to the State of Nebraska.

2. That a copy of this resolution be sent to Technical Sergeant Kari Bealer.

Laid over.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 370A.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 370, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

### GENERAL FILE

**LEGISLATIVE BILL 57.** Title read. Considered.

Senator Erdman offered the following amendment:

FA35

On page 4 line 18 strike beginning with "together" through "costs" on line 19.

Pending.

### ANNOUNCEMENTS

Senator Carlson designates LB 458 as his priority bill.

The Urban Affairs Committee designates LB 597 and LB 160 as its priority bills.

### RESOLUTION

**LEGISLATIVE RESOLUTION 46.** Introduced by Louden, 49; Erdman, 47; Harms, 48; Karpisek, 32.

WHEREAS, the Alliance High School Women's Basketball team won its first Nebraska State Championship on March 3, 2007, defeating the Crete High School Women's Basketball team 55 to 40 in Lincoln for the Class B Title; and



WHEREAS, the Bulldogs' season record was 23 wins, 1 loss; and

WHEREAS, the Bulldogs' tournament victory was due in part to their magnificent performance at the free-throw line, where they hit 37 for 40 in their last six quarters, and 27 for 28 against the Cardinals, which is the second-longest streak in national high school history; and

WHEREAS, team members are Lindsey Briggs, Martie Burke, Jasmine Clarke, Kayla Friesen, Jordan Hooper, Brittany Lurz, Krista McDonald, Jessica Mills, Taylor Moller, Brooke Peters, Asha Van Tilburg, Audrey Van Tilburg, and Anna Wimmer; team managers are Devan Collins, Heather Farritor, and Erica Smith; assistant coaches are Nate Lanik and Heidi Manion, and the Head Coach is Dave Sautter.

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

1. That the Legislature congratulates the team members, managers, and coaches of the Alliance High School Women's Basketball team, the Bulldogs, on their championship season and 2007 State Title in Class B Basketball.

2. That a copy of this resolution be provided to Coach Sautter.

Laid over.

#### AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 402:  
AM581

1 1. On page 9, after line 18, insert the following new  
2 subsection:  
3 "(3) If any of the redistricting bills with the  
4 amendments introduced under subsection (2) of this section fails  
5 to advance from General File, the Clerk of the Legislature shall  
6 inform the director that the redistricting plan was not advanced  
7 and the reasons why the redistricting plan was not advanced.  
8 The director shall prepare an amendment containing a third  
9 redistricting plan for such bills and shall take into account the  
10 reasons cited by the Clerk of the Legislature for the failure to  
11 advance the redistricting plan insofar as it is possible to do  
12 so within the requirements of section 6 of this act. If a third  
13 redistricting plan is required under this subsection, the director  
14 shall deliver the amendment to the Speaker of the Legislature no  
15 later than fourteen days after the date of the vote by which the  
16 Legislature failed to advance the bill from General File. If it  
17 is necessary to submit an amendment under this subsection, the  
18 bill shall be brought to a vote not less than seven days after  
19 the amendment is delivered to the Speaker of the Legislature. The  
20 same procedure shall be used for the third redistricting plan as  
21 prescribed for the first and second redistricting plans, but the  
22 amendment containing the third redistricting plan shall be subject  
23 to amendment in the same manner as other amendments to other  
1 legislative bills."

**VISITOR**

The Doctor of the Day was Dr. Paul Paulman from Omaha.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Burling, the Legislature adjourned until 9:00 a.m., Wednesday, March 7, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-FIRST DAY - MARCH 7, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 7, 2007

**PRAYER**

The prayer was offered by Senator Nelson.

**ROLL CALL**

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

The roll was called and all members were present except Senators McGill and Mines who were excused; and Senators Ashford, Dierks, Dubas, Hansen, McDonald, Nantkes, Pedersen, Raikes, and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 758, line 11, strike "Erdman" and insert "Fischer".  
The Journal for the fortieth day was approved as corrected.

**COMMITTEE REPORT  
Enrollment and Review**

**LEGISLATIVE BILL 395.** Placed on Select File - ER8041.  
ER8041

- 1 1. On page 1, line 3, after the first semicolon insert
- 2 "to provide an operative date;".

(Signed) Amanda McGill, Chairperson

**ANNOUNCEMENTS**

Senator Cornett designates LB 456 as her priority bill.

Senator Stuthman designates LB 157 as his priority bill.

**COMMITTEE REPORT**  
**Enrollment and Review**

Enrollment and Review Change to LB 296

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

(Enrollment and Review Change, ST9012, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Amanda McGill, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 467A.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 467, One Hundredth Legislature, First Session, 2007.

**MOTIONS - Approve Appointments**

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 732:

Department of Administrative Services  
Carlos Castillo

Voting in the affirmative, 25:

Adams	Engel	Fulton	Johnson	Pahls
Aguilar	Erdman	Gay	Kopplin	Pankonin
Burling	Fischer	Harms	Langemeier	Pirsch
Carlson	Flood	Heidemann	Louden	Preister
Christensen	Friend	Hudkins	Nelson	Stuthman

Voting in the negative, 1:

Chambers

Present and not voting, 12:

Avery	Janssen	Lathrop	Wallman
Cornett	Karpisek	Rogert	White
Howard	Kruse	Synowiecki	Wightman

Excused and not voting, 11:

Ashford	Hansen	Mines	Raikes
Dierks	McDonald	Nantkes	Schimek
Dubas	McGill	Pedersen	

The appointment was confirmed with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 733:

Game and Parks Commission  
 Ronald H. Stave

Voting in the affirmative, 32:

Adams	Engel	Harms	Kruse	Preister
Aguilar	Erdman	Heidemann	Langemeier	Stuthman
Avery	Fischer	Howard	Lathrop	Wallman
Burling	Flood	Hudkins	Louden	Wightman
Carlson	Friend	Johnson	Nelson	
Chambers	Fulton	Karpisek	Pankonin	
Christensen	Gay	Kopplin	Pirsch	

Voting in the negative, 0.

Present and not voting, 6:

Cornett	Pahls	Synowiecki
Janssen	Rogert	White

Excused and not voting, 11:

Ashford	Hansen	Mines	Raikes
Dierks	McDonald	Nantkes	Schimek
Dubas	McGill	Pedersen	

The appointment was confirmed with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 733:

Nebraska Power Review Board  
 Mark Graham

Voting in the affirmative, 33:

Adams	Cornett	Gay	Kopplin	Preister
Aguilar	Dubas	Harms	Kruse	Stuthman
Avery	Engel	Heidemann	Langemeier	Wallman
Burling	Erdman	Howard	Louden	White
Carlson	Fischer	Hudkins	Nantkes	Wightman
Chambers	Flood	Johnson	Pankonin	
Christensen	Friend	Karpisek	Pirsch	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Janssen	Nelson	Rogert
Fulton	Lathrop	Pahls	Synowiecki

Excused and not voting, 8:

Dierks	McDonald	Mines	Raikes
Hansen	McGill	Pedersen	Schimek

The appointment was confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 57.** The Erdman amendment, FA35, found on page 760, was renewed.

Pending.

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 40 and 41 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 40 and 41.

### GENERAL FILE

**LEGISLATIVE BILL 57.** The Erdman amendment, FA35, found on page 760 and considered in this day's Journal, was renewed.

### SENATOR MCDONALD PRESIDING

Senator Erdman withdrew his amendment.

Pending.

**RESOLUTION****LEGISLATIVE RESOLUTION 47.** Introduced by Flood, 19.

WHEREAS, Michael V. Hall, of Troop 124, Norfolk, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Michael V. Hall started his scouting career in 1998 as a Tiger Scout with Pack 668 in San Pedro, California. In 2000, he joined Pack 131 in Norfolk, Nebraska. Michael earned all 20 of the Webelos activity badges, the Parvuli Dei religious award, and the Arrow of Light award. Michael joined Troop 124 in 2003; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Michael has learned, been tested on, and been recognized for various scouting skills. Michael held the troop positions of patrol leader, quartermaster, and librarian. Michael is also an Ordeal Member of the Order of the Arrow and a member of the Boy Scout Honor Society; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. Michael earned 25 merit badges. Michael, for his Eagle Scout community service project, led the scouts of Troop 124 and members of the Norfolk Morning Kiwanis organization in the repair, cleaning, and painting of the fence surrounding the Norfolk Bright Horizons house; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, on Sunday, March 24, 2007, Michael V. Hall will receive his Eagle Scout badge at a Court of Honor, and, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientist, and athletes.

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

1. That the Legislature congratulates Michael V. Hall on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Michael V. Hall.

Laid over.

**COMMITTEE REPORTS**  
**Urban Affairs**

**LEGISLATIVE BILL 597.** Placed on General File - Com AM550.  
(Amendment is printed separately and available in the Bill Room, Room





**SENATOR LANGEMEIER PRESIDING**

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?"

Senator Stuthman moved for a call of the house. The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

The motion to cease debate prevailed with 25 ayes, 15 nays, 5 present and not voting, and 4 excused and not voting.

Senator Erdman requested a record vote on his amendment.

Voting in the affirmative, 25:

Adams	Engel	Fulton	Johnson	Nelson
Aguilar	Erdman	Gay	Karpisek	Pankonin
Burling	Fischer	Harms	Langemeier	Pirsch
Carlson	Flood	Heidemann	Louden	Stuthman
Christensen	Friend	Hudkins	McDonald	Wightman

Voting in the negative, 14:

Ashford	Howard	Nantkes	Rogert	Wallman
Avery	Kopplin	Pedersen	Schimek	White
Cornett	Lathrop	Preister	Synowiecki	

Present and not voting, 7:

Chambers	Dubas	Kruse	Raikes
Dierks	Hansen	Pahls	

Excused and not voting, 3:

Janssen	McGill	Mines
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The Erdman amendment was adopted with 25 ayes, 14 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator White offered the following amendment:

FA37

Add a new section: This act shall become effective January 1, 2008.

Pending.

**COMMITTEE REPORTS**  
**Agriculture**

**LEGISLATIVE BILL 46.** Placed on General File - Com AM607.  
AM607

1 1. Insert the following new sections:

2 Section 1. For purposes of sections 1 to 4 of this act:

3 (1) Commercial channels means the sale or delivery of  
4 grapes for any use except grapes intended for ultimate consumption  
5 as table grapes, to any commercial buyer, dealer, processor, or  
6 cooperative or to any person, public or private, who resells any  
7 grapes or product produced from grapes;

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

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

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

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

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

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

14 Sec. 3. (1) The first purchaser, at the time of  
15 settlement, shall deduct the excise tax imposed by section 2  
16 of this act. The excise tax shall be deducted whether the grapes  
17 are stored in this state or any other state. The first purchaser  
18 shall maintain the necessary records of the excise tax for each  
19 purchase or delivery of grapes on the settlement form or check  
20 stub showing payment to the grower for each purchase or delivery.  
21 Such records maintained by the first purchaser shall provide the

22 following information:

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

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

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

15 Sec. 4. For each fiscal year beginning with FY2007-08,  
 16 the Department of Agriculture shall calculate its costs in  
 17 collecting and enforcing the excise tax imposed by section 2  
 18 of this act and shall report such costs to the Department of  
 19 Administrative Services within thirty days after the end of the  
 20 calendar quarter. Sufficient funds to cover such costs shall be  
 21 transferred from the Winery and Grape Producers Promotional Fund  
 22 to the Management Services Expense Revolving Fund at the end of  
 23 each calendar quarter. Funds shall be transferred upon the receipt  
 24 by the Department of Administrative Services of a report of costs  
 25 incurred by the Department of Agriculture for the previous calendar  
 26 quarter.

27 Sec. 5. Any person violating sections 1 to 3 of this act  
 1 shall be guilty of a Class III misdemeanor.

2 2. On page 2, lines 5 through 7 and 9, strike the new  
 3 matter and reinstate the stricken matter; in line 14 after "fund"  
 4 insert "pursuant to the charge imposed by this section and excise  
 5 taxes collected pursuant to section 3 of this act and any funds  
 6 received as gifts, grants, or bequests and credited to the fund";  
 7 and in line 27 after "section" insert "and any transfers authorized  
 8 pursuant to section 4 of this act".

9 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 69.** Placed on General File - Com AM562.  
 AM562

- 1 1. Strike original section 3.  
 2 2. On page 5, line 15, strike "2-5417,".  
 3 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 515.** Indefinitely postponed.

(Signed) Philip Erdman, Chairperson

### **Transportation and Telecommunications**

**LEGISLATIVE BILL 667.** Placed on General File.

**LEGISLATIVE BILL 162.** Placed on General File - Com AM587.  
AM587

- 1 1. On page 2, line 5; page 3, line 23; page 4, line 16;
- 2 page 5, line 15; page 6, line 5; page 7, line 26; page 8, line 25;
- 3 and page 9, line 24, strike "2009" and insert "2010".

**LEGISLATIVE BILL 277.** Placed on General File - Com AM588.  
AM588

- 1 1. On page 4, lines 6 and 18, strike "section 39-2115"
- 2 and insert "sections 39-2115 to 39-2117".
- 3 2. On page 6, line 10, strike "section 39-2115" and
- 4 insert "sections 39-2115 to 39-2117"; and in line 14 after
- 5 "39-2115" insert "to 39-2117".
- 6 3. On page 8, line 7, strike the first underscored comma,
- 7 reinstate "to 39-2117", and before "39-2119" insert an underscored
- 8 comma.
- 9 4. On page 9, line 8, strike the underscored comma; and
- 10 in line 9 reinstate "to 39-2117" and before "39-2119" insert an
- 11 underscored comma.

(Signed) Deb Fischer, Chairperson

### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 188.** Placed on General File.

**LEGISLATIVE BILL 386.** Placed on General File.

(Signed) Rich Pahls, Chairperson

### **Transportation and Telecommunications**

The Transportation and Telecommunications 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.

Richard Pierce - Board of Public Roads Classifications and Standards

VOTE: Aye: Senators Pedersen, Louden, Fischer, Aguilar, Stuthman, Schimek and Hudkins. Nay: None. Absent: Senator Mines.

(Signed) Deb Fischer, Chairperson

## RESOLUTIONS

### **LEGISLATIVE RESOLUTION 48.** Introduced by Dierks, 40.

WHEREAS, the Ewing Lady Tigers won the 2007 Class D-2 Girls' State High School Basketball Championship; and

WHEREAS, the Lady Tigers finished the season with a record of twenty-three wins and four losses; and

WHEREAS, the Lady Tigers avenged three regular-season losses to Chambers and upset previously undefeated and top-ranked Prague to compete in the championship game; and

WHEREAS, the Lady Tigers have finally achieved their first victory ever in a championship game at a girls' basketball tournament by defeating Falls City Sacred Heart; and

WHEREAS, the Lady Tigers have recovered from a fifty-six game losing streak from 1997-2000 and a winless season in 2005 to become the Class D-2 champions in 2007; and

WHEREAS, the Ewing Lady Tigers and Ewing fans also received the Class D-2 Sportsmanship Award; and

WHEREAS, the Ewing Lady Tigers have a bright future with a young team of excellent players and will lose only two seniors from this championship team.

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

1. That the Legislature congratulates the Ewing Lady Tigers for their achievement in winning the 2007 Class D-2 Girls' State High School Basketball Championship and that Head Coach Brock Eichelberger and Assistant Coach Ann Boelter be congratulated for their excellent season and guidance of their team.

2. That a copy of this resolution be sent to Head Coach Brock Eichelberger and the Ewing Lady Tigers.

Laid over.

### **LEGISLATIVE RESOLUTION 49.** Introduced by Dierks, 40.

WHEREAS, the Crofton Lady Warriors won the 2007 Class C-1 Girls' State High School Basketball Championship; and

WHEREAS, the Lady Warriors finished the regular season with a record of twenty-five wins and three losses; and

WHEREAS, the Lady Warriors played an exciting game and won with a three-point basket at the final buzzer; and

WHEREAS, the Lady Warriors' victory was the third consecutive championship for the Crofton team; and

WHEREAS, the Lady Warriors defeated the top-ranked team to achieve this victory; and

WHEREAS, the Crofton Lady Warriors' players and coaches experienced a fantastic season and displayed grace and dignity to their opponents after a heartbreaking loss.

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

1. That the Legislature congratulates the Crofton Lady Warriors for their achievement in winning the 2007 Class C-1 Girls' State High School Basketball Championship and that Head Coach Aaron Losing be congratulated for an excellent season and his guidance of the team.

2. That a copy of this resolution be sent to Head Coach Aaron Losing and the Crofton Lady Warriors.

Laid over.

**LEGISLATIVE RESOLUTION 50.** Introduced by Cornett, 45.

WHEREAS, the Bellevue West Girls' Thunderbirds Basketball Team has had a spectacular season; and

WHEREAS, the Thunderbirds finished this year's season with a 26-3 record; and

WHEREAS, for three consecutive years, the Bellevue West Girls' Thunderbirds Basketball Team has qualified for the state championship; and

WHEREAS, the Bellevue West Girls' Thunderbirds Basketball Team has been named the 2007 Class A Girls' State High School Basketball Champions; and

WHEREAS, the Thunderbirds have brought great pride to their school, their school district, and the Bellevue/Offutt Community as they demonstrated their leadership and teamwork.

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

1. That the Legislature congratulates the Bellevue West Girls' Thunderbirds Basketball Team.

2. That a copy of this resolution be sent to the members of the team.

Laid over.

**LEGISLATIVE RESOLUTION 51.** Introduced by Cornett, 45.

WHEREAS, Bradley Duane Borytsky, Joseph Wier, and Austin Nichols of Troop 474, Bellevue, Nebraska, and Ryan G. Krysl of Troop 485, Omaha, Nebraska, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experience,

Bradley, Joseph, Austin, and Ryan have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Bradley Duane Borytsky, Joseph Wier, Austin Nichols, and Ryan G. Krysl will receive the rank of Eagle Scout, and, through their hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Bradley Duane Borytsky, Joseph Wier, Austin Nichols, and Ryan G. Krysl on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Bradley Duane Borytsky, Joseph Wier, Austin Nichols, and Ryan G. Krysl.

Laid over.

### **ANNOUNCEMENT**

The Transportation and Telecommunications Committee designates LB 681 as its priority bill.

### **WITHDRAW - Cointroducer**

Senator Pedersen withdrew his name as cointroducer to LB 535.

### **VISITORS**

Visitors to the Chamber were Talia Head from Omaha; 27 fourth-grade students and teachers from Hershey; Madison Rezaei from Elkhorn; and Leadership Nebraska, the State Chamber's Inaugural Class from across the state.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

### **ADJOURNMENT**

At 12:02 p.m., on a motion by Senator Pahls, the Legislature adjourned until 9:00 a.m., Thursday, March 8, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature





**FORTY-SECOND DAY - MARCH 8, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 8, 2007

**PRAYER**

The prayer was offered by Pastor Edi Bickford, Peru Community Church and Tecumseh Lutheran Community Church, Peru and Tecumseh.

**ROLL CALL**

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

The roll was called and all members were present except Senators Carlson and McGill who were excused; and Senators Ashford, Hansen, Heidemann, Mines, Pedersen, Raikes, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-first day was approved.

**MESSAGE FROM THE GOVERNOR**

March 7, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 99e, 108e, 166e, 191e, 213, 263, 290, 298, 307, 311, 313, 333e, 422e, 434, 472, 527, 549, and 549A were received in my office on March 1, 2007.

I signed these bills and delivered them to the Secretary of State on March 7, 2007.

Sincerely,  
(Signed) Dave Heineman

Governor

**COMMITTEE REPORT**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 134.** Placed on General File - Com AM571.  
 AM571

- 1 1. On page 2, line 2, after "policy" insert "
- 2 certificate"; and in lines 10 and 19 after the first comma insert
- 3 "certificate".

(Signed) Rich Pahls, Chairperson

**ANNOUNCEMENTS**

Senator Pahls designates LB 482 as his priority bill.

Senator Harms designates LB 415 as his priority bill.

The General Affairs Committee designates LB 638 and LB 578 as its priority bills.

**GENERAL FILE**

**LEGISLATIVE BILL 57.** Senator White renewed his amendment, FA37, found on page 769.

Senator Preister offered the following motion:  
 To bracket LB 57 until April 13th, 2007.

The Preister motion prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 143.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

**SENATOR FRIEND PRESIDING**

**LEGISLATIVE BILL 661.** Title read. Considered.

Committee AM455, printed separately and referred to on page 732, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**AMENDMENT - Print in Journal**

Senators Rogert and Mines filed the following amendment to LB 255:  
AM613

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 48-1228, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 48-1228 Sections 48-1228 to 48-1232 and section 4 of this  
6 act shall be known and may be cited as the Nebraska Wage Payment  
7 and Collection Act.

8 Sec. 2. Section 48-1229, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 48-1229 For purposes of the Nebraska Wage Payment and  
11 Collection Act, unless the context otherwise requires:

12 (1) Employer means the state or any individual,  
13 partnership, limited liability company, association, joint-stock  
14 company, trust, corporation, political subdivision, or personal  
15 representative of the estate of a deceased individual, or the  
16 receiver, trustee, or successor thereof, within or without the  
17 state, employing any person within the state as an employee;

18 (2) Employee means any individual permitted to work by  
19 an employer pursuant to an employment relationship or who has  
20 contracted to sell the goods or services of an employer and to be  
21 compensated by commission. Services performed by an individual for  
22 an employer shall be deemed to be employment, unless it is shown  
23 that (a) such individual has been and will continue to be free  
1 from control or direction over the performance of such services,  
2 both under his or her contract of service and in fact, (b) such  
3 service is either outside the usual course of business for which  
4 such service is performed or such service is performed outside of  
5 all the places of business of the enterprise for which such service  
6 is performed, and (c) such individual is customarily engaged in  
7 an independently established trade, occupation, profession, or  
8 business. This subdivision is not intended to be a codification of  
9 the common law and shall be considered complete as written;

10 (3) Fringe benefits includes sick and vacation leave  
11 plans, disability income protection plans, retirement, pension, or  
12 profit-sharing plans, health and accident benefit plans, and any  
13 other employee benefit plans or benefit programs regardless of  
14 whether the employee participates in such plans or programs. Paid  
15 leave, other than earned but unused vacation leave, provided as a  
16 fringe benefit by the employer shall not be included in the wages  
17 due and payable at the time of separation as provided elsewhere in  
18 the Nebraska Wage Payment and Collection Act, unless the employer  
19 and the employee or the employer and the collective bargaining  
20 representative have specifically agreed otherwise; and

21 (4) Wages means compensation for labor or services  
22 rendered by an employee, including fringe benefits, when previously

23 agreed to and conditions stipulated have been met by the employee,  
 24 whether the amount is determined on a time, task, fee, commission,  
 25 or other basis. ~~Wages includes commissions on all orders delivered~~  
 26 ~~and all orders on file with the employer at the time of termination~~  
 27 Unless the employer and employee have specifically agreed otherwise  
 1 through a contract effective at the commencement of employment or  
 2 at least ninety days prior to separation, whichever is later, wages  
 3 includes commissions on all orders delivered and all orders on file  
 4 with the employer at the time of separation of employment less any  
 5 orders returned or canceled at the time suit is filed.

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

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

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

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

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

8 Sec. 4. Whenever an employer separates an employee from  
 9 the payroll, the unpaid wages constituting commissions shall become  
 10 due on the next regular payday following the employer's receipt of  
 11 payment for the goods or services from the customer from which the  
 12 commission was generated. The employer shall provide an employee  
 13 with a periodic accounting of outstanding commissions, until all  
 14 commissions have been paid or the orders have been returned or  
 15 canceled by the customer.

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

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

1 Sec. 6. This act becomes operative on January 1, 2008.

2 Sec. 7. Original sections 48-1228, 48-1229, 48-1230, and

3 48-1232, Reissue Revised Statutes of Nebraska, are repealed.

### ANNOUNCEMENT

Senator Howard designates LB 551 as her priority bill.

### NOTICE OF COMMITTEE HEARING Health and Human Services Room 1510

Thursday, March 15, 2007

1:30 p.m.

Roger Wells - Rural Health Advisory Commission

(Signed) Joel Johnson, Chairperson

### ANNOUNCEMENTS

The Health and Human Services Committee designates LB 463 and LB 247 as its priority bills.

Senator Wightman designates LB 502 as his priority bill.

### COMMITTEE REPORTS Health and Human Services

**LEGISLATIVE BILL 82.** Placed on General File.

**LEGISLATIVE BILL 523.** Indefinitely postponed.

(Signed) Joel Johnson, Chairperson

### WITHDRAW - Motion to LB 25

Senator Kopplin withdrew his motion, found on page 463, to return LB 25 to Select File for his specific amendment, FA10.

**WITHDRAW - Amendment to LB 25**

Senator Langemeier withdrew his amendment, AM242, found on page 580, to LB 25.

**MOTION - Return LB 25 to Select File**

Senator Langemeier moved to return LB 25 to Select File for his specific amendment, AM231, found on page 580.

The Langemeier motion to return prevailed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 25.** The Langemeier specific amendment, AM231, found on page 580, was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

**WITHDRAW - Amendment to LB 25**

Senator Langemeier withdrew his amendment, AM394, found on page 596, to LB 25.

**MOTION - Return LB 67 to Select File**

Senator Ashford moved to return LB 67 to Select File for his specific amendment, AM416, found on page 632.

The Ashford motion to return prevailed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 67.** The Ashford specific amendment, AM416, found on page 632, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

**SPEAKER FLOOD PRESIDING****WITHDRAW - Amendments to LB 185**

Senator Erdman withdrew his amendment, AM230, found on page 513, to LB 185.

Senator Erdman withdrew his amendment, AM386, found on page 597, to LB 185.

**MOTION - Return LB 185 to Select File**

Senator Erdman moved to return LB 185 to Select File for his specific amendment, AM405, found on page 605.

Senator Ashford requested a ruling of the Chair on whether the Erdman amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Erdman amendment is substantially the same as LB 102, which was indefinitely postponed by the Judiciary Committee, therefore, both the motion to return the bill to Select File and the motion to adopt the amendment would require 30 votes, pursuant to Rule 6, Sec 6.

Senator Erdman withdrew his motion to return.

**BILL 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 185 with 32 ayes, 5 nays, 8 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 185.** With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-629, 71-1734, 71-1748, 71-1752, 71-1756, 71-1764, 71-1765, 71-5185, 71-6726, 71-6733, 71-8249, and 71-8252, Reissue Revised Statutes of Nebraska, and sections 68-906, 68-919, 68-921, 71-1707, 71-1722, 71-1723, 71-1723.01, 71-1723.02, 71-1724, 71-1724.01, 71-1726.01, 71-1726.02, 71-1729, 71-1730, 71-1731, 71-1735, 71-1737, 71-1749, 71-1755, 71-1757, 71-17,118, 71-17,119, 71-17,121, 71-17,122, 71-17,123, 71-17,124, 71-17,128, 71-17,129, 71-17,134, 71-17,135, 71-17,137, 71-17,138, 71-17,139, 71-17,140, 71-6039, 81-647, and 81-671, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Medical Assistance Act, birth certificates, nursing assistants, medication aides, regional trauma advisory boards, and the cancer registry; to change provisions relating to recovery of medical assistance; to change and eliminate provisions relating to licensure and certification of certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners; to authorize the release of patient information as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1761 and

71-1762, Reissue Revised Statutes of Nebraska, and sections 71-1724.02, 71-1725, 71-1725.01, 71-1726, 71-1736.01, 71-1736.02, 71-1736.03, 71-1758, 71-17,125, 71-17,126, and 71-17,127, 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Carlson            Heidemann      McGill

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: LB 185.

### **MOTION - Return LB 211A to Select File**

Senator Cornett moved to return LB 211A to Select File for her specific amendment, AM474, found on page 669.

The Cornett motion to return prevailed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

### **SENATOR LANGEMEIER PRESIDING**



**SELECT FILE**

**LEGISLATIVE BILL 211A.** The Cornett specific amendment, AM474, found on page 669, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 402.** Title read. Considered.

**SENATOR FRIEND PRESIDING**

Senator Erdman renewed his motion, found on page 512, to recommit LB 402 to the Executive Board.

Pending.

**COMMITTEE REPORTS**  
**Executive Board**

**LEGISLATIVE RESOLUTION 1CA.** Placed on General File.

**LEGISLATIVE RESOLUTION 3CA.** Indefinitely postponed.

(Signed) L. Patrick Engel, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 8, 2007, at 11:07 a.m. was the following: LB 185e.

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

**ANNOUNCEMENTS**

Senator Pankonin designates LB 425 as his priority bill.

Senator Engel designates LB 342 as his priority bill.

Senator Fischer designates LB 677 as her priority bill.

The Nebraska Retirement Systems Committee designates LB 328 as its priority bill.

**UNANIMOUS CONSENT - Room Change**

Senator Heidemann asked unanimous consent that the Appropriations Committee conduct its hearing on Tuesday, March 20, 2007, in Room 1003 instead of Room 1524. No objections. So ordered.

**ANNOUNCEMENT**

Senator Cornett announced the Business and Labor Committee will hold an executive session Friday, March 9, 2007, at 10:00 a.m., in Room 2022.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Synowiecki asked unanimous consent to add his name as cointroducer to LB 57 and LR 48. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 143. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were delegates of the Mayor's Committee for International Friendship from Andorra, Czech Republic, Finland, Hungary, Italy, and Serbia; Stan Poff from Kearney; Brittany and Katelyn Bohlmeier from Adams; members of the Nebraska Propane Gas Association; and 35 fourth-grade students from Cedar Elementary, Beatrice.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Engel, the Legislature adjourned until 9:00 a.m., Friday, March 9, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-THIRD DAY - MARCH 9, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 9, 2007

**PRAYER**

The prayer was offered by Senator Dubas.

**ROLL CALL**

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

The roll was called and all members were present except Senators Carlson and Engel who were excused; and Senators Ashford, Dierks, Heidemann, Nantkes, and Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 781, last line, strike ", found on page 454".  
The Journal for the forty-second day was approved as corrected.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 143.** Placed on Select File - ER8043.  
ER8043

- 1 1. On page 2, line 6, strike "; and" and insert an
- 2 underscored period.

**LEGISLATIVE BILL 661.** Placed on Select File - ER8044.  
ER8044

- 1 1. In the Standing Committee amendments, AM455:
- 2 a. On page 1, line 18; page 2, lines 12, 22, and 26;
- 3 and page 3, line 2, strike the period and reinstate the stricken
- 4 semicolon;
- 5 b. On page 2, line 16, strike the period and insert an
- 6 underscored semicolon;
- 7 c. On page 3, line 6, strike the period and insert ";
- 8 and"; and in line 16 after "separately" insert an underscored
- 9 comma; and

10 d. On page 12, line 27, strike the underscored comma.  
 11 2. On page 1, strike lines 2 through 11 and insert  
 12 "86-125, 86-140, 86-313, 86-316, 86-318, 86-322, 86-323,  
 13 86-420, 86-422, 86-433, 86-434, 86-435, 86-436, 86-442,  
 14 86-443, 86-456, 86-457, 86-459, and 86-461, Revised Statutes  
 15 Cumulative Supplement, 2006; to change provisions relating  
 16 to registration of communications providers, access charges,  
 17 surcharges, the Telecommunications Relay System Act, the Nebraska  
 18 Telecommunications Universal Service Fund Act, the Emergency  
 19 Telephone Communications Systems Act, the Enhanced Wireless 911  
 20 Services Act, and the Enhanced Wireless 911 Advisory Board; to  
 21 define and redefine terms; to harmonize provisions; to provide  
 22 operative dates; to repeal the original sections; to outright  
 23 repeal sections 86-427, 86-443.01, and 86-450.01, Revised Statutes  
 1 Cumulative Supplement, 2006; and to declare an emergency."

(Signed) Amanda McGill, Chairperson

### ANNOUNCEMENTS

Senator Karpisek designates LB 232 as his priority bill.

Senator Kopplin designates LB 596 as his priority bill.

Senator Hansen designates LB 457 as his priority bill.

The Judiciary Committee designates LB 377 and LB 475 as its priority bills.

Senator Ashford designates LB 373 as his priority bill.

Senator Janssen designates LB 367 as his priority bill.

The Revenue Committee designates LB 334 and LB 106 as its priority bills.

Senator White designates LB 498 as his priority bill.

Senator Dubas designates LB 461 as her priority bill.

Senator Burling designates LB 218 as his priority bill.

Senator McGill designates LB 73 as her priority bill.

Senator Christensen designates LB 701 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB 190 as its priority bill.

**COMMITTEE REPORTS**  
**Nebraska Retirement Systems**

**LEGISLATIVE BILL 324.** Placed on General File.

**LEGISLATIVE BILL 303.** Placed on General File - Com AM614.  
AM614

1 1. On page 4, strike beginning with the period in line 2  
2 through "Code" in line 5; and strike lines 6 and 7 and renumber the  
3 remaining subdivisions accordingly.

4 2. On page 7, strike beginning with "eligible" in line  
5 8 through "contributions" in line 9 and insert "retirement benefit  
6 payments"; and in line 12 strike "pension" and insert "retirement  
7 benefit".

8 3. On page 8, strike beginning with "If" in line 18  
9 through line 25 and insert "Upon the death of a member during the  
10 DROP period, monthly benefits shall be provided as a percentage of  
11 the amount of the member's annuity as set forth in subsection (3)  
12 of section 81-2026 based upon the annuity benefit calculation made  
13 at commencement of the DROP period. In addition, the balance of  
14 the DROP account, if any, shall be provided to the beneficiary or  
15 beneficiaries of the member or, if no beneficiary is provided, to  
16 the estate of the member. Upon the disability of a member during  
17 the DROP period, the member shall be deemed to have completed  
18 the DROP period, shall begin receiving the annuity benefit as  
19 calculated at the commencement of the DROP period, and shall be  
20 paid the balance of the DROP account, if any;".

21 4. On page 9, strike line 1; strike beginning with the  
22 period in line 3 through "Code" in line 7; and strike beginning  
23 with the comma in line 15 through line 17 and insert "and interest  
1 on such benefits;".

2 5. On page 10, line 2, after the period insert "The  
3 retirement system, the state, the board, and the state investment  
4 officer shall not be responsible for any investment results  
5 under the DROP agreement."; in lines 5 and 6 strike "DROP  
6 contributions."; in line 6 strike the second comma; in line 7  
7 strike the second "and"; and in line 10 before the period insert  
8 "; and

9 (h) Cost-of-living adjustments as provided for in section  
10 81-2027.03 shall not be applied to retirement benefits during the  
11 DROP period".

**LEGISLATIVE BILL 596.** Placed on General File - Com AM610.  
AM610

1 1. On page 3, line 25; and page 9, line 21, strike  
2 "ninety" and insert "eighty-five".

(Signed) John Synowiecki, Chairperson

**EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 213, 263, 290, 298, 307, 311, and 313.

(Signed) Vickie D. McDonald

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 8, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Adams, Robert P.  
Alliance for Marriage Foundation

Bydalek, Dave  
Family First

Cunningham, Douglas  
Affiliated Foods Midwest

Giles, Elizabeth L.  
Philip Morris USA, Inc. - Altria Corporate Services, Inc.

Hallstrom, Robert J.  
Bankers Insurance and Services Company, Nebraska (NBISCO)

Johnson, Kimberly  
United Parcel Service

Kelley & Lehan, P.C.  
Nebraska Furniture Mart

**REPORTS**

The following reports were received by the Legislature:

**Auditor of Public Accounts**

Statewide Single Audit for the year ended June 30, 2006

**Education, Department of**

Status of the 2007-2009 Negotiations between the Nebraska Department of Education and the Nebraska Association of Public Employees, AFSCME, Local 61

**Health and Human Services System**

2006 Nebraska Medicaid Report of Implementation of Rules and Regulations, Plan Amendments, and Waivers

**Homeland Security, Nebraska Office of**

2007 Program Report

**Property Assessment and Taxation, Department of**

Report of Redevelopment Projects for Cities Using Tax Increment Financing in 2006

**University of Nebraska**

Collective Bargaining Negotiations Status Report

**MOTIONS - Approve Appointments**

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 768:

Nebraska Educational Telecommunications Commission

J. Richard Shoemaker

Voting in the affirmative, 27:

Aguilar	Erdman	Harms	McGill	Rogert
Avery	Fischer	Howard	Mines	Schimek
Burling	Flood	Janssen	Pankonin	Wightman
Christensen	Friend	Kruse	Pirsch	
Cornett	Gay	Langemeier	Preister	
Dubas	Hansen	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 14:

Adams	Johnson	Lathrop	Pahls	Wallman
Chambers	Karpisek	McDonald	Stuthman	White
Fulton	Kopplin	Nelson	Synowiecki	

Excused and not voting, 8:

Ashford	Dierks	Heidemann	Nantkes
Carlson	Engel	Hudkins	Pedersen

The appointment was confirmed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 772:

Board of Public Roads Classifications and Standards

Richard Pierce

Voting in the affirmative, 25:

Burling	Flood	Howard	McDonald	Preister
Christensen	Friend	Janssen	McGill	Raikes
Cornett	Fulton	Kopplin	Nelson	Schimek
Erdman	Gay	Langemeier	Pankonin	Stuthman
Fischer	Hansen	Louden	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 16:

Adams	Dubas	Kruse	Rogert
Aguilar	Harms	Lathrop	Synowiecki
Avery	Johnson	Mines	Wallman
Chambers	Karpisek	Pahls	White

Excused and not voting, 8:

Ashford	Dierks	Heidemann	Nantkes
Carlson	Engel	Hudkins	Pedersen

The appointment was confirmed with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 638.** Title read. Considered.

Senator McDonald offered the following amendment:  
AM565

- 1 1. Strike section 16 and insert the following new
- 2 sections:
- 3 Sec. 15. Section 9-803, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 9-803 For purposes of the State Lottery Act:
- 6 (1) Director shall mean the Director of the Lottery
- 7 Division;
- 8 (2) Division shall mean the Lottery Division of the
- 9 Department of Revenue;
- 10 (3) Lottery contractor shall mean a lottery vendor or
- 11 lottery game retailer with whom the division has contracted for the
- 12 purpose of providing goods or services for the state lottery;
- 13 (4) Lottery game shall mean any variation of the
- 14 following types of games:
- 15 (a) An instant-win game in which disposable tickets
- 16 contain certain preprinted winners which are determined by rubbing
- 17 or scraping an area or areas on the tickets to match numbers,
- 18 letters, symbols, or configurations, or any combination thereof, as
- 19 provided by the rules of the game. An instant-win game may also



20 provide for preliminary and grand prize drawings conducted pursuant  
21 to the rules of the game. An instant-win game shall not include the  
22 use of any pickle card as defined in section 9-315; and

23 (b) An on-line lottery game in which lottery game  
1 retailer terminals are hooked up to a central computer via a  
2 telecommunications system through which (i) a player selects a  
3 specified group of numbers or symbols out of a predetermined  
4 range of numbers or symbols and purchases a ticket bearing the  
5 player-selected numbers or symbols for eligibility in a drawing  
6 regularly scheduled in accordance with game rules or (ii) a  
7 player purchases a ticket bearing randomly selected numbers for  
8 eligibility in a drawing regularly scheduled in accordance with  
9 game rules.

10 Lottery game shall not be construed to mean any video  
11 lottery game;

12 (5) Lottery game retailer shall mean a person who  
13 contracts with or seeks to contract with the division to sell  
14 tickets in lottery games to the public;

15 (6) Lottery vendor shall mean any person who submits a  
16 bid, proposal, or offer as part of a major procurement;

17 (7) Major procurement shall mean any procurement or  
18 contract unique to the operation of the state lottery in excess of  
19 ~~fifteen~~ twenty-five thousand dollars for the printing of tickets  
20 used in any lottery game, security services, consulting services,  
21 advertising services, any goods or services involving the receiving  
22 or recording of number selections in any lottery game, or any  
23 goods or services involving the determination of winners in  
24 any lottery game. Major procurement shall include production of  
25 instant-win tickets, procurement of on-line gaming systems and  
26 drawing equipment, or retaining the services of a consultant who  
27 will have access to any goods or services involving the receiving  
1 or recording of number selections or determination of winners in  
2 any lottery game; and

3 (8) Ticket or lottery ticket shall mean any tangible  
4 evidence authorized by the division to prove participation in a  
5 lottery game.

6 Sec. 16. Section 9-812, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8 9-812 (1) All money received from the operation of  
9 lottery games conducted pursuant to the State Lottery Act in  
10 Nebraska shall be credited to the State Lottery Operation Trust  
11 Fund, which fund is hereby created. All payments of the costs  
12 of establishing and maintaining the lottery games shall be made  
13 from the State Lottery Operation Cash Fund. In accordance with  
14 legislative appropriations, money for payments for expenses of the  
15 division shall be transferred from the State Lottery Operation  
16 Trust Fund to the State Lottery Operation Cash Fund, which fund  
17 is hereby created. All money necessary for the payment of lottery  
18 prizes shall be transferred from the State Lottery Operation Trust

19 Fund to the State Lottery Prize Trust Fund, which fund is hereby  
20 created. The amount used for the payment of lottery prizes shall  
21 not be less than forty percent of the dollar amount of the lottery  
22 tickets which have been sold.

23 (2)(a) Beginning October 1, 2003, and until ~~January~~ July  
24 ~~1, 2008, 2013,~~ a portion of the dollar amount of the lottery  
25 tickets which have been sold on an annualized basis shall be  
26 transferred from the State Lottery Operation Trust Fund to the  
27 Education Innovation Fund, the Nebraska Scholarship Fund, the  
1 Nebraska Environmental Trust Fund, the Nebraska State Fair Board,  
2 and the Compulsive Gamblers Assistance Fund, except that the  
3 dollar amount transferred shall not be less than the dollar amount  
4 transferred to the funds in fiscal year 2002-03.

5 (b) On and after ~~January~~ July 1, ~~2008, 2013,~~ at least  
6 twenty-five percent of the dollar amount of the lottery tickets  
7 which have been sold on an annualized basis shall be transferred  
8 from the State Lottery Operation Trust Fund to the Education  
9 Innovation Fund, the Nebraska Scholarship Fund, the Nebraska  
10 Environmental Trust Fund, the Nebraska State Fair Board, and  
11 the Compulsive Gamblers Assistance Fund.

12 (3) Of the money available to be transferred to the  
13 Education Innovation Fund, the Nebraska Scholarship Fund, the  
14 Nebraska Environmental Trust Fund, the Nebraska State Fair Board,  
15 and the Compulsive Gamblers Assistance Fund:

16 (a) The first five hundred thousand dollars shall be  
17 transferred to the Compulsive Gamblers Assistance Fund to be used  
18 as provided in section 71-817;

19 (b) Nineteen and three-fourths percent of the money  
20 remaining after the payment of prizes and operating expenses and  
21 the initial transfer to the Compulsive Gamblers Assistance Fund  
22 shall be transferred to the Education Innovation Fund;

23 (c) Twenty-four and three-fourths percent of the money  
24 remaining after the payment of prizes and operating expenses and  
25 the initial transfer to the Compulsive Gamblers Assistance Fund  
26 shall be transferred to the Nebraska Scholarship Fund;

27 (d) Forty-four and one-half percent of the money  
1 remaining after the payment of prizes and operating expenses and  
2 the initial transfer to the Compulsive Gamblers Assistance Fund  
3 shall be transferred to the Nebraska Environmental Trust Fund to be  
4 used as provided in the Nebraska Environmental Trust Act;

5 (e) Ten percent of the money remaining after the payment  
6 of prizes and operating expenses and the initial transfer to  
7 the Compulsive Gamblers Assistance Fund shall be transferred to  
8 the Nebraska State Fair Board if the most populous city within  
9 the county in which the fair is located provides matching funds  
10 equivalent to ten percent of the funds available for transfer. Such  
11 matching funds may be obtained from the city and any other private  
12 or public entity, except that no portion of such matching funds  
13 shall be provided by the state. If the Nebraska State Fair ceases

14 operations, ten percent of the money remaining after the payment  
15 of prizes and operating expenses and the initial transfer to the  
16 Compulsive Gamblers Assistance Fund shall be transferred to the  
17 General Fund; and

18 (f) One percent of the money remaining after the payment  
19 of prizes and operating expenses and the initial transfer to the  
20 Compulsive Gamblers Assistance Fund shall be transferred to the  
21 Compulsive Gamblers Assistance Fund to be used as provided in  
22 section 71-817.

23 (4)(a) The Education Innovation Fund is created. At least  
24 seventy-five percent of the lottery proceeds allocated to the  
25 Education Innovation Fund shall be available for disbursement.

26 (b) For fiscal year 2005-06, the Education Innovation  
27 Fund shall be allocated as follows: The first one million dollars  
1 shall be transferred to the School District Reorganization Fund,  
2 and the remaining amount shall be allocated to the General Fund  
3 after operating expenses for the Excellence in Education Council  
4 are deducted.

5 (c) For fiscal year 2006-07, the Education Innovation  
6 Fund shall be allocated as follows: The first two hundred fifty  
7 thousand dollars shall be transferred to the Attracting Excellence  
8 to Teaching Program Cash Fund to fund the Attracting Excellence  
9 to Teaching Program Act, the next one million dollars shall  
10 be transferred to the School District Reorganization Fund, and  
11 the amount remaining in the Education Innovation Fund shall be  
12 allocated, after administrative expenses, for distance education  
13 equipment and incentives pursuant to sections 79-1336 and 79-1337.

14 (d) For fiscal year 2007-08, the Education Innovation  
15 Fund shall be allocated as follows: The first five hundred thousand  
16 dollars shall be transferred to the Attracting Excellence to  
17 Teaching Program Cash Fund to fund the Attracting Excellence to  
18 Teaching Program Act, and the amount remaining in the Education  
19 Innovation Fund shall be allocated, after administrative expenses,  
20 for distance education equipment and incentives pursuant to  
21 sections 79-1336 and 79-1337.

22 (e) For fiscal year 2008-09, the Education Innovation  
23 Fund shall be allocated as follows: The first seven hundred  
24 fifty thousand dollars shall be transferred to the Attracting  
25 Excellence to Teaching Program Cash Fund to fund the Attracting  
26 Excellence to Teaching Program Act, and the amount remaining in the  
27 Education Innovation Fund shall be allocated, after administrative  
1 expenses, for distance education equipment and incentives pursuant  
2 to sections 79-1336 and 79-1337.

3 (f) For fiscal years 2009-10 through 2015-16, the  
4 Education Innovation Fund shall be allocated as follows: The  
5 first one million dollars shall be transferred to the Attracting  
6 Excellence to Teaching Program Cash Fund to fund the Attracting  
7 Excellence to Teaching Program Act, and the amount remaining in the  
8 Education Innovation Fund shall be allocated, after administrative

9 expenses, for distance education equipment and incentives pursuant  
10 to sections 79-1336 and 79-1337.

11 (g) For fiscal year 2016-17 and each fiscal year  
12 thereafter, the Education Innovation Fund shall be allocated,  
13 after administrative expenses, for education purposes as provided  
14 by the Legislature.

15 (5) Any money in the State Lottery Operation Trust  
16 Fund, the State Lottery Operation Cash Fund, the State Lottery  
17 Prize Trust Fund, or the Education Innovation Fund available  
18 for investment shall be invested by the state investment officer  
19 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
20 State Funds Investment Act.

21 (6) Unclaimed prize money on a winning lottery ticket  
22 shall be retained for a period of time prescribed by rules and  
23 regulations. If no claim is made within such period, the prize  
24 money shall be used at the discretion of the Tax Commissioner for  
25 any of the purposes prescribed in this section.

26 Sec. 17. Section 9-833, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 9-833 The director may contract for, purchase, or lease  
2 goods or services necessary for effectuating the purpose of the  
3 State Lottery Act. All procurements shall be subject to the act and  
4 shall be exempt from any other state law concerning the purchase  
5 of any goods or services, and all purchases in excess of ~~fifteen~~  
6 twenty-five thousand dollars shall be subject to approval by the  
7 Tax Commissioner.

8 Sec. 18. Section 9-835, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 9-835 (1) Subject to the approval of the Tax  
11 Commissioner, the director may request proposals for or enter  
12 into major procurements for effectuating the purpose of the  
13 State Lottery Act. In awarding contracts in response to requests  
14 for proposals, the director shall award such contracts to the  
15 responsible vendor who submits the lowest and best proposal which  
16 maximizes the benefits to the state in relation to the cost in  
17 the areas of security, competence, quality of product, capability,  
18 timely performance, and maximization of net revenue to benefit the  
19 public purpose of the act. All contract awards made by the director  
20 exceeding ~~fifteen~~twenty-five thousand dollars shall be approved by  
21 the Tax Commissioner.

22 (2) The director may not award and the Tax Commissioner  
23 may not approve a contract with a person to serve as a lottery  
24 contractor for a major procurement if the person has made a  
25 contribution to a candidate for a state elective office as defined  
26 in section 49-1444 after March 1, 1995, and within three years  
27 preceding the award of the contract. A person shall be considered  
1 to have made a contribution if the contribution is made by the  
2 person, by an officer of the person, by a separate segregated  
3 political fund established and administered by the person as

4 provided in section 49-1469, or by anyone acting on behalf of the  
 5 person, officer, or fund. Any contract awarded in violation of the  
 6 subsection shall be void.

7 (3) No contract may be assigned by a lottery contractor  
 8 except by a written agreement approved by the Tax Commissioner and  
 9 signed by the director.

10 Sec. 20. Original sections 9-239, 9-266, 9-356, 9-424,  
 11 9-833, and 9-835, Reissue Revised Statutes of Nebraska, and  
 12 sections 9-1,101, 9-232.01, 9-232.02, 9-233, 9-241.03, 9-255.06,  
 13 9-328, 9-329, 9-329.02, 9-425, 9-803, 9-812, and 77-366, Revised  
 14 Statutes Cumulative Supplement, 2006, are repealed.

15 2. Renumber the remaining sections accordingly.

Senator Janssen offered the following amendment to the McDonald amendment:

FA38

Amendment to AM565 On page 3, line 24 and page 4, line 5 strike "2013" and insert "2009"

The Janssen amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

The McDonald amendment, as amended, was adopted with 27 ayes, 6 nays, 11 present and not voting, and 5 excused and not voting.

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

Senator McDonald requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Adams	Dierks	Johnson	McDonald	Preister
Aguilar	Dubas	Karpisek	McGill	Rogert
Ashford	Friend	Kopplin	Mines	Schimek
Avery	Fulton	Kruse	Nantkes	Stuthman
Chambers	Howard	Lathrop	Pankonin	Synowiecki
Cornett	Janssen	Louden	Pedersen	White

Voting in the negative, 2:

Erdman            Hansen

Present and not voting, 13:

Burling	Gay	Langemeier	Pirsch	Wightman
Fischer	Harms	Nelson	Raikes	
Flood	Heidemann	Pahls	Wallman	

Excused and not voting, 4:

Carlson            Christensen    Engel            Hudkins

Advanced to E & R for review with 30 ayes, 2 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### **AMENDMENT - Print in Journal**

Senator Synowiecki filed the following amendment to LB 328:  
AM479

(Amendments to Standing Committee amendments, AM391)

- 1    1. On page 1, line 18; and page 9, line 11, after the
- 2    period insert "Members who elect to participate in the cash balance
- 3    benefit on or after November 1, 2007, but before January 1, 2008,
- 4    shall commence participation in the cash balance benefit on January
- 5    1, 2008.".

### **ANNOUNCEMENTS**

Senator Wallman designates LB 488 as his priority bill.

Senator Erdman designates LB 368 as his priority bill.

The Agriculture Committee designates LB 516 and LB 435 as its priority bills.

Senator Gay designates LB 338 as his priority bill.

The Legislative Performance Audit Committee designates LB 610 as its priority bill.

Senator Raikes designates LB 603 as his priority bill.

The Education Committee designates LB 641 and LB 651 as its priority bills.

Senator Preister designates LR 1CA as his priority resolution.

Senator Mines designates LB 304 as his priority bill.

Senator Avery designates LR 6CA as his priority resolution.

Senator Flood designates LB 658 as his priority bill.

Senator Louden designates LB 570 as his priority bill.

Senator Synowiecki designates LB 542 as his priority bill.

The Nebraska Retirement Systems Committee designates LB 324 as its priority bill.

Senator Schimek designates LB 554 as her priority bill.

### **GENERAL FILE**

**LEGISLATIVE BILL 425.** Title read. Considered.

Committee AM511, found on page 697, was considered.

### **SENATOR ERDMAN PRESIDING**

The committee amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 425A.** Title read. Considered.

Senator Pankonin moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 157.** Title read. Considered.

Committee AM250, found on page 689, was considered.

Senator Chambers asked unanimous consent to bracket LB 157 until April 18, 2007.

Senator Ashford objected.

Senator Chambers offered the following motion:  
Bracket LB 157 until April 18, 2007.

Senator Pahls moved the previous question. The question is, "Shall the debate now close?" The motion failed with 15 ayes, 8 nays, and 26 not voting.

### **SENATOR LANGEMEIER PRESIDING**

Pending.

**COMMITTEE REPORTS**  
**Natural Resources**

**LEGISLATIVE BILL 677.** Placed on General File - Com AM630.  
AM630

- 1 1. Insert the following section:  
2 Sec. 3. Since an emergency exists, this act takes effect  
3 when passed and approved according to law.  
4 2. Strike beginning with page 2, line 24, through page 3,  
5 line 8, show the old matter as stricken, and insert  
6 "(3) Any person required to request an inspection under  
7 this section who operates an animal feeding operation after January  
8 1, 2000, without first submitting the request for inspection  
9 required under this section shall be assessed, except for good  
10 cause shown, a late fee of not less than fifty dollars nor more  
11 than five hundred dollars for each offense. Each month a violation  
12 continues shall constitute a separate offense. Exceptions to this  
13 provision are:  
14 (a) An animal feeding operation exempted by the  
15 department from National Pollutant Discharge Elimination System  
16 permit requirements prior to July 16, 2004; or  
17 (b) A livestock operation that became an animal feeding  
18 operation by enactment of the Livestock Waste Management Act as  
19 such act existed on July 16, 2004, but was not required to request  
20 an inspection prior to that date.  
21 (4) A person meeting the provisions of subdivision (3)(b)  
22 of this section shall request an inspection prior to January 1,  
23 2009, and pay fees required pursuant to subsection (1) of this  
1 section.  
2 (5) Any person required to request an inspection under  
3 subsection (4) of this section who operates an animal feeding  
4 operation after December 31, 2008, shall be assessed, except for  
5 good cause shown, a late fee of not less than fifty dollars nor  
6 more than five hundred dollars for each offense. Each month a  
7 violation continues shall constitute a separate offense."

**LEGISLATIVE BILL 594.** Indefinitely postponed.

**LEGISLATIVE BILL 704.** Indefinitely postponed.

(Signed) LeRoy Loudon, Chairperson

**General Affairs**

**LEGISLATIVE BILL 578.** Placed on General File - Com AM573.  
AM573

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



- 3 Section 1. Section 53-101, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:  
 5 53-101 Sections 53-101 to 53-1,122 and section 2 of this  
 6 act shall be known and may be cited as the Nebraska Liquor Control  
 7 Act.  
 8 Sec. 2. When the commission finds that the administration  
 9 of the state alcohol excise tax laws might be more efficiently  
 10 and economically conducted, the commission may require or allow for  
 11 rounding of all amounts on returns or reports, including amounts of  
 12 tax. Amounts shall be rounded to the nearest dollar with amounts  
 13 ending in fifty cents or more rounded to the next highest dollar.  
 14 Sec. 3. Original section 53-101, Revised Statutes  
 15 Cumulative Supplement, 2006, is repealed.

**LEGISLATIVE BILL 181.** Indefinitely postponed.

(Signed) Vickie McDonald, Chairperson

**ANNOUNCEMENTS**

Senator Langemeier designates LB 343 as his priority bill.

Senator Fulton designates LB 198 as his priority bill.

Senator Friend designates LB 316 as his priority bill.

Senator Nelson designates LB 236 as his priority bill.

Senator Heidemann designates LB 636 as his priority bill.

Senator Pirsch designates LB 142 as his priority bill.

Senator Lathrop designates LB 674 as his priority bill.

The Business and Labor Committee designates LB 588 and LB 265 as its priority bills.

**AMENDMENTS - Print in Journal**

Senators Rogert and Mines filed the following amendment to LB 255:  
 AM640

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 48-1228, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 48-1228 Sections 48-1228 to 48-1232 and section 4 of this  
 6 act shall be known and may be cited as the Nebraska Wage Payment  
 7 and Collection Act.  
 8 Sec. 2. Section 48-1229, Reissue Revised Statutes of

9 Nebraska, is amended to read:

10 48-1229 For purposes of the Nebraska Wage Payment and  
11 Collection Act, unless the context otherwise requires:

12 (1) Employer means the state or any individual,  
13 partnership, limited liability company, association, joint-stock  
14 company, trust, corporation, political subdivision, or personal  
15 representative of the estate of a deceased individual, or the  
16 receiver, trustee, or successor thereof, within or without the  
17 state, employing any person within the state as an employee;

18 (2) Employee means any individual permitted to work by  
19 an employer pursuant to an employment relationship or who has  
20 contracted to sell the goods or services of an employer and to be  
21 compensated by commission. Services performed by an individual for  
22 an employer shall be deemed to be employment, unless it is shown

23 that (a) such individual has been and will continue to be free  
1 from control or direction over the performance of such services,  
2 both under his or her contract of service and in fact, (b) such  
3 service is either outside the usual course of business for which  
4 such service is performed or such service is performed outside of  
5 all the places of business of the enterprise for which such service  
6 is performed, and (c) such individual is customarily engaged in  
7 an independently established trade, occupation, profession, or  
8 business. This subdivision is not intended to be a codification of  
9 the common law and shall be considered complete as written;

10 (3) Fringe benefits includes sick and vacation leave  
11 plans, disability income protection plans, retirement, pension, or  
12 profit-sharing plans, health and accident benefit plans, and any  
13 other employee benefit plans or benefit programs regardless of  
14 whether the employee participates in such plans or programs. Paid  
15 leave, other than earned but unused vacation leave, provided as a  
16 fringe benefit by the employer shall not be included in the wages  
17 due and payable at the time of separation, unless the employer  
18 and the employee or the employer and the collective bargaining  
19 representative have specifically agreed otherwise; and

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

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

7 48-1230 (1) Except as otherwise provided in this section,

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

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

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

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

7 Sec. 4. Whenever an employer separates an employee from  
8 the payroll, the unpaid wages constituting commissions shall become  
9 due on the next regular payday following the employer's receipt of  
10 payment for the goods or services from the customer from which the  
11 commission was generated. The employer shall provide an employee  
12 with a periodic accounting of outstanding commissions, until all  
13 commissions have been paid or the orders have been returned or  
14 canceled by the customer.

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

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

27 Sec. 6. This act becomes operative on January 1, 2008.

1 Sec. 7. Original sections 48-1228, 48-1229, 48-1230, and  
2 48-1232, Reissue Revised Statutes of Nebraska, are repealed.

Senator Harms filed the following amendment to LB 192:  
AM643

(Amendments to E & R amendments, ER8039)

- 1 1. On page 4, line 16, strike "in Nebraska"; in line 18
- 2 after the semicolon insert the following new subdivision:
- 3 "(4) Qualified postsecondary educational institution
- 4 means a postsecondary educational institution located in Nebraska
- 5 which has agreed, on a form developed and provided by the
- 6 commission, to comply with the requirements of the act."; in
- 7 line 19 strike "(4)" and insert "(5)" and after "student" insert
- 8 "residing in Nebraska and"; in lines 23 and 24 strike "who"
- 9 through "a" and insert "for courses to be taken for credit from
- 10 a qualified"; and in line 26 after "student" insert "who is
- 11 applying to take one or more courses for credit from a qualified
- 12 postsecondary educational institution".
- 13 2. On page 5, line 19, after "fees" insert "to be accrued
- 14 by the student"; and in line 20 after "or" insert "qualified".
- 15 3. On page 6, strike line 1 and insert "lesser of tuition
- 16 and fees accrued by the student from the qualified postsecondary";
- 17 in line 2 after "institution" insert "or the tuition and fees
- 18 that would have been accrued by the student for the same number
- 19 of credit hours if the student were taking the course from the
- 20 University of Nebraska-Lincoln"; in line 3 after "the" insert
- 21 "qualified"; after line 9 insert the following new subsection:
- 22 "(5) For any student receiving a scholarship pursuant
- 1 to the act for tuition and fees, the qualified postsecondary
- 2 educational institution receiving the payment shall report either
- 3 the student's grade for the course or the student's failure to
- 4 complete the course to the commission within thirty days after
- 5 the end of the course or within one hundred eighty days after
- 6 receipt of a payment pursuant to the act if the course for which
- 7 the scholarship was awarded does not have a specified ending
- 8 date. The commission shall keep the identity of students receiving
- 9 scholarships confidential, except as necessary to comply with the
- 10 requirements of the act."; in line 14 strike "and" and insert an
- 11 underscored comma; and in line 15 after "recipients" insert ", and
- 12 information regarding the success of scholarship recipients in the
- 13 courses for which the scholarships were awarded".

Senator White filed the following amendment to LB 497:  
AM646

- 1 1. On page 2, line 22, strike "longer than one hundred
- 2 eighty days" and all amendments thereto and insert "one hundred
- 3 seventy-nine days or longer".

Senator Erdman filed the following amendment to LB 286:  
AM648

(Amendments to E & R amendments, ER8034)

- 1 1. On page 40, strike beginning with "Only" in line 10  
 2 through "trailer" in line 11, show the old matter as stricken, and  
 3 insert "Any number of motor vehicles, trailers, semitrailers, or  
 4 cabin trailers"; and in line 12 strike "shall", show as stricken,  
 5 and insert "may".

Senator Raikes filed the following amendment to LB 223:  
 AM649

- 1 1. On page 57, strike lines 13 and 14, show the old  
 2 matter as stricken, and insert the following new subdivision:  
 3 "(5) Livestock production means the active use,  
 4 management, and operation of real and personal property for the  
 5 commercial production of livestock, for the commercial breeding,  
 6 training, showing, or racing of horses, or for the use of horses  
 7 in a recreational or tourism enterprise. The activity will be  
 8 considered commercial if the gross income derived from an activity  
 9 for two or more of the taxable years in the period of seven  
 10 consecutive taxable years which ends with the taxable year exceeds  
 11 the deductions attributable to such activity or, if the operation  
 12 has been in existence for less than seven years, if the activity is  
 13 engaged in for the purpose of generating a profit;".

### UNANIMOUS CONSENT - Add Cointroducers

Senators Kruse, Lathrop, McGill, and Mines asked unanimous consent to add their names as cointroducers to LB 646. No objections. So ordered.

### VISITORS

Visitors to the Chamber were members of the Lincoln Chamber of Commerce; Ron, Liane, Stephanie, and Sara Bode from Elgin; Senator Adams' wife and granddaughter, Julie Adams from York and Addison Loveless from Wichita, Kansas; 6 students and teacher from the Pine Ridge Job Corp Multi-Cultural Club; Deb Hilker from O'Neill and Ashley Boettcher from Spencer; Senator Rogert's father and uncle, Dave Rogert and Larry Hansen, from Herman; and 25 fourth-grade students from York.

The Doctor of the Day was Dr. Lane Handke from Lincoln.

### ADJOURNMENT

At 11:58 a.m., on a motion by Senator Avery, the Legislature adjourned until 10:00 a.m., Monday, March 12, 2007.

Patrick J. O'Donnell  
 Clerk of the Legislature



**FORTY-FOURTH DAY - MARCH 12, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 12, 2007

**PRAYER**

The prayer was offered by Pastor Nancy Leonard, St. Paul United Methodist Church, South Sioux City.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Langemeier presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

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

The following bills were correctly reengrossed: LBs 25, 67, and 211A.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS****Health and Human Services**

**LEGISLATIVE BILL 469.** Placed on General File.

**LEGISLATIVE BILL 53.** Placed on General File - Com AM525.  
AM525

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 68-1803, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:

5 68-1803 (1) Each intermediate care facility for the  
 6 mentally retarded shall pay a tax equal to ~~six percent~~ a percentage  
 7 of its net revenue for the most recent State of Nebraska fiscal  
 8 year. The percentage shall be (a) six percent prior to January  
 9 1, 2008, (b) five and one-half percent beginning January 1, 2008,  
 10 through September 30, 2011, and (c) six percent beginning October  
 11 1, 2011.

12 (2) Taxes collected under this section shall be remitted  
 13 to the State Treasurer for credit to the ICF/MR Reimbursement  
 14 Protection Fund.

15 (3) Taxes collected pursuant to this section shall be  
 16 reported on a separate line on the cost report of the intermediate  
 17 care facility for the mentally retarded, regardless of how such  
 18 costs are reported on any other cost report or income statement.  
 19 The department shall recognize such tax as an allowable cost  
 20 within the state plan for reimbursement of intermediate care  
 21 facilities for the mentally retarded which participate in the  
 22 medical assistance program. The tax shall be a direct pass-through  
 23 and shall not be subject to cost limitations.

1 Sec. 2. Original section 68-1803, Revised Statutes  
 2 Cumulative Supplement, 2006, is repealed.

**LEGISLATIVE BILL 417.** Placed on General File - Com AM524.  
 AM524

1 1. On page 3, strike beginning with "sections" in line 12  
 2 through the second "and" in line 13 and insert "section"; and in  
 3 line 14 strike "are" and insert "is".

**LEGISLATIVE BILL 445.** Placed on General File - Com AM615.  
 AM615

1 1. On page 5, line 14, strike "A" and insert "Except as  
 2 otherwise provided in subsection (5) of this section, a"; in line  
 3 16 after "an" insert "appropriate"; and strike beginning with line  
 4 20 through line 21 and insert:

5 "(c) Completion of appropriate training as approved by  
 6 the executive director of the commission or the board.".

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

9 "(5) The commission may waive some or all of the  
 10 requirements of subsection (3) of this section for any person  
 11 engaged in rehabilitation counseling for the blind on or before the  
 12 effective date of this act.".

**LEGISLATIVE BILL 410.** Indefinitely postponed.

(Signed) Joel Johnson, Chairperson



## Revenue

**LEGISLATIVE BILL 627.** Placed on General File.

**LEGISLATIVE BILL 338.** Placed on General File - Com AM660.  
AM660

- 1 1. On page 6, line 12, strike "five" through "thousand",
- 2 show the old matter as stricken, and insert "two thousand five
- 3 hundred"; and in line 13 strike "ten" and insert "five".

**LEGISLATIVE BILL 343.** Placed on General File - Com AM661.  
AM661

- 1 1. On page 2, line 6, after "investment" insert "prior to
- 2 January 1, 2015,"; and in line 11 strike "taxable year" and insert
- 3 "the first taxable year in which the biodiesel facility produces
- 4 B100".
- 5 2. On page 3, line 11, after the comma insert
- 6 "cooperative, including a cooperative exempt under section 521 of
- 7 the Internal Revenue Code of 1986, as amended,"; in line 13 strike
- 8 "investment" and insert "credit"; and in lines 16 and 17 after the
- 9 last comma insert "cooperative,".

**LEGISLATIVE BILL 551.** Placed on General File - Com AM662.  
AM662

- 1 1. Insert the following new section:
- 2 Sec. 10. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 3, lines 7 and 8, strike beginning with
- 5 "collected" through "facilities", show the old matter as stricken,
- 6 and insert "collected by retailers and operators doing business at
- 7 such facilities, including primary and secondary box office sales,
- 8 merchandise sales, and contracted labor for which sales tax is
- 9 paid".
- 10 3. On page 8, lines 6, 7, and 19; and page 9, lines 12,
- 11 13, and 24 strike beginning with "collected" through "facilities"
- 12 and insert "collected by retailers and operators doing business at
- 13 such facilities, including primary and secondary box office sales,
- 14 merchandise sales, and contracted labor for which sales tax is
- 15 paid".

**LEGISLATIVE BILL 173.** Indefinitely postponed.

**LEGISLATIVE BILL 514.** Indefinitely postponed.

**LEGISLATIVE BILL 569.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 157.** The Chambers motion, found on page 799, to bracket until April 18, 2007, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Chambers motion to bracket failed with 10 ayes, 23 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

**ANNOUNCEMENT**

Speaker Flood designates LR 2CA and LBs 112, 144, 171, 177, 188, 208, 219, 233, 246, 274, 285, 289, 292, 351, 358, 389, 404, 471, 530, 540, 565, 622, 646, and 664 as Speaker priority resolution and bills.

**COMMITTEE REPORT**  
**Health and Human Services**

**LEGISLATIVE BILL 351.** Placed on General File - Com AM645.  
 AM645

- 1 1. On page 16, line 10, reinstate the stricken matter;
- 2 and in lines 11 and 12 strike the new matter.

(Signed) Joel Johnson, Chairperson

**NOTICE OF COMMITTEE HEARING**  
**Health and Human Services**  
 Room 1510

Tuesday, March 20, 2007

1:30 p.m.

Linda L. Jensen - Board of Emergency Medical Services

Donald Frey - Rural Health Advisory Commission

Leon Sykes - Board of Emergency Medical Services

Kate Hesser - Rural Health Advisory Commission

(Signed) Joel Johnson, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 73A.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 73, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 162A.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 162, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 253A.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 253, One Hundredth Legislature, First Session, 2007.

**GENERAL FILE**

**LEGISLATIVE BILL 157.** Senator Chambers offered the following motion:  
Recommit to Judiciary Committee.

Pending.

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

**LEGISLATIVE BILL 233.** Placed on General File.

**LEGISLATIVE BILL 622.** Placed on General File - Com AM259.  
AM259

- 1 1. On page 2, strike beginning with line 1 through "(2)"
- 2 in line 7 and insert
- 3 "(1) Except as otherwise provided in subsection (2) of
- 4 this section, any member of a public body shall complete a training
- 5 course regarding the powers and duties of a public body and its
- 6 members under the Open Meetings Act no later than one year after
- 7 the operative date of this act.
- 8 (2) Any person who becomes a member of a public body
- 9 after the operative date of this act shall complete the training
- 10 course required in subsection (1) of this section no later than one
- 11 year after the day the member (a) takes the oath of office or (b)
- 12 assumes his or her duties as a member of a public body, if the

- 13 member is not required to take an oath of office.  
 14 (3)"; in line 13 strike "(3)" and insert "(4)"; and in  
 15 line 20 strike "(4)" and insert "(5)".  
 16 2. On page 3, line 1, strike "(5)" and insert "(6)"; in  
 17 line 4 strike "ex officio" and insert "current or future"; in line  
 18 6 strike "(6)" and insert "(7)"; in line 10 strike "(7)" and insert  
 19 "(8)"; and strike beginning with line 16 through "(2)" in line 22  
 20 and insert  
 21 "(1) Except as otherwise provided in subsection (2) of  
 22 this section, any public officer or public employee subject to  
 23 this section under subsection (9) of this section shall complete  
 1 a training course regarding sections 84-712 to 84-712.09 no later  
 2 than one year after the operative date of this act.  
 3 (2) Any person who becomes a public officer or public  
 4 employee subject to this section under subsection (9) of this  
 5 section after the operative date of this act shall complete the  
 6 training course required in subsection (1) of this section no later  
 7 than one year after the day the officer or employee (a) takes the  
 8 oath of office or (b) assumes his or her duties with a governmental  
 9 agency, if not required to take an oath of office.  
 10 (3)".  
 11 3. On page 4, line 8, strike "(3)" and insert "(4)"; in  
 12 line 14 strike "(4)" and insert "(5)"; and in line 22 strike "(5)"  
 13 and insert "(6)".  
 14 4. On page 5, line 5, strike "(6)" and insert "(7)";  
 15 in line 9 strike "ex officio" and insert "current or future"; in  
 16 line 11 strike "(7)" and insert "(8)"; in line 13 strike "(8)"  
 17 and insert "(9)"; and in line 15 strike "governmental agency" and  
 18 insert "governing body".

**LEGISLATIVE BILL 7.** Indefinitely postponed.

**LEGISLATIVE BILL 61.** Indefinitely postponed.

**LEGISLATIVE BILL 135.** Indefinitely postponed.

**LEGISLATIVE BILL 212.** Indefinitely postponed.

**LEGISLATIVE BILL 284.** Indefinitely postponed.

(Signed) Ray Aguilar, Chairperson

### AMENDMENTS - Print in Journal

Senator Fulton filed the following amendment to LB 12:

AM637

(Amendments to E & R amendments, ER8029)

- 1 1. On page 2, line 18, strike "two", show as stricken,
- 2 and insert "three".

Senator Fulton filed the following amendment to LB 12A:

AM652

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

- 3 Section 1. There is hereby appropriated (1) \$266,929  
 4 from the General Fund for FY2007-08 and (2) \$150,929 from the  
 5 General Fund and \$50,000 from the Commercial Dog and Cat Operator  
 6 Inspection Program Cash Fund for FY2008-09 to the Department of  
 7 Agriculture, for Program 63, to aid in carrying out the provisions  
 8 of Legislative Bill 12, One Hundredth Legislature, First Session,  
 9 2007.  
 10 Total expenditures for permanent and temporary salaries  
 11 and per diems from funds appropriated in this section shall not  
 12 exceed \$140,304 for FY2007-08 or \$140,304 for FY2008-09.

Senator Kruse filed the following amendment to LR 12CA:  
 AM659

- 1 1. On page 1, line 16, after the period insert "No  
 2 funds may be expended by the board unless appropriated by the  
 3 Legislature.".  
 4 2. On page 2, line 16, after "require" insert "an  
 5 appropriation for"; in line 17 after "Funds" insert "to expend  
 6 funds, to require the board"; and in line 23 after "officer" insert  
 7 a comma.

Senator Ashford filed the following amendment to LB 157:  
 AM674

(Amendments to Standing Committee amendments, AM250)

- 1 1. Insert the following new section:  
 2 Sec. 3. For purposes of section 1 of this act, generally  
 3 accepted standards of professional practice means medical treatment  
 4 or care of the type, quality, and amount that a firefighter or  
 5 hospital staff person would be expected to provide according to the  
 6 professional standards of care for firefighters or hospital staff  
 7 with regard to the medical treatment and care of infants.  
 8 2. Renumber the remaining section accordingly.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Howard asked unanimous consent to add her name as cointroducer to LB 405. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Winston Murray from Guyana; members of Delta Sigma Theta Sorority from Lincoln and Omaha; Ron and JoAnne Jonas from Lincoln and Janelle Jonas and Ryan Clark from Atlanta, Georgia; Dylan Hafer from Martell and Ruthellen Sittler from Lincoln; and 20 eighth-grade students and teachers from St. Mary's School, Lincoln.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Friend, the Legislature adjourned until 9:00 a.m., Tuesday, March 13, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

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

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

**PRAYER**

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

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

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

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

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

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

**LEGISLATIVE BILL 425A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 85.** Indefinitely postponed.

**LEGISLATIVE BILL 350.** Indefinitely postponed.

(Signed) Rich Pahls, Chairperson

**MESSAGES FROM THE GOVERNOR**

March 6, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as a member of the Tax Equalization and Review Commission:

Ruth Sorensen, 2500 Devoe Drive, Lincoln NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

March 8, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as a member of the Coordinating Commission for Postsecondary Education:

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

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form



are attached for your review.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

Enclosures

**NOTICE OF COMMITTEE HEARING**  
**Judiciary**  
 Room 1113

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

(Signed) Brad Ashford, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 52.** Introduced by Christensen, 44.

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

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

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

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

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

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

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

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

Laid over.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 83.** With Emergency.

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

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 2:

Carlson          Schimek

Excused and not voting, 5:

Dierks          Dubas          Pedersen          Raikes          White

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

**Dispense With Reading at Large**

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

The following bill was put upon final passage:

**LEGISLATIVE BILL 124.** With Emergency.

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

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Dubas

Excused and not voting, 2:

Pedersen      Raikes

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 145.**

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

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 2:

Pedersen      Raikes

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

**LEGISLATIVE BILL 231.**

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

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Erdman

Excused and not voting, 2:

Pedersen      Raikes

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

**LEGISLATIVE BILL 237.**

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

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

Voting in the affirmative, 38:

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

Voting in the negative, 5:

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

Burling	Friend	Gay	Pirsch
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Excused and not voting, 2:

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

### **Dispense With Reading at Large**

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

The following bill was put upon final passage:

### **LEGISLATIVE BILL 239.**

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

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen      Raikes

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 248.**

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

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Pahls

Excused and not voting, 2:

Pedersen      Raikes

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

**MOTION - Return LB 296 to Select File**

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

FA39

Strike the enacting clause.

**SENATOR LANGEMEIER PRESIDING**

**SPEAKER FLOOD PRESIDING**

Senator Schimek withdrew her motion to return.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

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

The following bill was put upon final passage:

**LEGISLATIVE BILL 296.** With Emergency.

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



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

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

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

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

Voting in the affirmative, 47:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

Dubas

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 347.**

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

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

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Dubas

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

### **LEGISLATIVE BILL 390.**

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

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Dubas

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

**SPEAKER SIGNED**

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

**RESOLUTIONS**

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

**SPEAKER SIGNED**

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

**SELECT FILE**

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

**SENATOR LANGEMEIER PRESIDING**

Advanced to E & R for engrossment.

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

Advanced to E & R for engrossment.

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

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

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

Advanced to E & R for engrossment.

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

Senators Rogert and Mines offered the following amendment:  
AM679

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Advanced to E & R for engrossment.

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

Advanced to E & R for engrossment.

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

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

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

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 441.** Senator Hudkins offered the following amendment:

AM691

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Advanced to E & R for engrossment.

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

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

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

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

Advanced to E & R for engrossment.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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

Sorensen, Ruth - Tax Equalization and Review Commission - Revenue

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

### AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 39:  
 AM681

(Amendments to Standing Committee amendments, AM116)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 3. Renumber the remaining sections accordingly.

Senator Schimek filed the following amendment to LB 39:  
 AM680

(Amendments to Standing Committee amendments, AM116)

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

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

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

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

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

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

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

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

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

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

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

4 Nebraska, are repealed.

5 2. Renumber the remaining sections accordingly.

Senator Hudkins filed the following amendment to LB 232:  
AM692

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

27 2. Renumber the remaining sections accordingly.

## COMMITTEE REPORTS

### Government, Military and Veterans Affairs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Signed) Ray Aguilar, Chairperson

### Judiciary

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

1 1. Insert the following new section:

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

4 84-712.05 The following records, unless considered a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 5. Renumber the remaining sections accordingly.

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

1 1. Strike original section 1.

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

**LEGISLATIVE BILL 695.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

### **PRESENTED TO THE GOVERNOR**

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

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

### **NOTICE OF COMMITTEE HEARING**

**Revenue**  
 Room 1524

Wednesday, March 21, 2007

Ruth Sorensen - Tax Equalization and Review Commission

1:30 p.m.



(Signed) Ray Janssen, Chairperson

## RESOLUTIONS

### **LEGISLATIVE RESOLUTION 53.** Introduced by Engel, 17.

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

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

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

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

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

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

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

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

Laid over.

### **LEGISLATIVE RESOLUTION 54.** Introduced by Avery, 28.

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

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

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

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

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

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

Laid over.

### **LEGISLATIVE RESOLUTION 55.** Introduced by McDonald, 41.

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

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

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

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

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

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

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

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

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

Laid over.

### **UNANIMOUS CONSENT - Add Cointroducer**

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

### **VISITORS**

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

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

### **ADJOURNMENT**

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

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-SIXTH DAY - MARCH 14, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 14, 2007

**PRAYER**

The prayer was offered by Pastor Hughes Morris Jr., Elkhorn Hills United Methodist Church, Elkhorn.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fifth day was approved.

**COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 113.** Placed on General File - Com AM478.  
AM478

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 8-2102, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 8-2102 For purposes of the Interstate Branching By Merger
- 6 Act of 1997, unless the context otherwise requires:
- 7 (1) Bank means a bank as defined in 12 U.S.C. 1813, as
- 8 such section existed on the effective date of this act;
- 9 ~~(4)~~(2) Department means the Department of Banking and
- 10 Finance;
- 11 ~~(2)~~(3) Director means the Director of Banking and
- 12 Finance;
- 13 ~~(3)~~(4) Home state means (a) with respect to a state
- 14 chartered bank, the state in which the bank is chartered and (b)
- 15 with respect to a national bank, the state in which the main office

16 of the bank is located;

17 ~~(4)-(5)~~ Home state regulator means, with respect to an  
18 out-of-state state chartered bank, the bank supervisory agency of  
19 the state in which such bank is chartered;

20 ~~(5)-(6)~~ Host state means a state, other than the home  
21 state of a bank, in which the bank maintains, or seeks to establish  
22 and maintain, a branch;

23 ~~(6)-(7)~~ Interstate merger transaction means a merger or  
1 consolidation of two or more banks, at least one of which is a  
2 Nebraska bank and at least one of which is an out-of-state bank,  
3 and the conversion of the main office and the branches of any  
4 bank involved in such merger or consolidation into branches of the  
5 resulting bank;

6 ~~(7)-(8)~~ Nebraska bank means a bank whose home state is  
7 Nebraska;

8 ~~(8)-(9)~~ Nebraska state chartered bank means a corporation  
9 which is chartered to conduct a bank in this state pursuant to the  
10 Nebraska Banking Act;

11 ~~(9)-(10)~~ Out-of-state bank means a bank whose home state  
12 is a state other than Nebraska;

13 ~~(10)-(11)~~ Out-of-state state chartered bank means a bank  
14 chartered under the laws of any state other than Nebraska;

15 ~~(11)-(12)~~ Resulting bank means a bank that has resulted  
16 from an interstate merger transaction under the Interstate  
17 Branching By Merger Act of 1997; and

18 ~~(12)-(13)~~ State means any state of the United States, the  
19 District of Columbia, any territory of the United States, Puerto  
20 Rico, Guam, American Samoa, the Trust Territory of the Pacific  
21 Islands, the Virgin Islands, and the Northern Mariana Islands.

22 Sec. 2. Original section 8-2102, Revised Statutes

23 Cumulative Supplement, 2006, is repealed.

**LEGISLATIVE BILL 123.** Placed on General File - Com AM626.  
AM626

1 1. On page 16, line 2, strike "(1)" and insert "(1)(a)";  
2 in line 7 after the first occurrence of "the" insert "last  
3 business"; and after line 8 insert the following new subdivision:  
4 "(b) There shall be no right to cancel under the Nebraska  
5 Foreclosure Protection Act with regard to any equity purchase  
6 contract executed on or after noon on the last business day before  
7 the foreclosure sale of the residence in foreclosure, if the  
8 homeowner first agrees to enter into an equity purchase contract  
9 with the equity purchaser on or after noon of the last business day  
10 before the foreclosure sale.".

11 2. On page 17, after line 6, insert the following new  
12 subdivision:

13 "(c) If no right to cancel the equity purchase contract  
14 exists under the Nebraska Foreclosure Protection Act as set  
15 forth in subdivision (1)(b) of section 21 of this act, the

16 equity purchase contract shall conspicuously state that no such  
 17 cancellation right exists."  
 18 3. On page 19, line 19, after "foreclosure" insert ",  
 19 including repairs and capital improvements, and may include below  
 20 market rent discounts. The equity purchaser shall provide the  
 21 homeowner with documentation proving such costs and below market  
 22 rent discounts prior to the homeowner's exercise of the option to  
 23 purchase."

**LEGISLATIVE BILL 190.** Placed on General File - Com AM694.  
 AM694

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. This act shall be known and may be cited as  
 4 the Credit Report Protection Act.  
 5 Sec. 2. For purposes of the Credit Report Protection Act:  
 6 (1) Consumer reporting agency means any person which,  
 7 for monetary fees, for dues, or on a cooperative nonprofit basis,  
 8 regularly engages in whole or in part in the practice of assembling  
 9 or evaluating consumer credit information or other information on  
 10 consumers for the purpose of furnishing consumer reports to third  
 11 parties and which uses any means or facility of interstate commerce  
 12 for the purpose of preparing or furnishing consumer reports;  
 13 (2) File, when used in connection with information on any  
 14 consumer, means all of the information on that consumer recorded  
 15 and retained by a consumer reporting agency regardless of how the  
 16 information is stored;  
 17 (3) Security freeze means a notice placed in a consumer's  
 18 file as provided in section 3 of this act that prohibits the  
 19 consumer reporting agency from releasing a credit report, or any  
 20 other information derived from the file, in connection with the  
 21 extension of credit or the opening of a new account, without the  
 22 express authorization of the consumer; and  
 23 (4) Victim of identity theft means a consumer who has a  
 1 copy of an official police report evidencing that the consumer has  
 2 alleged to be a victim of identity theft.  
 3 Sec. 3. A consumer, including a minor at the request of a  
 4 parent or custodial parent or guardian if appointed, may elect to  
 5 place a security freeze on his or her file by making a request by  
 6 certified mail to the consumer reporting agency.  
 7 Sec. 4. If a security freeze is in place with respect to  
 8 a consumer's file, the consumer reporting agency shall not release  
 9 a credit report or any other information derived from the file  
 10 to a third party without the prior express authorization of the  
 11 consumer. This section does not prevent a consumer reporting agency  
 12 from advising a third party that a security freeze is in effect  
 13 with respect to a consumer's file.  
 14 Sec. 5. (1) A consumer reporting agency shall place a  
 15 security freeze on a file no later than three business days after

16 receiving a request by certified mail.

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

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

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

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

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

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

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

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

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

- 11 (a) The consumer fails to meet the requirements of  
12 subsection (2) of this section; or
- 13 (b) The consumer reporting agency's ability to  
14 temporarily lift the security freeze within the time provided in  
15 subsection (3) of this section is prevented by:
- 16 (i) An act of God, including fire, earthquake, hurricane,  
17 storm, or similar natural disaster or phenomena;
- 18 (ii) An unauthorized or illegal act by a third party,  
19 including terrorism, sabotage, riot, vandalism, labor strike or  
20 dispute disrupting operations, or similar occurrence;
- 21 (iii) Operational interruption, including electrical  
22 failure, unanticipated delay in equipment or replacement part  
23 delivery, computer hardware or software failure inhibiting response  
24 time, or similar disruption;
- 25 (iv) Governmental action, including an emergency order  
26 or regulation, judicial or law enforcement action, or similar  
27 directive;
- 1 (v) Regularly scheduled maintenance, during other than  
2 normal business hours, of the consumer reporting agency's system or  
3 updates to such system;
- 4 (vi) Commercially reasonable maintenance of, or repair  
5 to, the consumer reporting agency's system that is unexpected or  
6 unscheduled; or
- 7 (vii) Receipt of a removal request outside of normal  
8 business hours.
- 9 For purposes of this subsection, normal business hours  
10 means Sunday through Saturday, between the hours of 6:00 a.m. and  
11 9:30 p.m., in the applicable time zone in this state.
- 12 Sec. 7. (1) A security freeze shall remain in place  
13 until the consumer requests that the security freeze be removed  
14 or temporarily lifted. A consumer reporting agency shall remove  
15 or temporarily lift a security freeze only in the following  
16 circumstances:
- 17 (a) Upon request by the consumer under section 6 or 8 of  
18 this act; or
- 19 (b) When the file was placed on hold due to a material  
20 misrepresentation of fact by the consumer.
- 21 (2) When a consumer reporting agency intends to release  
22 a hold on a file under subdivision (1)(b) of this section, the  
23 consumer reporting agency shall notify the consumer in writing  
24 three business days prior to releasing the hold on the file.
- 25 Sec. 8. A consumer reporting agency shall remove a  
26 security freeze within three business days after receiving a  
27 request for removal from the consumer who provides both of the  
1 following:
- 2 (1) Proper identification as specified in subdivision  
3 (2)(a) of section 6 of this act; and
- 4 (2) The unique personal identification number or password  
5 referred to in subdivision (2)(b) of section 6 of this act.

6 Sec. 9. (1) A consumer reporting agency may charge a fee  
7 of five dollars for placing, temporarily lifting, or removing a  
8 security freeze unless:  
9 (a) The consumer is a minor; or  
10 (b)(i) The consumer is a victim of identity theft; and  
11 (ii) The consumer provides the consumer reporting agency  
12 with a copy of an official police report documenting the identity  
13 theft.  
14 (2) A consumer reporting agency shall reissue the same or  
15 a new personal identification number required under section 5 of  
16 this act one time without charge and may charge a fee of no more  
17 than five dollars for subsequent instances of loss of the personal  
18 identification number.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

23 consumer reporting agency.

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

(Signed) Rich Pahls, Chairperson

### **Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 269.** Placed on General File - Com AM682.  
 (Amendment is printed separately and available in the Bill Room, Room  
 1104.)

(Signed) Ray Aguilar, Chairperson

### **Health and Human Services**

**LEGISLATIVE BILL 236.** Placed on General File - Com AM670.  
 AM670

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. For purposes of sections 1 to 5 of this act:  
 4 (1) Activities of daily living has the definition found  
 5 in section 71-6602;  
 6 (2) Attendant services means hands-on assistance with  
 7 activities of daily living, transfer, grooming, medication  
 8 reminders, and similar activities;  
 9 (3) Companion services means the provision of  
 10 companionship and assistance with letter writing, escort services,  
 11 reading, and similar activities;  
 12 (4) Homemaker services means assistance with household  
 13 tasks, including, but not limited to, housekeeping, personal  
 14 laundry, shopping, incidental transportation, and meals;  
 15 (5) In-home personal services means attendant services,  
 16 companion services, and homemaker services provided to a person  
 17 in his or her residence to enable the person to remain safe and  
 18 comfortable in such residence;  
 19 (6) In-home personal services agency means an entity  
 20 that provides or offers to provide in-home personal services for  
 21 compensation by employees of the agency or by persons with whom the  
 22 agency has contracted to provide such services. In-home personal  
 23 services agency does not include a local public health department,  
 1 a health care facility as defined in section 71-413, a health

2 care service as defined in section 71-415, a nurse aide registry,  
3 programs supported by the federal Corporation for National and  
4 Community Service, or an agency that provides only housecleaning  
5 services. A home health agency may be an in-home personal services  
6 agency; and

7 (7) In-home personal services worker means a person who  
8 meets the requirements of section 2 of this act and provides  
9 in-home personal services.

10 Sec. 2. An in-home personal services worker:

11 (1) Shall be at least eighteen years of age;

12 (2) Shall have good moral character;

13 (3) Shall not have been convicted of a crime under the  
14 laws of Nebraska or another jurisdiction, the penalty for which is  
15 imprisonment for a period of more than one year and which crime is  
16 rationally related to the person's fitness or capacity to act as an  
17 in-home personal services worker;

18 (4) Shall have no adverse findings on the Adult  
19 Protective Services Central Registry, the central register created  
20 in section 28-718, the Medication Aide Registry, the Nurse Aide  
21 Registry, or the Nebraska State Patrol Sex Offender Registry;

22 (5) Shall be able to speak and understand the English  
23 language or the language of the person for whom he or she is  
24 providing in-home personal services; and

25 (6) Shall have training sufficient to provide the  
26 requisite level of in-home personal services offered.

27 Sec. 3. An in-home personal services agency shall employ  
1 only persons who meet the requirements of section 2 of this act  
2 to provide in-home personal services. The in-home personal services  
3 agency shall perform or cause to be performed a criminal history  
4 record information check on each in-home personal services worker  
5 and a check of his or her driving record as maintained by the  
6 Department of Motor Vehicles or by any other state which has issued  
7 an operator's license to the in-home personal services worker, when  
8 driving is a service provided by the in-home personal services  
9 worker, and shall maintain documentation of such checks in its  
10 records for inspection at its place of business.

11 Sec. 4. An in-home personal services worker shall not  
12 perform services which require the exercise of nursing judgment or  
13 medical judgment. Notwithstanding any provision of the Medication  
14 Aide Act to the contrary, an in-home personal services worker  
15 may provide reminders to persons to self-administer medications or  
16 assistance to persons in the delivery of nontherapeutic topical  
17 applications.

18 Sec. 5. Sections 1 to 4 of this act do not apply to  
19 or prohibit the performance of health maintenance activities by  
20 designated care aides pursuant to section 71-1,132.30 and do not  
21 apply to persons who provide personal assistant services, respite  
22 care or habilitation services, or aged and disabled services.

23 Sec. 6. Section 71-6615, Reissue Revised Statutes of

24 Nebraska, is amended to read:

25 71-6615 Sections 71-6601 to 71-6612 ~~shall do~~ not apply  
26 to

27 (1) Volunteers ~~any volunteers~~ working on behalf of a  
28 hospice licensed under the Health Care Facility Licensure Act who,  
29 as part of their volunteer duties, provide home health care;

30 (2) In-home personal services agencies as defined in  
31 section 1 of this act; and

32 (3) In-home personal services workers as defined in  
33 section 1 of this act.

34 Sec. 7. Section 71-6720, Reissue Revised Statutes of  
35 Nebraska, is amended to read:

36 71-6720 (1) The purposes of the Medication Aide Act  
37 are to ensure the health, safety, and welfare of the public by  
38 providing for the accurate, cost-effective, efficient, and safe  
39 utilization of medication aides to assist in the administration of  
40 medications by ~~(1)-(a)~~ competent individuals, ~~(2)-(b)~~ caretakers  
41 who are parents, foster parents, family, friends or legal  
42 guardians, and ~~(3)-(c)~~ licensed health care professionals.

43 (2) The act applies to all settings in which medications  
44 are administered except the home, unless the in-home administration  
45 of medication is. ~~The act does apply to medication administered~~  
46 ~~in the home when~~ provided through a licensed home health agency or  
47 licensed or certified home and community-based provider.

48 (3) The act does not apply to the provision of reminders  
49 to persons to self-administer medication or assistance to persons  
50 in the delivery of nontherapeutic topical applications by in-home  
51 personal services workers. For purposes of this subsection, in-home  
52 personal services worker has the definition found in section 1 of  
53 this act.

54 Sec. 8. Original sections 71-6615 and 71-6720, Reissue  
55 Revised Statutes of Nebraska, are repealed.

(Signed) Joel Johnson, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 374.** ER8031, found on page 703, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 203.** ER8033, found on page 703, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 34.** ER8035, found on page 735, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 349.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 136.** ER8037, found on page 739, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 537.** ER8038, found on page 739, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 12.** ER8029, printed separately and referred to on page 673, was adopted.

Senator Fulton renewed his amendment, AM637, found on page 812.

The Fulton amendment was adopted with 29 ayes, 3 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 12A.** Senator Fulton renewed his amendment, AM652, found on page 812.

Senator Fulton withdrew his amendment.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 568.** Senator Loudon renewed his amendment, AM210, found on page 687.

The Loudon amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 299.** Senator Hudkins requested to pass over.

**LEGISLATIVE BILL 286.** ER8034, printed separately and referred to on page 735, was adopted.

Senator Erdman renewed his amendment, AM648, found on page 804.

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

Advanced to E & R for engrossment.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 551A.** Introduced by Flood, 19.

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.

**LEGISLATIVE BILL 396A.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 396, One Hundredth Legislature, First Session, 2007.

**COMMITTEE REPORT****Education**

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

Gary Bieganski - Board of Trustees of the Nebraska State Colleges

Floyd Vrtiska - Board of Trustees of the Nebraska State Colleges

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

(Signed) Ron Raikes, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 56.** Introduced by Fischer, 43.

WHEREAS, the Ainsworth Bulldogs won the 2007 Class C-1 Boys' State High School Basketball Championship; and

WHEREAS, the Ainsworth Bulldogs boys' basketball team finished the season with a record of twenty-four wins and one loss; and

WHEREAS, the Ainsworth Bulldogs earned entrance to the State Basketball Championship tournament in Lincoln, Nebraska, by defeating Pierce 60-49 in the district finals held at Bartlett, Nebraska; and

WHEREAS, the Ainsworth Bulldogs began the 2007 Class C-1 district finals with a season record of twenty-two wins and no losses; and

WHEREAS, the Ainsworth boys' basketball team defeated Hastings St. Cecelia with a score of 55-45 on Thursday, March 8, in the first round of the 2007 Class C-1 Boys' State High School Basketball Championship; and

WHEREAS, the Ainsworth boys' basketball team defeated Pierce with a score of 59-54 on Friday, March 9, in the second round of the 2007 Class C-1 Boys' State High School Basketball Championship; and

WHEREAS, the Ainsworth Bulldogs boys' basketball team experienced a fantastic season; and

WHEREAS, the Bulldogs have brought great pride to their school and their community by their display of determination and sportsmanship throughout the basketball season.

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

1. That the Legislature congratulates the Ainsworth Bulldogs for their achievement in winning the 2007 Class C-1 Boys' State High School Basketball Championship and that head coaches Harlan Welch and Brian Delimont and assistant boys' basketball coach Jeff Konkoleski be congratulated for their excellent season and guidance of their team.

2. That a copy of this resolution be sent to Coaches Welch, Delimont, and Konkoleski and the Ainsworth Bulldogs.

Laid over.

## COMMITTEE REPORTS

### Urban Affairs

**LEGISLATIVE BILL 562.** Placed on General File - Com AM689.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Mike Friend, Chairperson

### Judiciary

**LEGISLATIVE BILL 218.** Placed on General File.

**LEGISLATIVE BILL 457.** Placed on General File.

**LEGISLATIVE BILL 692.** Placed on General File.

**LEGISLATIVE BILL 81.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 292.** Title read. Considered.

Committee AM444, found on page 663, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 389.** Title read. Considered.

Committee AM462, found on page 657, was considered.

Senator Aguilar offered the following amendment to the committee amendment:

AM706

(Amendments to Standing Committee amendments, AM462)

- 1 1. On page 1, strike beginning with "who" in line 8
- 2 through "and" in line 11.

The Aguilar amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 304.** Title read. Considered.

### **SPEAKER FLOOD PRESIDING**

Committee AM277, found on page 510, was considered.

Pending.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 46, 47, 48, 49, 50, and 51 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 46, 47, 48, 49, 50, and 51.

### **GENERAL FILE**

**LEGISLATIVE BILL 304.** Committee AM277, found on page 510 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.



**COMMITTEE REPORTS**  
**Judiciary**

**LEGISLATIVE BILL 659.** Placed on General File.

**LEGISLATIVE BILL 142.** Placed on General File - Com AM579.  
AM579

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 28-101, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:  
5 28-101 Sections 28-101 to 28-1350 and section 3 of this  
6 act shall be known and may be cited as the Nebraska Criminal Code.

7 Sec. 2. Section 28-1310, Revised Statutes Cumulative  
8 Supplement, 2006, is amended to read:

9 28-1310 ~~(4)-(1)(a)~~ A person commits the offense of  
10 intimidation by ~~telephone call~~ electronic communication device if,  
11 with the intent to terrify, intimidate, threaten, or harass, ~~annoy,~~  
12 ~~or offend~~, the person:

13 (a) ~~Telephones~~ (i) Contacts another ~~anonymously, using an~~  
14 electronic communication device, whether or not ~~conversation any~~  
15 communication ensues, and disturbs the peace, quiet, and right of  
16 privacy of any person at the place where the ~~calls~~ communications  
17 are received; ~~or~~

18 (b) ~~Telephones~~ (ii) Contacts another using an electronic  
19 communication device and uses or transmits any indecent, lewd,  
20 lascivious, or obscene language, writing, or sound, or transmits  
21 any visual depiction of sexually explicit conduct as defined in  
22 section 28-1463.02, or suggests any indecent, lewd, or lascivious  
23 act; ~~or~~

1 (c) ~~Telephones~~ (iii) Contacts another using an electronic  
2 communication device and threatens to inflict injury to any person  
3 or to the property of any person; ~~or~~

4 (d) ~~(iv)~~ (iv) Intentionally fails to disengage ~~the an~~  
5 electronic communication device connection; or

6 (e) ~~Telephones~~ (v) Contacts another using an electronic  
7 communication device and attempts to extort money or other thing of  
8 value from any person.

9 (2) ~~(b)~~ (b) The use of indecent, lewd, or obscene language or  
10 the making of a threat or lewd suggestion ~~shall~~ may be prima facie  
11 evidence of intent to terrify, intimidate, threaten, or harass, ~~or~~  
12 ~~annoy, or offend.~~

13 (2) Intimidation by electronic communication device is a  
14 Class I misdemeanor.

15 (3) ~~The offense Intimidation by electronic communication~~  
16 device shall be deemed to have been committed either at the place  
17 where the ~~call~~ communication was ~~made~~ initiated or where it was  
18 received.

19 (4) ~~Intimidation by telephone call~~ is a Class III

20 ~~misdemeanor.~~

21 (4) For purposes of this section, electronic  
 22 communication device means any device which, in its ordinary and  
 23 intended use, transmits signs, signals, writings, sounds, visual  
 24 images, data, or intelligence of any nature, in whole or in  
 25 part, by a wire, radio, or electromagnetic, photoelectric, or  
 26 photo-optical system to another electronic communication device.

27 Electronic communication device includes, but is not limited  
 1 to: Cellular, wireless, and wire-based telephones, including  
 2 text-messaging capabilities on such telephones; computers as  
 3 defined in section 28-1343; and personal data assistants that  
 4 operate in a manner consistent with this definition.

5 Sec. 3. (1) A person commits the offense of enticement by  
 6 electronic communication device if he or she is nineteen years of  
 7 age or over and knowingly uses an electronic communication device  
 8 to contact a child under sixteen years of age or a peace officer  
 9 who is believed by such person to be a child under sixteen years of  
 10 age and in so doing:

11 (a) Uses or transmits any indecent, lewd, lascivious, or  
 12 obscene language, writing, or sound;

13 (b) Transmits or otherwise disseminates any visual  
 14 depiction of sexually explicit conduct as defined in section  
 15 28-1463.02; or

16 (c) Suggests any indecent, lewd, or lascivious act.

17 (2) Enticement by electronic communication device is a  
 18 Class IV felony.

19 (3) Enticement by electronic communication device is  
 20 deemed to have been committed either at the place where the  
 21 communication was initiated or where it was received.

22 (4) For purposes of this section, electronic  
 23 communication device means any device which, in its ordinary and  
 24 intended use, transmits signs, signals, writings, sounds, visual  
 25 images, data, or intelligence of any nature, in whole or in  
 26 part, by a wire, radio, or electromagnetic, photoelectric, or  
 27 photo-optical system to another electronic communication device.

1 Electronic communication device includes, but is not limited  
 2 to: Cellular, wireless, and wire-based telephones, including  
 3 text-messaging capabilities on such telephones; computers as  
 4 defined in section 28-1343; and personal data assistants that  
 5 operate in a manner consistent with this definition.

6 Sec. 4. Original sections 28-101 and 28-1310, Revised  
 7 Statutes Cumulative Supplement, 2006, are repealed.

**LEGISLATIVE BILL 179.** Placed on General File - Com AM583.  
 AM583

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

3 Section 1. The Legislature finds that to electronically  
 4 record statements made during a custodial interrogation is

5 an effective way to document a free, knowing, voluntary, and  
6 intelligent waiver of a person's right to remain silent, to agree  
7 to answer questions, to decide to have an attorney present during  
8 such questioning, and to decide to have an attorney provided to  
9 such person if he or she cannot afford an attorney, as provided  
10 by the Constitution of the United States and the Constitution  
11 of Nebraska. Providing a record of the statement made during a  
12 custodial interrogation and any waiver of constitutional rights  
13 will reduce speculation and claims that may arise as to the  
14 content of the statement. Such a record of the content of the  
15 statement will aid law enforcement officers in analyzing and  
16 rejecting untruthful statements and will aid the factfinder in  
17 determining whether a statement was freely, knowingly, voluntarily,  
18 and intelligently made.

19 Sec. 2. For purposes of sections 1 to 8 of this act:

20 (1) Custodial interrogation has the meaning prescribed to  
21 it under the Fourth and Fifth Amendments to the Constitution of the  
22 United States and Article I, sections 3 and 7, of the Constitution  
23 of Nebraska, as interpreted by the United States Supreme Court and  
1 the Nebraska Supreme Court;

2 (2) Electronically record means to record using an audio  
3 recording device, a digital recording device, or a video recording  
4 device;

5 (3) Place of detention means a police station, sheriff's  
6 office, troop headquarters, courthouse, county attorney's office,  
7 juvenile or adult correctional or holding facility, community  
8 correctional center, or building under the permanent control of  
9 law enforcement at which the person is in custody pursuant to the  
10 authority of a law enforcement officer; and

11 (4) Reasonable exception means circumstances in which:

12 (a) A statement was made when it was not practicable to  
13 electronically record the statement;

14 (b) Equipment to electronically record the statement  
15 could not be reasonably obtained;

16 (c) The person in custody refused to have the statement  
17 electronically recorded;

18 (d) The equipment used to electronically record the  
19 statement malfunctioned; or

20 (e) The law enforcement officer conducting the statement  
21 reasonably believed that the crime for which the person was taken  
22 into custody was not a crime described in subsection (2) of section  
23 3 of this act.

24 Sec. 3. (1) All statements relating to crimes described  
25 in subsection (2) of this section and statements regarding rights  
26 described in section 1 of this act or the waiver of such rights  
27 made during a custodial interrogation at a place of detention  
1 that are described in subsection (2) of this section shall be  
2 electronically recorded.

3 (2) Statements subject to subsection (1) of this section

4 are those statements relating to:

5 (a) Crimes resulting in death or felonies involving

6 (i) sexual assault, (ii) kidnapping, (iii) child abuse, or (iv)

7 strangulation; or

8 (b) Offenses being investigated as part of the same

9 course of conduct as the offenses described in subdivision (a) of

10 this subsection.

11 Sec. 4. Except as otherwise provided in sections 5, 6,

12 and 7 of this act, if a law enforcement officer fails to comply

13 with section 3 of this act, a court shall instruct the jury

14 that they may draw an adverse inference for the law enforcement

15 officer's failure to comply with such section.

16 Sec. 5. (1) If a defendant testifies contrary to his

17 or her statement made during a custodial interrogation at a place

18 of detention which was not electronically recorded, such statement

19 may be used for the purpose of impeachment if it is shown that

20 the statement was freely, knowingly, voluntarily, and intelligently

21 made.

22 (2) A jury instruction shall not be required if the

23 prosecution proves, by a preponderance of the evidence, that

24 there is a reasonable exception for there not being an electronic

25 recording.

26 Sec. 6. If a law enforcement officer fails to comply with

27 section 3 of this act, such failure shall not bar the use of any

1 evidence derived from such statement if the court determines that

2 the evidence is otherwise admissible.

3 Sec. 7. Any statement made during a custodial

4 interrogation shall be admissible against such person in a criminal

5 proceeding in this state if:

6 (1) The statement was obtained in another state and was

7 obtained in compliance with the laws of that state; or

8 (2) The statement was obtained by a federal law

9 enforcement officer in this state or another state, was obtained in

10 compliance with the laws of the United States, and was not taken

11 by a federal law enforcement officer in an attempt to circumvent

12 sections 1 to 8 of this act.

13 Sec. 8. The existence of inaudible portions of an

14 electronic recording, which are not the result of bad faith by

15 a law enforcement officer to produce an inaudible result, standing

16 alone, shall not render a statement out of compliance with section

17 3 of this act.

**LEGISLATIVE BILL 274.** Placed on General File - Com AM490.  
AM490

1 1. On page 3, after line 11 insert

2 "The container warning label shall include the statutory

3 reference to this section."; and strike beginning with "resulting"

4 in line 17 through "performed" in line 18 and insert "if the

5 proximate cause of the damage, injury, or death was the negligence

6 of a person or persons other than the liquefied petroleum gas  
 7 provider".

(Signed) Brad Ashford, Chairperson

**SENATOR LANGEMEIER PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 677.** Title read. Considered.

Committee AM630, found on page 800, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 636.** Title read. Considered.

Committee AM381, found on page 621, was considered.

Senator Louden moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The committee amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 192.** ER8039, found on page 736, was adopted.

Senator Harms withdrew his amendment, AM643, found on page 804.

Senator Harms offered the following amendment:

AM701

(Amendments to E & R amendments, ER8039)

- 1 1. On page 4, line 16, strike "in Nebraska"; in line 18
- 2 after the semicolon insert the following new subdivision:
- 3 "(4) Qualified postsecondary educational institution
- 4 means a postsecondary educational institution located in Nebraska
- 5 which has agreed, on a form developed and provided by the
- 6 commission, to comply with the requirements of the act."; in
- 7 line 19 strike "(4)" and insert "(5)" and after "student" insert
- 8 "residing in Nebraska and"; in lines 23 and 24 strike "who"

9 through "a" and insert "for courses to be taken for credit from  
 10 a qualified"; and in line 26 after "student" insert "who is  
 11 applying to take one or more courses for credit from a qualified  
 12 postsecondary educational institution".

13 2. On page 5, line 19, strike "fees" and insert  
 14 "mandatory fees to be accrued by the student"; and in line 20  
 15 after "or" insert "qualified".

16 3. On page 6, strike line 1 and insert "lesser of tuition  
 17 and mandatory fees accrued by the student after any discounts  
 18 applicable to such student from the qualified postsecondary"; in  
 19 line 2 after "institution" insert "or the tuition and mandatory  
 20 fees that would have been accrued by the student for the same  
 21 number of credit hours if the student were taking the course as  
 22 a full-time, resident, undergraduate student from the University  
 1 of Nebraska-Lincoln"; in line 3 after "the" insert "qualified"; in  
 2 line 4 before "fees" insert "mandatory"; after line 9 insert the  
 3 following new subsection:

4 "(5) For any student receiving a scholarship pursuant  
 5 to the act for tuition and fees, the qualified postsecondary  
 6 educational institution receiving the payment shall report either  
 7 the student's grade for the course or the student's failure to  
 8 complete the course to the commission within thirty days after  
 9 the end of the course or within one hundred eighty days after  
 10 receipt of a payment pursuant to the act if the course for which  
 11 the scholarship was awarded does not have a specified ending  
 12 date. The commission shall keep the identity of students receiving  
 13 scholarships confidential, except as necessary to comply with the  
 14 requirements of the act."; in line 14 strike "and" and insert an  
 15 underscored comma; and in line 15 after "recipients" insert ", and  
 16 information regarding the success of scholarship recipients in the  
 17 courses for which the scholarships were awarded".

Senator Erdman offered the following amendment to the Harms amendment:  
 AM715

(Amendments to AM701)

1 1. On page 1, strike beginning with the second "and"  
 2 in line 7 through the semicolon in line 8 and insert "; in line  
 3 20 after 'school' insert 'with a reasonable expectation that such  
 4 student will meet the residency requirements of section 85-502 upon  
 5 graduation from a Nebraska high school';".

The Erdman amendment was adopted with 31 ayes, 2 nays, 13 present and  
 not voting, and 3 excused and not voting.

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

Advanced to E & R for engrossment.

**GENERAL FILE****LEGISLATIVE BILL 663.** Title read. Considered.

Pending.

**AMENDMENT - Print in Journal**Senators Schimek, Avery, and Fulton filed the following amendment to LB 198:

AM705

(Amendments to Standing Committee amendments, AM211)

- 1 1. On page 1, line 13, after the period insert "No more
- 2 than two such messages shall be disseminated to any one residential
- 3 telephone line per calendar day.".
- 4 2. On page 2, line 17, strike "and"; in line 20 strike
- 5 the period and insert "; and"; and after line 20 insert the
- 6 following new subdivision:
- 7 "(3) Transmit no more than two such messages to any one
- 8 residential telephone line per calendar day.".

**COMMITTEE REPORTS****Transportation and Telecommunications****LEGISLATIVE BILL 415.** Placed on General File - Com AM624.  
AM624

- 1 1. Strike original section 4.
- 2 2. On page 4, strike beginning with "had" in line 8
- 3 through "vehicle" in line 9 and insert "accumulated three or more
- 4 points pursuant to section 60-4,182".
- 5 3. On page 5, line 5, reinstate the stricken matter; in
- 6 line 6 strike "sixty"; and in line 7 after "hours" insert "of".
- 7 4. On page 6, lines 11 and 12, strike the new matter and
- 8 reinstate the stricken matter; and in line 23 strike "twenty-one"
- 9 and insert "nineteen".
- 10 5. On page 8, line 12, after "years" insert "and three
- 11 months".
- 12 6. On page 11, line 23, strike "sections 60-463, and
- 13 60-4,118.05," and insert "section 60-463,".
- 14 7. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 570.** Placed on General File - Com AM690.  
AM690

- 1 1. On page 2, lines 7 and 20; page 3, lines 2, 8, and 12;
- 2 page 4, lines 1, 11, 21, and 24; page 5, lines 2, 6, 18, and 23;
- 3 and page 11, line 5, after "Star" insert "Family".
- 4 2. On page 2, strike beginning with "(a)" in line 12
- 5 through "(b)" in line 14; and in line 19, strike "2" and insert
- 6 "3".

**LEGISLATIVE BILL 297.** Indefinitely postponed.

**LEGISLATIVE BILL 560.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 37.** Reported to the Legislature for further consideration.

(Signed) Deb Fischer, Chairperson

### Health and Human Services

**LEGISLATIVE BILL 461.** Placed on General File - Com AM651.  
AM651

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

3 Section 1. (1) With respect to the placement of any  
4 foster child with a foster parent, if the placement is made  
5 directly through the Department of Health and Human Services or  
6 through an agency which contracts with the department to place  
7 children in foster care, it is the intent of the Legislature that  
8 the department:

9 (a) Treat foster parents with dignity, respect, trust,  
10 value, and due consideration as the primary provider of foster care  
11 and as a member of the team of professionals caring for foster  
12 children;

13 (b) Regularly seek and consider input from foster parents  
14 relating to resources and services necessary to meet the needs  
15 of foster children and foster parent families, without threat of  
16 reprisal;

17 (c) Provide necessary and appropriate training and  
18 support for foster parents and their families;

19 (d) Encourage and facilitate communication between  
20 foster parents and providers of care and services to foster  
21 children, including, but not limited to, therapists, physicians,  
22 and teachers;

23 (e) When appropriate and in the best interests of the  
1 foster child, facilitate communication by foster parents of the  
2 child with the child's birth family, other foster parents of the  
3 child, and the adoptive parents of the child;

4 (f) Provide timely information on an ongoing basis to  
5 foster parents relating to case plan changes or termination of the  
6 placement of foster children and the reasons for such change or  
7 termination;

8 (g) When appropriate, consider the former foster parents  
9 of a child as a preferential foster care placement option when the  
10 child reenters the foster care system;

11 (h) Prior to the foster care placement, provide timely  
12 and appropriate information to foster parents regarding the foster  
13 child's behavior, family background, and health history in order to  
14 ensure the health or safety of the foster child and other members



15 of the foster family;

16 (i) Permit foster parents to accept or refuse a foster  
 17 care placement in their home or to request, upon reasonable notice  
 18 to the department, the removal of a foster child from their home  
 19 for good cause, without threat of reprisal;

20 (j) Encourage, when appropriate and in the best interests  
 21 of the foster child, the development of a positive and safe working  
 22 relationship between the child's foster family and the child's  
 23 birth family; and

24 (k) Encourage and facilitate respite periods for foster  
 25 parents.

26 (2) The department shall establish and implement policies  
 27 and procedures and may adopt and promulgate rules and regulations  
 1 consistent with subsection (1) of this section. The department  
 2 shall provide a copy of such policies and procedures to each foster  
 3 care licensee.

4 (3) Subsection (1) of this section shall not be construed  
 5 to create a private right of action.

(Signed) Joel Johnson, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 404A.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 404, One Hundredth Legislature, First Session, 2007.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 255. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LB 338. No objections. So ordered.

Senator Pedersen asked unanimous consent to add his name as cointroducer to LBs 470 and 554. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Norfolk Youth Leadership Council; Charlie Goodman from Omaha; Maria Hines from Grand Island; members of Girl Scout Troop 105 Homestead Council from Lincoln; 23 fourth-grade students, teacher, and sponsors from Rose Hill, Omaha; and Alan, Clay, and Zach Zavodny from David City.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 15, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-SEVENTH DAY - MARCH 15, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 15, 2007

**PRAYER**

The prayer was offered by Senator Kruse.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Engel, Heidemann, Loudon, Mines, Nantkes, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-sixth day was approved.

**MESSAGE FROM THE GOVERNOR**

March 14, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 185e was received in my office on March 8, 2007.

I signed this bill and delivered it to the Secretary of State on March 14, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

**MESSAGE FROM THE GOVERNOR**

March 15, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Please withdraw the following individual from consideration for confirmation of appointment to the Community Corrections Council:

Alan Smith, 210094 Wright's Gap Road, Gering NE 69341

Thank you.

Sincerely,  
(Signed) Dave Heineman  
Governor

**REPORTS**

The following reports were received by the Legislature:

**Economic Development, Department of**

LB 327 Report to the Legislature on the Nebraska Microenterprise Development Act, January 2007

**Roads, Department of**

Board of Public Roads Classifications and Standards Minutes for December 2006

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 14, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Goodier, Donna  
Nebraska Association of Convention and Visitors Bureaus

**GENERAL FILE**

**LEGISLATIVE BILL 663.** Senator Hudkins asked unanimous consent to bracket until April 18, 2007. No objections. So ordered.

**LEGISLATIVE BILL 328.** Title read. Considered.

Committee AM391, printed separately and referred to on page 596, was considered.

Senator Synowiecki renewed his amendment, AM479, found on page 798, to the committee amendment.

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

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

Advanced to E & R for review with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 160.** Title read. Considered.

Committee AM503, found on page 676, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 578.** Title read. Considered.

Committee AM573, found on page 800, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 681.** Title read. Considered.

Advanced to E & R for review with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 106.** Title read. Considered.

Committee AM365, found on page 638, was considered.

Senator Chambers requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

FA40

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 77-4001, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 77-4001 Sections 77-4001 to 77-4025 and section 4 of this  
 6 act shall be known and may be cited as the Tobacco Products Tax  
 7 Act.  
 8 Sec. 2. Section 77-4002, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:  
 10 77-4002 For purposes of the Tobacco Products Tax Act,  
 11 unless the context otherwise requires, the definitions found in  
 12 sections 77-4003 to 77-4007 and section 4 of this act shall be  
 13 used.  
 14 Sec. 3. Section 77-4004, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:  
 16 77-4004 First owner ~~shall mean~~ means any person:  
 17 (1) Engaged in the business of selling tobacco products  
 18 or smoking tobacco in this state who brings or causes to be brought  
 19 into this state from outside this state any tobacco products or  
 20 smoking tobacco for sale in this state, including a retailer who  
 21 purchases directly from suppliers outside this state who are not  
 22 licensed pursuant to subsection (2) of section 77-4009;  
 23 (2) Who makes, manufactures, or fabricates tobacco  
 1 products or smoking tobacco in this state for sale in this state;  
 2 or  
 3 (3) Engaged in business outside this state who ships  
 4 or transports tobacco products or smoking tobacco to retailers in  
 5 this state and who becomes licensed pursuant to subsection (2) of  
 6 section 77-4009.  
 7 Sec. 4. Smoking tobacco means (1) cigars, (2) cheroots,  
 8 (3) stogies, (4) periques, and (5) granulated, plug cut, crimp cut,  
 9 ready rubbed, and other tobacco prepared in such manner as to be  
 10 suitable for smoking, except that smoking tobacco does not mean  
 11 cigarettes as defined in section 77-2601.  
 12 Sec. 5. Section 77-4007, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:  
 14 77-4007 Tobacco products ~~shall mean~~ (1) cigars, (2)  
 15 cheroots, (3) stogies, (4) periques, (5) granulated, plug cut,  
 16 crimp cut, ready rubbed, and other smoking tobacco, (6) means (1)  
 17 snuff, (7)-(2) snuff flour, (8)-(3) cavendish, (9)-(4) plug and  
 18 twist tobacco, (10)-(5) fine cut and other chewing tobacco, (11)  
 19 (6) shorts, refuse scraps, clippings, cuttings, and sweepings of  
 20 tobacco, and (12)-(7) other kinds and forms of tobacco, prepared  
 21 in such manner as to be suitable for chewing, or smoking in a pipe

22 ~~or otherwise or both for chewing and smoking~~, except that tobacco  
23 products shall does not mean cigarettes as defined in section  
24 77-2601.

1 Sec. 7. Section 77-4009, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 77-4009 (1) Each first owner of tobacco products and  
4 smoking tobacco to be sold in this state shall be licensed by  
5 the Tax Commissioner. Every application for such license shall be  
6 made on a form prescribed by the Tax Commissioner. The application  
7 shall include: (a) The name and address of the applicant or, if  
8 the applicant is a firm, partnership, limited liability company, or  
9 association, the name and address of each of its members or, if  
10 the applicant is a corporation, the name and address of each of  
11 its officers and the address of its principal place of business;  
12 (b) the location of the place of business to be licensed; and (c)  
13 such other information as the Tax Commissioner may require for the  
14 purpose of administering the Tobacco Products Tax Act.

15 (2) A person outside of this state who ships or  
16 transports tobacco products or smoking tobacco to any person  
17 in this state to be sold in this state may make application for a  
18 license and be granted such a license by the Tax Commissioner. If  
19 a license is granted, such person shall be subject to the Tobacco  
20 Products Tax Act and shall be entitled to act as a licensee.  
21 A person outside this state who receives a license shall have  
22 established sufficient contact with this state for the exercise  
23 of personal jurisdiction over the person in any matter or issue  
24 arising under the act.

25 Sec. 8. Section 77-4014, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 77-4014 (1) On or before the tenth day of each calendar  
1 month ~~commencing on or after January 1, 1988~~, every person licensed  
2 under subsection (1) of section 77-4009 shall file a return with  
3 the Tax Commissioner showing either the quantity and the price of  
4 each tobacco product or smoking tobacco brought or caused to be  
5 brought into this state for sale or the quantity and the price  
6 of each tobacco product or smoking tobacco made, manufactured,  
7 or fabricated in this state for sale in this state, whichever  
8 is applicable, during the preceding calendar month. For tobacco  
9 products, such return shall also include the net weight as listed  
10 by the manufacturer.

11 (2) Every person licensed pursuant to subsection (2) of  
12 section 77-4009 shall, in the manner described in subsection (1) of  
13 this section, file a return showing in detail the different kinds,  
14 quantity, and wholesale sales price of each tobacco product or  
15 smoking tobacco shipped or transported to retailers in this state  
16 to be sold by such retailers during the preceding calendar month.  
17 For tobacco products, such return shall also include the net weight  
18 as listed by the manufacturer.

19 (3) Returns shall be made upon forms furnished and

20 prescribed by the Tax Commissioner. Each return shall be  
21 accompanied by a remittance for the full tax liability shown, less  
22 an amount of such liability equal to any amount allowed a payer of  
23 the sales and use tax pursuant to subdivision (1)(d) of section  
24 77-2708 as compensation to reimburse the licensee for his or her  
25 expenses incurred in complying with the Tobacco Products Tax Act.

26 Sec. 9. Section 77-4017, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 77-4017 (1) Every licensee shall keep complete and  
2 accurate records for all places of business, including itemized  
3 invoices of tobacco products and smoking tobacco (a) held,  
4 purchased, manufactured, or brought in or caused to be brought  
5 into this state or (b) for a licensee located outside of this  
6 state, shipped or transported to retailers in this state. For  
7 tobacco products, such return shall also include the net weight as  
8 listed by the manufacturer.

9 (2) All books, records, and other papers and documents  
10 required to be kept by this section shall be preserved for a period  
11 of at least three years after the due date of the tax imposed  
12 by the Tobacco Products Tax Act unless the Tax Commissioner, in  
13 writing, authorizes their destruction or disposal at an earlier  
14 date.

15 (3) At any time during usual business hours, duly  
16 authorized agents or employees of the Tax Commissioner may enter  
17 any place of business of a licensee and inspect the premises,  
18 the records required to be kept pursuant to this section, and  
19 the tobacco products and smoking tobacco contained in such place  
20 of business for purposes of determining whether or not such  
21 licensee is in full compliance with the act. Refusal to permit  
22 such inspection by a duly authorized agent or employee of the  
23 Tax Commissioner shall be grounds for revocation, cancellation, or  
24 suspension of the license.

25 Sec. 10. Section 77-4018, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 77-4018 When tobacco products or smoking tobacco for  
1 which the tax imposed by the Tobacco Products Tax Act has been  
2 reported and paid are (1) sold, shipped, or transported by the  
3 licensee to retailers, licensees, or ultimate consumers outside  
4 this state or (2) returned to the manufacturer by the licensee, a  
5 refund or credit of the tax shall be made to the licensee. For the  
6 purpose of making such credit or refund, the Tax Commissioner may  
7 issue a tax credit or may prepare a voucher showing the net amount  
8 of such refund due. The Tax Commissioner shall have a warrant  
9 drawn upon the State Treasurer for the amount of any such refund  
10 certified by the Tax Commissioner.

11 Sec. 11. Section 77-4024, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 77-4024 Any person who violates the Tobacco Products Tax  
14 Act or any person who sells, delivers, or accepts tobacco products



15 or smoking tobacco with the intent to evade the act shall be guilty  
 16 of a Class IV felony.

18 Sec. 13. Original sections 77-4001, 77-4002, 77-4004,  
 19 77-4007, 77-4008, 77-4009, 77-4014, 77-4017, 77-4018, and 77-4024,  
 20 Reissue Revised Statutes of Nebraska, are repealed.

The first committee amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

The second committee amendment is as follows:

FA41

25 Sec. 6. Section 77-4008, Reissue Revised Statutes of  
 26 Nebraska, is amended to read:

27 77-4008 ~~(1)-(1)(a)~~ A tax is hereby imposed upon the first  
 1 owner of tobacco products and smoking tobacco to be sold in this  
 2 state.

3 (b) The tax on tobacco products shall be sixty-five  
 4 cents per ounce and a proportionate tax at the like rate on all  
 5 fractional parts of an ounce. Such tax shall be computed based on  
 6 the net weight as listed by the manufacturer. Any product listed  
 7 by the manufacturer as having a net weight of less than one ounce  
 8 shall be taxed as if the product has a net weight of one ounce.

9 (c) The tax on smoking tobacco shall be twenty percent  
 10 of ~~(a)-(i)~~ the purchase price of such tobacco products paid by the  
 11 first owner or ~~(b)-(ii)~~ the price at which a first owner who made,  
 12 manufactured, or fabricated the tobacco product sells the items to  
 13 others. ~~Such tax~~

14 (d) The tax on tobacco products and smoking tobacco shall  
 15 be in addition to all other taxes.

16 (2) Whenever any person who is licensed under section  
 17 77-4009 purchases tobacco products or smoking tobacco from another  
 18 person licensed under section 77-4009, the seller shall be liable  
 19 for the payment of the tax.

20 ~~(3) On and after October 1, 2002, and continuing until~~  
 21 ~~October 1, 2004, the Tax Commissioner shall remit the amount~~  
 22 ~~collected pursuant to this section to the State Treasurer, and the~~  
 23 ~~State Treasurer shall credit three fourths of such amount to the~~  
 24 ~~General Fund and one fourth of such amount to the Cash Reserve~~  
 25 ~~Fund. On and after October 1, 2004, amounts collected~~ Amounts  
 26 collected pursuant to this section shall be used and distributed  
 27 pursuant to section 77-4025.

Senator Chambers offered the following amendment to the second committee amendment:

FA43

Amend AM365 P. 3, line 3 strike "sixty-five" and insert "one dollar, five"

The Chambers amendment was adopted with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

Senator Hudkins offered the following amendment to the second committee amendment:

FA44

In AM365, in the original Section 6, on Page 3 line 26 after the word "section" insert "not in excess of the amount of revenue collected in fiscal year 2006-2007." After the period in line 27 insert "Amounts collected pursuant to this section in excess of the amount of revenue collected in fiscal year 2006-2007 shall be used and distributed pursuant to the Highway Allocation Fund."

Senator Engel requested a ruling of the Chair on whether the Hudkins amendment is germane to the second committee amendment.

### **SPEAKER FLOOD PRESIDING**

The Chair ruled the Hudkins amendment is germane to the second committee amendment.

### **SENATOR LANGEMEIER PRESIDING**

Senator Hudkins moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Hudkins requested a roll call vote on her amendment.

Voting in the affirmative, 6:

Avery	Gay	Louden
Erdman	Hudkins	Wallman

Voting in the negative, 30:

Adams	Cornett	Howard	McGill	Raikes
Aguilar	Dubas	Janssen	Mines	Rogert
Burling	Engel	Johnson	Nantkes	Schimek
Carlson	Hansen	Karpisek	Pedersen	Synowiecki
Chambers	Harms	Kopplin	Pirsch	White
Christensen	Heidemann	Lathrop	Preister	Wightman

Present and not voting, 11:

Fischer	Fulton	McDonald	Pankonin
Flood	Kruse	Nelson	Stuthman
Friend	Langemeier	Pahls	

Excused and not voting, 2:

Ashford	Dierks
---------	--------

The Hudkins amendment lost with 6 ayes, 30 nays, 11 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The second committee amendment, as amended, was adopted with 29 ayes, 6 nays, 12 present and not voting, and 2 excused and not voting.

The third committee amendment is as follows:

FA42

17 Sec. 12. This act becomes operative on October 1, 2007.

The third committee amendment was adopted with 37 ayes, 1 nay, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 31 ayes, 6 nays, 10 present and not voting, and 2 excused and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 57.** Introduced by Dubas, 34.

WHEREAS, less than four percent of the boys in the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Phillip Johnson has demonstrated a strong commitment to the community of Central City, Nebraska, through service projects and volunteer hours; and

WHEREAS, Phillip has demonstrated diligence in his pursuit to attain the honorary status of Eagle Scout; and

WHEREAS, Phillip has earned and deserves the honor of being named "An Eagle Scout".

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

1. That the Legislature commends Phillip Johnson for his outstanding accomplishment of becoming an Eagle Scout.

2. That a copy of this resolution be sent to Phillip Johnson.

Laid over.

**LEGISLATIVE RESOLUTION 58.** Introduced by Synowiecki, 7.

WHEREAS, the Omaha Central Eagles won the 2007 Class A Boys' State Basketball Championship; and

WHEREAS, the Eagles, under the direction of Coach Eric Behrens, won their second straight state championship by defeating Bellevue West in overtime, 93-85; and

WHEREAS, seniors Alex Deleon and Ben Kline provided the young team with outstanding leadership; and

WHEREAS, Ronnell Grixby, Alex Deleon, Lorenzo Wilson, and Josh Jones contributed 55 of Central's first 79 points, before fouling out of the game; and

WHEREAS, Chris Griffin, Ben Kline, Paul Simms, Doug Knickrehm, and Josh Bruning stepped up in overtime to lead the Eagles to the championship.

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

1. That the Legislature congratulates the Omaha Central Eagles on winning the 2007 Class A Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Eagles and Coach Eric Behrens.

Laid over.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 343A.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 343, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 292A.** Introduced by Hansen, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 292, One Hundredth Legislature, First Session, 2007.

### AMENDMENTS - Print in Journal

Senator Wightman filed the following amendment to LB 502:  
AM683

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 77-2010, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2010 All taxes imposed by sections 77-2001 to 77-2037,
- 5 unless otherwise herein provided for, shall be due and payable
- 6 twelve months after the date of the death of the decedent, and
- 7 interest at the rate specified in section 45-104.01, as such rate
- 8 may from time to time be adjusted by the Legislature, shall be
- 9 charged and collected on any unpaid taxes due from the date the
- 10 same became payable, and in all cases ~~where~~ in which the personal
- 11 representatives or trustees do not pay such tax within twelve
- 12 months from the death of the decedent, they shall be required to
- 13 give bond in the form and to the effect prescribed in section
- 14 77-2009 for the payment of the tax together with interest. In
- 15 addition, for failure to file an appropriate proceeding for the

16 determination of the tax within twelve months after the date of  
 17 the death of the decedent there shall be added to the amount due  
 18 a penalty of five percent per month, up to a maximum penalty of  
 19 twenty-five percent of the unpaid taxes due.

20 2. On page 4, line 10, after the period insert "The  
 21 changes made to section 77-2010 by this legislative bill apply to  
 22 decedents dying on or after January 1, 2008."; and in line 11 after  
 23 the last comma insert "77-2010,".

1 3. Renumber the remaining sections accordingly.

Senator Kopplin filed the following amendment to LB 639:

AM729

(Amendments to Standing Committee amendments, AM483)

1 1. On page 1, strike beginning with "in" in line 5  
 2 through "council" in line 6; and in line 15 strike "learning  
 3 community" and insert "district".

4 2. On page 2, lines 5 and 6, strike "or the coordinating  
 5 council".

6 3. On page 2, lines 12 and 13; and page 3, lines 12 and  
 7 16, strike "or coordinating council".

Senator Kopplin filed the following amendment to LB 639:

AM730

(Amendments to Standing Committee amendments, AM483)

1 1. On page 1, strike beginning with "January" in line 8  
 2 through line 11 and insert "September 1, 2009:".

3 2. On page 3, strike beginning with "only" in line 18  
 4 through "date" in line 20.

## **COMMITTEE REPORTS**

### **Health and Human Services**

**LEGISLATIVE BILL 610.** Placed on General File.

(Signed) Joel Johnson, Chairperson

### **Judiciary**

**LEGISLATIVE BILL 449.** Placed on General File.

(Signed) Brad Ashford, Chairperson

### **Natural Resources**

**LEGISLATIVE BILL 412.** Indefinitely postponed.

(Signed) LeRoy Loudon, Chairperson

**MESSAGE FROM THE GOVERNOR**

March 15, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 296e was received in my office on March 13, 2007.

I signed this bill and delivered it to the Secretary of State on March 15, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

**COMMITTEE REPORTS**  
**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 34, 136, 143, 203, 223, 255, 349, 374, 441, 441A, 464, 470, 470A, 497, 537, and 661.

ST9018

Enrollment and Review Change to LB 223

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

1. On page 4, line 12, "a" has been inserted after "in".

ST9015

Enrollment and Review Change to LB 255

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

1. In the Rogert-Mines amendment, AM679, on page 4, line 12, the comma has been struck.

2. On page 1, the matter beginning with "section" in line 1 through line 4 has been struck and "sections 48-1228, 48-1229, 48-1230, and 48-1232, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Wage Payment and Collection Act; to redefine terms; to provide for unpaid wages constituting commissions; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

ST9014

## Enrollment and Review Change to LB 441

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

1. In the Hudkins amendment, AM691, on page 1, line 5, an underscored comma has been inserted after "use".
2. On page 1, line 4, "to provide an excise tax on grapes; to define terms; to provide powers and duties; to provide a penalty;" has been inserted after the first semicolon.

ST9016

## Enrollment and Review Change to LB 497

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

1. On page 2, line 18, the semicolon has been struck.
2. On page 3, line 17, "military family" has been struck and "family military" inserted.
3. On page 4, line 25, "of" has been inserted after the first "exercise".
4. On page 5, line 11, "act" has been struck and "Family Military Leave Act" inserted.

(Signed) Amanda McGill, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Pahls asked unanimous consent to add his name as cointroducer to LB 565. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were members of Leadership Columbus; 10 twelfth-grade students and teacher from Diller-Odell High School, Odell; Senator Stuthman's son, Todd Stuthman, and Bill Luckey and Deb Rasby from Columbus and Nicki Rockwell from Lincoln; Senator Pedersen's granddaughter, Krista Pedersen, and 44 fourth-grade students and teachers from Ackerman Elementary, Omaha; 17 fourth-grade students from St. John's School, Seward; and 14 fourth-grade students and teacher from Lindsay Holy Family, Lindsay.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Dubas, the Legislature adjourned until 9:00 a.m., Monday, March 19, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature





**FORTY-EIGHTH DAY - MARCH 19, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 19, 2007

**PRAYER**

The prayer was offered by Senator Pirsch.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Louden who was excused; and Senators Cornett and Engel who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**COMMITTEE REPORTS  
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 12, 12A, 192, 286, and 568.

ST9019

Enrollment and Review Change to LB 192

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

1. In the Harms amendment, AM701, on page 2, line 5, "mandatory" has been inserted before "fees"; and in line 14 "the second" has been inserted after "strike".

ST9017

## Enrollment and Review Change to LB 568

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

1. On page 1, line 1, "81-1534, Reissue Revised Statutes of Nebraska, and section" has been inserted after "section"; in line 3 "to provide for followup surveys under the Nebraska Litter Reduction and Recycling Act; to harmonize provisions;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
**Health and Human Services**

**LEGISLATIVE RESOLUTION 39.** Reported to the Legislature for further consideration with the following amendment:

AM757

- 1 1. Strike the original resolution and insert:
- 2 WHEREAS, the Legislature regards access to mental health
- 3 and substance abuse treatment to be of paramount importance to the
- 4 citizens of our state; and
- 5 WHEREAS, President George W. Bush's proposed budget
- 6 for the United States Government, Fiscal Year 2008 includes
- 7 significantly decreased appropriations to a number of programs
- 8 that are critical in providing services to citizens with mental
- 9 illness and substance abuse disorders; and
- 10 WHEREAS, the Legislature finds that individuals
- 11 experiencing problems associated with mental health and substance
- 12 abuse are having difficulty accessing appropriate services in a
- 13 timely manner. This is evidenced by extensive wait lists for
- 14 individuals requiring mental health and substance abuse services
- 15 in the community. Currently, over one thousand people are on wait
- 16 lists for such services in Nebraska; and
- 17 WHEREAS, the Legislature finds that delays in accessing
- 18 mental health and substance abuse services can exacerbate
- 19 conditions for those consumers needing such professional
- 20 intervention. Wait lists and access delays demonstrate an
- 21 inadequate capacity for behavioral treatment services in Nebraska
- 22 to sufficiently and timely meet consumer need in both rural and
- 23 urban settings; and
- 1 WHEREAS, the Legislature finds that insurance companies
- 2 are increasingly limiting their liability for claims for mental
- 3 health and substance abuse services. The diminishing availability
- 4 for mental health and substance abuse treatment resources for the
- 5 insured population has impacted public resources. An increasing
- 6 number of consumers are forced to access the public behavioral
- 7 health system to meet mental health and substance abuse needs; and

8 WHEREAS, the Legislature considers federal funding for  
 9 mental health and substance abuse treatment to be critical in  
 10 providing an appropriate level of access to proper treatment for  
 11 citizens; and

12 WHEREAS, the Legislature finds that a decrease in federal  
 13 funding for mental health and substance abuse treatment will  
 14 provide substantive harm to a vulnerable population and will  
 15 negatively impact the quality of life for our citizens.

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

18 1. That the Legislature urges the members of Nebraska's  
 19 congressional delegation to ensure that Congress fully fund mental  
 20 health and substance abuse treatment.

21 2. That the Legislature urges the Governor to use his  
 22 best efforts to work with the Nebraska congressional delegation to  
 23 ensure that this funding is restored.

24 3. That the Governor and each member of Nebraska's  
 25 congressional delegation receive a copy of this resolution.

(Signed) Joel Johnson, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 368.** Placed on General File - Com AM717.  
 AM717

1 1. On page 7, line 4, strike "A" and insert "(1) Except  
 2 as otherwise provided in this act, a"; and after line 11 insert the  
 3 following new subsection:

4 "(2)(a) Except as otherwise provided in subdivision (b)  
 5 of this subsection, a limited cooperative association shall not  
 6 issue bonds, debentures, or other evidence of indebtedness to a  
 7 participant unless, prior to issuance, the association provides the  
 8 participant with a written disclosure statement that includes a  
 9 conspicuous notice that the money is not insured or guaranteed by  
 10 an agency or instrumentality of the United States government and  
 11 that the investment may lose value.

12 (b) A limited cooperative association need not provide  
 13 the written disclosure statement described in subdivision (a) of  
 14 this subsection to any participant that is described in subdivision  
 15 (8) of section 8-1111.

16 (c) Any extension of credit by a limited cooperative  
 17 association to a participant in connection with the sale of the  
 18 association's goods or services shall not:

19 (i) Exceed nine months from the date of such sale; or

20 (ii) Be secured by real property, except that an  
 21 extension of credit in default at the end of the original term may  
 22 be extended or renewed for successive periods not exceeding nine  
 23 months in length and may be secured by real property at the end of  
 1 the original term or any extension or renewal thereof.

- 2 (d) No new money may be advanced by an association in  
 3 connection with the extension or renewal of an extension of credit  
 4 granted under subdivision (2)(c) of this section."  
 5 2. On page 34, line 15, strike "or governance rights";  
 6 and in line 17 after "rights" insert "in such association".

(Signed) Rich Pahls, Chairperson

### Revenue

**LEGISLATIVE BILL 575.** Placed on General File - Com AM750.  
 AM750

- 1 1. Insert the following new section:  
 2 Sec. 2. This act becomes operative on October 1, 2007.  
 3 2. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 170.** Indefinitely postponed.  
**LEGISLATIVE BILL 604.** Indefinitely postponed.  
**LEGISLATIVE BILL 687.** Indefinitely postponed.  
**LEGISLATIVE BILL 688.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

### MOTION - Approve Appointments

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 862:

Board of Trustees of the Nebraska State Colleges

Gary Bieganski  
 Floyd Vrtiska

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Dubas	Fulton	Synowiecki
Chambers	Flood	Preister	

Excused and not voting, 3:

Cornett            Engel            Louden

The appointments were confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 292A.** Title read. Considered.

Advanced to E & R for review with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 292.** Placed on Select File - ER8050.  
ER8050

1     1. Strike the original sections and all amendments  
2     thereto and insert the following new sections:  
3     Section 1. Section 68-104, Revised Statutes Cumulative  
4     Supplement, 2006, is amended to read:  
5     68-104 The Department of Health and Human Services shall  
6     be the overseer of the poor and shall be vested with the entire and  
7     exclusive superintendence of the poor in this state, except that  
8     the county board of each county shall furnish such medical service  
9     as may be required for the poor of the county who are not eligible  
10    for other medical assistance programs and general assistance for  
11    the poor of the county. Any person who is or becomes ineligible for  
12    other medical assistance programs due to his or her own actions or  
13    inactions shall also be ineligible for medical services from the  
14    county.

15    The county board of each county shall administer the  
16    medical assistance provided pursuant to this section. A county  
17    board may enter into an agreement with the Department of Health  
18    and Human Services which allows the department to aid in the  
19    administration of such medical assistance program. In providing  
20    medical and hospital care for the poor, the county board shall make  
21    use of any existing facilities, including tax-supported hospitals  
22    and charitable clinics so far as the same may be available, and  
23    shall use the financial eligibility criteria established for the  
1     standard of need developed by the county pursuant to section  
2     68-126.

3     A county board may transfer funds designated for public  
4     assistance to the Department of Health and Human Services for  
5     purposes of payments to providers who serve eligible recipients of  
6     medical assistance or low-income uninsured persons and meet federal  
7     and state disproportionate-share payment requirements pursuant to

8 subdivision (2)(c) of section 68-910.

9 Sec. 2. Section 68-1803, Revised Statutes Cumulative  
10 Supplement, 2006, is amended to read:

11 68-1803 (1) Each intermediate care facility for the  
12 mentally retarded shall pay a tax equal to ~~six percent a percentage~~  
13 of its net revenue for the most recent State of Nebraska fiscal  
14 year. The percentage shall be (a) six percent prior to January  
15 1, 2008, (b) five and one-half percent beginning January 1, 2008,  
16 through September 30, 2011, and (c) six percent beginning October  
17 1, 2011.

18 (2) Taxes collected under this section shall be remitted  
19 to the State Treasurer for credit to the ICF/MR Reimbursement  
20 Protection Fund.

21 (3) Taxes collected pursuant to this section shall be  
22 reported on a separate line on the cost report of the intermediate  
23 care facility for the mentally retarded, regardless of how such  
24 costs are reported on any other cost report or income statement.  
25 The department shall recognize such tax as an allowable cost  
26 within the state plan for reimbursement of intermediate care  
27 facilities for the mentally retarded which participate in the  
1 medical assistance program. The tax shall be a direct pass-through  
2 and shall not be subject to cost limitations.

3 Sec. 3. Original sections 68-104 and 68-1803, Revised  
4 Statutes Cumulative Supplement, 2006, are repealed.

5 2. On page 1, strike beginning with "assistance" in line  
6 1 through line 5 and insert "health and welfare; to amend sections  
7 68-104 and 68-1803, Revised Statutes Cumulative Supplement, 2006;  
8 to authorize transfers of public assistance funds from counties to  
9 the state as prescribed; to change the rate of tax on intermediate  
10 care facilities for the mentally retarded; and to repeal the  
11 original sections."

**LEGISLATIVE BILL 389.** Placed on Select File.

**LEGISLATIVE BILL 304.** Placed on Select File - ER8048.  
ER8048

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

3 Section 1. Section 77-6102, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 77-6102 For purposes of the Long-Term Care Savings Plan  
6 Act:

7 (1) Long-term care expense means the cost of long-term  
8 care in a long-term care facility and the cost of care provided in  
9 a person's home when the person receiving the care is unable to  
10 perform multiple basic life functions independently;

11 (2) Long-term care insurance premiums means premiums  
12 paid for a long-term care insurance policy issued pursuant to  
13 the Long-Term Care Insurance Act that offers coverage to the

14 individual, ~~or the individual's spouse, or another person for whom~~  
 15 the taxpayer has an insurable interest;

16 (3) Participant means an individual who has entered  
 17 into a participation agreement or established an account with  
 18 a financial institution with which the State Treasurer has an  
 19 agreement under subsection (1) of section 77-6103; and

20 (4) Qualified individual means (a) a person who ~~turned~~  
 21 ~~sixty five years of age or older during the taxable year who has~~  
 22 ~~a medical necessity for long term care during the taxable year;~~  
 23 ~~(b) a disabled person who has a medical necessity for long term~~  
 1 ~~care incurred long-term care expenses during the taxable year; or~~  
 2 ~~(c) or (b) a person who turned sixty two fifty years of age or~~  
 3 ~~older during the taxable year who made payments for long-term care~~  
 4 ~~insurance premiums during the taxable year.~~

5 Sec. 2. Section 77-6105, Revised Statutes Cumulative  
 6 Supplement, 2006, is amended to read:

7 77-6105 A qualified individual as defined in subdivision  
 8 ~~(4)(a) or (b)~~ of section 77-6102 may make withdrawals as a  
 9 participant in the Nebraska long-term care savings plan to pay  
 10 or reimburse long-term care expenses. A qualified individual as  
 11 defined in subdivision ~~(4)(c)-(4)(b)~~ of section 77-6102 may make  
 12 withdrawals to pay or reimburse long-term care insurance premiums.  
 13 Any participant who is not a qualified individual or who makes  
 14 a withdrawal for any reason other than transfer of funds to a  
 15 spouse, long-term care expenses, long-term care insurance premiums,  
 16 or death of the participant shall be subject to a ten-percent  
 17 penalty on the amount withdrawn. The State Treasurer shall collect  
 18 the penalty.

19 Sec. 3. Original sections 77-6102 and 77-6105, Revised  
 20 Statutes Cumulative Supplement, 2006, are repealed.

21 2. On page 1, strike lines 2 through 4 and insert "to  
 22 amend sections 77-6102 and 77-6105, Revised Statutes Cumulative  
 23 Supplement, 2006; to redefine terms; to change provisions relating  
 24 to authorized withdrawals; to harmonize provisions; and to repeal  
 25 the original sections."

**LEGISLATIVE BILL 677.** Placed on Select File - ER8049.  
 ER8049

1 1. On page 1, line 3, after "inspection" insert  
 2 "requirements and"; and in line 4 strike "and" and after "section"  
 3 insert "; and to declare an emergency".

**LEGISLATIVE BILL 636.** Placed on Select File - ER8051.  
 (Amendment is printed separately and available in the Bill Room, Room  
 1104.)

(Signed) Amanda McGill, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 476.** Title read. Considered.

Senator Flood renewed his motion, found on page 554, to bracket LB 476 to May 31, 2007.

**SENATOR LANGEMEIER PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Flood withdrew his motion to bracket.

Pending.

**AMENDMENT - Print in Journal**

Senator Preister filed the following amendment to LB 585:  
AM747

- 1 1. On page 2, lines 13 and 21, strike "except" and insert
- 2 "including"; and in line 20 after "products" insert "except cigars,
- 3 cheroots, and stogies".

**COMMUNICATIONS**

March 14, 2007

Mr. Patrick O'Donnell  
Clerk of the Legislature  
Room 2018  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-404, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska projects:

**University of Nebraska at Omaha, Student Housing Project.** The University of Nebraska at Omaha proposes to finance, design, construct and manage new housing facilities for up to 400 students on the Dodge site in an area adjacent to University Village in apartment suite-style living configurations. Each suite will have a living space and a kitchen space, and will be designed for internal loading where residents access suites through a central hallway. This project will increase campus housing to a total of approximately 1,620 available student housing beds serving 11 percent of the current UNO student population. On average, peer institutions provide student housing for 13 percent of



their student population. The project is estimated to cost \$16,475,236.

**Request.** The University requests approval of this student housing project totaling \$16,475,236 to be financed from University of Nebraska at Omaha Student Facilities Revenue Bonds Series 2007.

**University of Nebraska at Omaha, Parking Structure Project.** The University of Nebraska at Omaha proposes to construct a multi-level parking structure with approximately 900 parking spaces at the southwest corner of the Dodge site. The structure will provide parking for the expansion of campus housing in this area and additional spaces to alleviate the parking deficit that already exists with University Village. The project is estimated to cost \$11,849,746.

**Request.** The University requests approval of this parking structure project totaling \$11,849,746 to be financed from University of Nebraska at Omaha Student Facilities Revenue Bonds Series 2007.

The Board of Regents authorized these expenditures at its January 19, 2007, meeting. The Nebraska Coordinating Commission for Postsecondary Education approved the expenditures on March 13, 2007. The CCPE Revenue Bond Project Evaluation Forms indicating approval of the projects are attached.

Thank you for your consideration of these projects.

Respectfully submitted,  
(Signed) Donal J. Burns  
Corporation Secretary

March 19, 2007

Senator Pat Engel  
Chairperson, Executive Board  
Room 2010  
State Capitol  
Lincoln, NE 68509

Dear Senator Engel,

Enclosed is correspondence from Donal J. Burns, Corporation Secretary for the Office of the President of the University of Nebraska and correspondence from the Coordinating Commission for Postsecondary Education. The correspondence relates to expenditure of bond funds for the following:

University of Nebraska at Omaha: Student Housing Project.

University of Nebraska at Omaha: Parking Structure Project.

I am forwarding this correspondence to you for Executive Board action.

Sincerely,  
 (Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

PJO:ck

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board referred the University of Nebraska's request to issue revenue bonds to the Appropriations Committee for further consideration.

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

### **NOTICE OF COMMITTEE HEARING**

**Education**  
 Room 1525

Monday, April 23, 2007

8:30 a.m.

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

(Signed) Ron Raikes, Chairperson

### **VISITORS**

Visitors to the Chamber were Roger Green from Scottsbluff; 21 students and teacher from Cedar Rapids; members of Friendship Force of Gold Coast Australia; and Laura Nevius and Simon Woodrup from Durham, North Carolina.

The Doctor of the Day was Dr. Roger Meyer from Utica.

### **ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Hudkins, the Legislature adjourned until 9:00 a.m., Tuesday, March 20, 2007.

Patrick J. O'Donnell  
 Clerk of the Legislature

**FORTY-NINTH DAY - MARCH 20, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 20, 2007

**PRAYER**

The prayer was offered by Pastor Jim Helgren, First Evangelical Lutheran Church, Wilber.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Hansen and Heidemann who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 328.** Placed on Select File - ER8054.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 160.** Placed on Select File.

**LEGISLATIVE BILL 578.** Placed on Select File - ER8052.  
ER8052

- 1 1. On page 1, strike lines 2 through 5 and insert
- 2 "section 53-101, Revised Statutes Cumulative Supplement, 2006; to
- 3 provide for the rounding of amounts relating to state alcohol
- 4 excise tax laws; and to repeal the original section."

**LEGISLATIVE BILL 681.** Placed on Select File.

**LEGISLATIVE BILL 106.** Placed on Select File - ER8053.

ER8053

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

3 Section 1. Section 77-4001, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 77-4001 Sections 77-4001 to 77-4025 and section 4 of this  
6 act shall be known and may be cited as the Tobacco Products Tax  
7 Act.

8 Sec. 2. Section 77-4002, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 77-4002 For purposes of the Tobacco Products Tax Act,  
11 unless the context otherwise requires, the definitions found in  
12 sections 77-4003 to 77-4007 and section 4 of this act shall be  
13 used.

14 Sec. 3. Section 77-4004, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 77-4004 First owner ~~shall mean means~~ any person:

17 (1) Engaged in the business of selling tobacco products  
18 or smoking tobacco in this state who brings or causes to be brought  
19 into this state from outside this state any tobacco products or  
20 smoking tobacco for sale in this state, including a retailer who  
21 purchases directly from suppliers outside this state who are not  
22 licensed pursuant to subsection (2) of section 77-4009;

23 (2) Who makes, manufactures, or fabricates tobacco  
1 products or smoking tobacco in this state for sale in this state;  
2 or

3 (3) Engaged in business outside this state who ships  
4 or transports tobacco products or smoking tobacco to retailers in  
5 this state and who becomes licensed pursuant to subsection (2) of  
6 section 77-4009.

7 Sec. 4. Smoking tobacco means (1) cigars, (2) cheroots,  
8 (3) stogies, (4) periques, and (5) granulated, plug cut, crimp cut,  
9 ready rubbed, and other tobacco prepared in such manner as to be  
10 suitable for smoking, except that smoking tobacco does not mean  
11 cigarettes as defined in section 77-2601.

12 Sec. 5. Section 77-4007, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 77-4007 Tobacco products ~~shall mean (1) cigars, (2)~~  
15 ~~cheroots, (3) stogies, (4) periques, (5) granulated, plug cut,~~  
16 ~~crimp cut, ready rubbed, and other smoking tobacco, (6) means (1)~~  
17 ~~snuff, (7)-(2) snuff flour, (8)-(3) cavendish, (9)-(4) plug and~~  
18 ~~twist tobacco, (10)-(5) fine cut and other chewing tobacco, (11)~~  
19 ~~(6) shorts, refuse scraps, clippings, cuttings, and sweepings of~~  
20 ~~tobacco, and (12)-(7) other kinds and forms of tobacco, prepared~~  
21 ~~in such manner as to be suitable for chewing, or smoking in a pipe~~  
22 ~~or otherwise or both for chewing and smoking, except that tobacco~~  
23 ~~products shall does~~ not mean cigarettes as defined in section  
24 77-2601.

25 Sec. 6. Section 77-4008, Reissue Revised Statutes of

26 Nebraska, is amended to read:

27 77-4008 ~~(4)-(1)(a)~~ A tax is hereby imposed upon the first  
1 owner of tobacco products and smoking tobacco to be sold in this  
2 state.

3 (b) The tax on tobacco products shall be one dollar and  
4 five cents per ounce and a proportionate tax at the like rate on  
5 all fractional parts of an ounce. Such tax shall be computed based  
6 on the net weight as listed by the manufacturer. Any product listed  
7 by the manufacturer as having a net weight of less than one ounce  
8 shall be taxed as if the product had a net weight of one ounce.

9 (c) The tax on smoking tobacco shall be twenty percent  
10 of ~~(a)-(i)~~ the purchase price of ~~such tobacco products~~ the smoking  
11 tobacco paid by the first owner or ~~(b)-(ii)~~ the price at which  
12 a first owner who made, manufactured, or fabricated the smoking  
13 tobacco ~~product~~ sells the items to others. ~~Such tax~~

14 (d) The tax on tobacco products and smoking tobacco shall  
15 be in addition to all other taxes.

16 (2) Whenever any person who is licensed under section  
17 77-4009 purchases tobacco products or smoking tobacco from another  
18 person licensed under section 77-4009, the seller shall be liable  
19 for the payment of the tax.

20 (3) ~~On and after October 1, 2002, and continuing until~~  
21 ~~October 1, 2004, the Tax Commissioner shall remit the amount~~  
22 ~~collected pursuant to this section to the State Treasurer, and the~~  
23 ~~State Treasurer shall credit three fourths of such amount to the~~  
24 ~~General Fund and one fourth of such amount to the Cash Reserve~~  
25 ~~Fund. On and after October 1, 2004, amounts collected~~ Amounts  
26 collected pursuant to this section shall be used and distributed  
27 pursuant to section 77-4025.

1 Sec. 7. Section 77-4009, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 77-4009 (1) Each first owner of tobacco products and  
4 smoking tobacco to be sold in this state shall be licensed by  
5 the Tax Commissioner. Every application for such license shall be  
6 made on a form prescribed by the Tax Commissioner. The application  
7 shall include: (a) The name and address of the applicant or, if  
8 the applicant is a firm, partnership, limited liability company, or  
9 association, the name and address of each of its members or, if  
10 the applicant is a corporation, the name and address of each of  
11 its officers and the address of its principal place of business;  
12 (b) the location of the place of business to be licensed; and (c)  
13 such other information as the Tax Commissioner may require for the  
14 purpose of administering the Tobacco Products Tax Act.

15 (2) A person outside of this state who ships or  
16 transports tobacco products or smoking tobacco to any person  
17 in this state to be sold in this state may make application for a  
18 license and be granted such a license by the Tax Commissioner. If  
19 a license is granted, such person shall be subject to the Tobacco  
20 Products Tax Act and shall be entitled to act as a licensee.

21 A person outside this state who receives a license shall have  
 22 established sufficient contact with this state for the exercise  
 23 of personal jurisdiction over the person in any matter or issue  
 24 arising under the act.

25 Sec. 8. Section 77-4014, Reissue Revised Statutes of  
 26 Nebraska, is amended to read:

27 77-4014 (1) On or before the tenth day of each calendar  
 1 month, ~~commencing on or after January 1, 1988,~~ every person  
 2 licensed under subsection (1) of section 77-4009 shall file a  
 3 return with the Tax Commissioner showing either the quantity and  
 4 the price of each tobacco product or smoking tobacco brought or  
 5 caused to be brought into this state for sale or the quantity  
 6 and the price of each tobacco product or smoking tobacco made,  
 7 manufactured, or fabricated in this state for sale in this state,  
 8 whichever is applicable, during the preceding calendar month. For  
 9 tobacco products, such return shall also include the net weight as  
 10 listed by the manufacturer.

11 (2) Every person licensed pursuant to subsection (2) of  
 12 section 77-4009 shall, in the manner described in subsection (1) of  
 13 this section, file a return showing in detail the different kinds,  
 14 quantity, and wholesale sales price of each tobacco product or  
 15 smoking tobacco shipped or transported to retailers in this state  
 16 to be sold by such retailers during the preceding calendar month.  
 17 For tobacco products, such return shall also include the net weight  
 18 as listed by the manufacturer.

19 (3) Returns shall be made upon forms furnished and  
 20 prescribed by the Tax Commissioner. Each return shall be  
 21 accompanied by a remittance for the full tax liability shown, less  
 22 an amount of such liability equal to any amount allowed a payer of  
 23 the sales and use tax pursuant to subdivision (1)(d) of section  
 24 77-2708 as compensation to reimburse the licensee for his or her  
 25 expenses incurred in complying with the Tobacco Products Tax Act.

26 Sec. 9. Section 77-4017, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 77-4017 (1) Every licensee shall keep complete and  
 2 accurate records for all places of business, including itemized  
 3 invoices of tobacco products and smoking tobacco (a) held,  
 4 purchased, manufactured, or brought in or caused to be brought  
 5 into this state or (b) for a licensee located outside of this  
 6 state, shipped or transported to retailers in this state. For  
 7 tobacco products, such return shall also include the net weight as  
 8 listed by the manufacturer.

9 (2) All books, records, and other papers and documents  
 10 required to be kept by this section shall be preserved for a period  
 11 of at least three years after the due date of the tax imposed  
 12 by the Tobacco Products Tax Act unless the Tax Commissioner, in  
 13 writing, authorizes their destruction or disposal at an earlier  
 14 date.

15 (3) At any time during usual business hours, duly

16 authorized agents or employees of the Tax Commissioner may enter  
17 any place of business of a licensee and inspect the premises,  
18 the records required to be kept pursuant to this section, and  
19 the tobacco products and smoking tobacco contained in such place  
20 of business for purposes of determining whether or not such  
21 licensee is in full compliance with the act. Refusal to permit  
22 such inspection by a duly authorized agent or employee of the  
23 Tax Commissioner shall be grounds for revocation, cancellation, or  
24 suspension of the license.

25 Sec. 10. Section 77-4018, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 77-4018 When tobacco products or smoking tobacco, for  
1 which the tax imposed by the Tobacco Products Tax Act has been  
2 reported and paid, ~~is~~ ~~are~~ (1) sold, shipped, or transported by  
3 the licensee to retailers, licensees, or ultimate consumers outside  
4 this state or (2) returned to the manufacturer by the licensee, a  
5 refund or credit of the tax shall be made to the licensee. For the  
6 purpose of making such credit or refund, the Tax Commissioner may  
7 issue a tax credit or may prepare a voucher showing the net amount  
8 of such refund due. The Tax Commissioner shall have a warrant  
9 drawn upon the State Treasurer for the amount of any such refund  
10 certified by the Tax Commissioner.

11 Sec. 11. Section 77-4024, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 77-4024 Any person who violates the Tobacco Products Tax  
14 Act or any person who sells, delivers, or accepts tobacco products  
15 or smoking tobacco with the intent to evade the act shall be guilty  
16 of a Class IV felony.

17 Sec. 12. Section 77-4025, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 77-4025 There is hereby created a cash fund in the  
20 Department of Revenue to be known as the Tobacco Products  
21 Administration Cash Fund. ~~Except as otherwise provided in section~~  
22 ~~77-4008, all~~ All revenue collected or received by the Tax  
23 Commissioner from the license fees and taxes imposed by the Tobacco  
24 Products Tax Act shall be remitted to the State Treasurer for  
25 credit to the Tobacco Products Administration Cash Fund. All costs  
26 required for administration of the Tobacco Products Tax Act shall  
27 be paid from such fund. Credits and refunds allowed under the act  
1 shall be paid from the Tobacco Products Administration Cash Fund.  
2 Any receipts, after credits and refunds, in excess of the amounts  
3 sufficient to cover the costs of administration may be transferred  
4 to the General Fund at the direction of the Legislature. The State  
5 Treasurer shall transfer two million five hundred thousand dollars  
6 from the Tobacco Products Administration Cash Fund to the General  
7 Fund within fifteen days after November 1, 2002. Any money in the  
8 Tobacco Products Administration Cash Fund available for investment  
9 shall be invested by the state investment officer pursuant to  
10 the Nebraska Capital Expansion Act and the Nebraska State Funds

11 Investment Act.

12 Sec. 13. This act becomes operative on October 1, 2007.

13 Sec. 14. Original sections 77-4001, 77-4002, 77-4004,  
14 77-4007, 77-4008, 77-4009, 77-4014, 77-4017, 77-4018, 77-4024, and  
15 77-4025, Reissue Revised Statutes of Nebraska, are repealed.

16 2. On page 1, strike lines 2 through 4 and insert

17 "sections 77-4001, 77-4002, 77-4004, 77-4007, 77-4008, 77-4009,  
18 77-4014, 77-4017, 77-4018, 77-4024, and 77-4025, Reissue Revised  
19 Statutes of Nebraska; to change the tax on certain tobacco  
20 products; to define and redefine terms; to harmonize provisions;  
21 to".

**LEGISLATIVE BILL 292A.** Placed on Select File - ER8055.  
ER8055

- 1 1. On page 2, lines 2 and 4, strike "Department of"; and
- 2 in lines 2 and 3, 5, and 6 and 7 strike "Finance and Support".

(Signed) Amanda McGill, Chairperson

### **COMMITTEE REPORTS**

#### **Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 646.** Placed on General File - Com AM752.  
(Amendment is printed separately and available in the Bill Room, Room  
1104.)

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.

John E. Falgione - State Fire Marshal

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

(Signed) Ray Aguilar, Chairperson



**MESSAGE FROM THE GOVERNOR**

March 19, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 83e, 124e, 145, 231, 237, 239, 248, 347, and 390 were received in my office on March 13, 2007.

I signed these bills and delivered them to the Secretary of State on March 19, 2007.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

**GENERAL FILE**

**LEGISLATIVE BILL 476.** Senator Flood renewed his amendment, AM307, found on page 554.

Senator Langemeier moved the previous question. The question is, "Shall the debate now close?"

Senator Langemeier moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The motion to cease debate prevailed with 27 ayes, 12 nays, and 10 present and not voting.

Senator Flood requested a roll call vote on his amendment.

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Schimek

The Flood amendment was adopted with 48 ayes, 0 nays, and 1 present and not voting.

The Chair declared the call raised.

Senator Flood renewed his amendment, AM287, found on page 557.

Senator Flood withdrew his amendment.

Senator Kruse offered the following amendment:

AM766

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 29-2532, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 29-2532 (1)(a) The mode of inflicting the punishment of
- 6 death, in all cases, shall be cases in which the crime for which
- 7 the punishment of death has been imposed was committed prior to
- 8 the effective date of this act, shall be, at the option of the
- 9 convicted person being punished and as provided in subdivisions
- 10 (1)(b) and (c) of this subsection, (i) by causing to pass
- 11 through the body of the convicted person a current or currents
- 12 of electricity of sufficient intensity to cause death; and the
- 13 application of such current or currents shall be continued until
- 14 such convicted person is dead or (ii) by gunshots administered by
- 15 firing squad sufficient to cause death.
- 16 (b) If the convicted person being punished was sentenced
- 17 to death prior to the effective date of this act, then the warden
- 18 of the Department of Correctional Services facility designated by
- 19 the Director of Correctional Services to carry out the sentence
- 20 of death, or his or her designee, shall provide written notice
- 21 to the convicted person of the requirement to choose a mode of
- 22 inflicting the punishment of death set forth in this section within
- 23 thirty days after the effective date of this act. Such notice shall
- 1 state that a failure to choose shall result in the punishment of
- 2 death being inflicted pursuant to subdivision (1)(a)(ii) of this
- 3 subsection. If a choice is made by the convicted person, it shall
- 4 be made in writing and received by the warden or his or her
- 5 designee within thirty days after receipt by the convicted person
- 6 of the warden's written notice.
- 7 (c) If the convicted person being punished was sentenced
- 8 to death on or after the effective date of this act, then
- 9 the warden of the Department of Correctional Services facility

10 designated by the Director of Correctional Services to carry out  
 11 the sentence of death, or his or her designee, shall provide  
 12 written notice to the convicted person of the requirement to choose  
 13 a mode of inflicting the punishment of death set forth in this  
 14 section within thirty days after the sentence has been affirmed by  
 15 the Nebraska Supreme Court pursuant to section 29-2528. Such notice  
 16 shall state that a failure to choose shall result in the punishment  
 17 of death being inflicted pursuant to subdivision (1)(a)(ii) of  
 18 this subsection. If a choice is made by the convicted person, it  
 19 shall be made in writing and received by the warden or his or her  
 20 designee within thirty days after receipt by the convicted person  
 21 of the warden's written notice.

22 (d) If the convicted person being punished fails to  
 23 choose as provided in this subsection, the mode of inflicting the  
 24 punishment of death shall be pursuant to subdivision (1)(a)(ii) of  
 25 this section.

26 (2) The mode of inflicting the punishment of death, in  
 27 cases in which the crime for which the punishment of death has been  
 1 imposed was committed on or after the effective date of this act,  
 2 shall be by gunshots administered by firing squad sufficient to  
 3 cause death.

4 (3) The warden of the ~~Nebraska Penal and Correctional~~  
 5 ~~Complex~~ Department of Correctional Services facility designated by  
 6 the Director of Correctional Services to carry out the sentence  
 7 of death, and in case of ~~his~~ such warden's death, sickness,  
 8 absence, or inability to act, then the deputy warden, shall be the  
 9 executioner. ~~The ; PROVIDED, the~~ warden may in writing specially  
 10 designate and appoint a suitable and competent person, ~~or, in case~~  
 11 of a firing squad, persons, to act for him ~~or her~~, and under his  
 12 or her direction, as executioner, ~~or, in case of a firing squad,~~  
 13 executioners, in any particular case. A crime punishable by death  
 14 ~~must~~ shall be punished according to ~~the provisions herein made this~~  
 15 section and not otherwise.

16 (4) If the Supreme Court of the United States declares  
 17 that the mode of inflicting the punishment of death under  
 18 subdivision (1)(a)(i) or (ii) of this section violates the  
 19 United States Constitution, or if the Nebraska Supreme Court  
 20 declares that the mode of inflicting the punishment of death under  
 21 subdivision (1)(a)(i) or (ii) of this section violates the United  
 22 States Constitution or the Constitution of Nebraska, the mode of  
 23 inflicting the punishment of death shall be by the other remaining  
 24 statutory mode of inflicting the punishment of death.

25 Sec. 2. Section 29-2533, Reissue Revised Statutes of  
 26 Nebraska, is amended to read:

27 29-2533 When any convicted person ~~shall be sentenced~~  
 1 to be electrocuted is punished by death, such punishment shall  
 2 be inflicted ~~within the walls of the Department of Correctional~~  
 3 ~~Services adult correctional facility, or within the yard or~~  
 4 ~~enclosure adjacent thereto,~~ at a Department of Correctional

5 Services facility under the supervision of the warden of such  
 6 facility and in such a manner as to exclude the view of all persons  
 7 ~~save except~~ those permitted to be present as provided in sections  
 8 29-2534 and 29-2535.

9 Sec. 3. Section 29-2542, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 29-2542 If any person escapes who has been convicted  
 12 of a crime punishable by death, ~~and has been sentenced to be~~  
 13 ~~electrocuted death, shall escape, and shall not be~~ and has not been  
 14 retaken before the time fixed for his or her execution, ~~it shall be~~  
 15 ~~lawful for the warden~~ the Director of Correctional Services or his  
 16 or her designee may rearrest such person, or any sheriff or other  
 17 officer or person ~~to may~~ rearrest such person and return him or her  
 18 to the custody of the warden of the ~~Nebraska Penal and Correctional~~  
 19 ~~Complex, who shall thereupon make return thereof to~~ Department of  
 20 Correctional Services. The director shall then notify the Governor  
 21 of the state, and the Governor shall ~~thereupon~~ issue a warrant,  
 22 fixing and appointing a day for the execution. The director shall  
 23 ensure that the designated warden carries out the execution, which  
 24 ~~shall be carried into effect by the warden~~ in the same manner as  
 25 herein provided for the execution of ~~an original~~ a sentence of  
 26 death.

27 Sec. 4. Section 29-2543, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:

2 29-2543 Whenever any person has been tried and convicted  
 3 before any district court in this state of a crime punishable by  
 4 death and under the conviction has been sentenced by the court  
 5 to suffer death, it shall be the duty of the clerk of the court  
 6 before which the conviction was had to issue a warrant, under the  
 7 seal of the court, reciting therein the conviction and sentence  
 8 directed to the ~~warden of the Nebraska Penal and Correctional~~  
 9 ~~Complex~~ Director of Correctional Services, commanding ~~him or her~~  
 10 ~~to proceed at the time named in the sentence to carry the same~~  
 11 ~~into execution by causing the person so convicted and sentenced to~~  
 12 ~~be electrocuted by the passage of an electric current through the~~  
 13 ~~body until dead~~ the director to cause the death of the convicted  
 14 person. The clerk shall deliver the warrant to the sheriff of  
 15 the county in which conviction was had and such sheriff shall  
 16 thereupon forthwith remove such convicted person to a Department  
 17 of Correctional Services ~~adult correctional~~ facility of the state  
 18 and there deliver him or her, together with the warrant, into the  
 19 custody of the ~~warden~~ director who shall receive and safely keep  
 20 such ~~convict~~ convicted person within a Department of Correctional  
 21 Services ~~adult correctional~~ facility until the time of execution or  
 22 until otherwise ordered by competent authority.

23 Sec. 5. Section 29-2544, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25 29-2544 It shall be the duty of the ~~warden of the~~  
 26 ~~Nebraska Penal and Correctional Complex~~ Director of Correctional

27 Services on receipt of such warrant, if the Supreme Court or a  
 1 judge thereof shall not have ordered a suspension of the execution,  
 2 and if the Board of Pardons shall not have commuted such sentence,  
 3 or granted a reprieve or pardon to such convict, to proceed at  
 4 the time named in the warrant to carry the sentence into execution  
 5 in the manner herein provided; and of the manner of his or her  
 6 executing the warrant, and of his or her doings thereon, he or  
 7 she shall forthwith make return to the clerk, who shall cause the  
 8 warrant and return to be recorded as a part of the records of the  
 9 case.

10 Sec. 6. If any section in this act or any part of any  
 11 section is declared invalid or unconstitutional, the declaration  
 12 shall not affect the validity or constitutionality of the remaining  
 13 portions.

14 Sec. 7. Original sections 29-2532, 29-2533, 29-2542,  
 15 29-2543, and 29-2544, Reissue Revised Statutes of Nebraska, are  
 16 repealed.

17 Sec. 8. Since an emergency exists, this act takes effect  
 18 when passed and approved according to law.

Senator Kruse withdrew his amendment.

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

Senator Langemeier moved for a call of the house. The motion prevailed with 49 ayes, 0 nays, and 0 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Adams	Chambers	Johnson	McGill	Rogert
Aguilar	Cornett	Kopplin	Nantkes	Schimek
Ashford	Dierks	Kruse	Pedersen	Synowiecki
Avery	Dubas	Lathrop	Preister	Wallman
Carlson	Howard	McDonald	Raikes	

Voting in the negative, 25:

Burling	Flood	Harms	Langemeier	Pankonin
Christensen	Friend	Heidemann	Louden	Pirsch
Engel	Fulton	Hudkins	Mines	Stuthman
Erdman	Gay	Janssen	Nelson	White
Fischer	Hansen	Karpisek	Pahls	Wightman

Not voting, 0.

Failed to advance to E & R for review with 24 ayes, 25 nays, and 0 not voting.

The Chair declared the call raised.

### AMENDMENT - Print in Journal

Senator Kruse filed the following amendment to LB 578:  
AM759

(Amendments to AM573)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 53-1,121, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-1,121 (1) City police, county sheriffs, officers of
- 5 the Nebraska State Patrol, and any other such law enforcement
- 6 officer with power to arrest for traffic violations may take a
- 7 person who is ~~intoxicated~~ under the influence of alcohol or drugs
- 8 and in the judgment of the officer dangerous to himself, herself,
- 9 or others, or who is otherwise incapacitated, from any public or
- 10 quasi-public property. An officer removing ~~an intoxicated~~ such a
- 11 person from public or quasi-public property shall make a reasonable
- 12 effort to take such ~~intoxicated~~ person to his or her home or to
- 13 place such person in any hospital, clinic, ~~alcoholism substance~~
- 14 abuse center, or with a medical doctor as may be necessary to
- 15 preserve life or to prevent injury. Such effort at placement shall
- 16 be deemed reasonable if the officer contacts those facilities or
- 17 doctors which have previously represented a willingness to accept
- 18 and treat such individuals and which regularly do accept such
- 19 individuals. If such efforts are unsuccessful or are not feasible,
- 20 the officer may then place ~~such intoxicated person~~ the person who
- 21 is under the influence of alcohol or drugs in civil protective
- 22 custody. ~~Civil~~ except that civil protective custody shall be used
- 1 only as long as is necessary to preserve life or to prevent injury;
- 2 and, except as provided in subsection (2) of this section, for no
- 3 under no circumstances for longer than twenty-four hours.
- 4 (2) In counties in which the county board has adopted
- 5 a resolution stating that suitable facilities exist within the
- 6 county for the care and treatment of persons suffering from chronic
- 7 alcoholism or substance abuse, individuals who have been placed
- 8 in civil protective custody three or more times in the previous
- 9 month may be held in civil protective custody for up to seventy-two
- 10 hours if necessary to preserve life or prevent injury. A resolution
- 11 adopted pursuant to this subsection shall include a designation of
- 12 the specific facility or facilities to be used for seventy-two-hour
- 13 civil protective custody and specify the maximum number of patients
- 14 that can be served at any one time by each such facility.
- 15 (2)-(3) The placement of such person in civil protective
- 16 custody shall be recorded at the facility or jail to which he or
- 17 she is delivered and communicated to his or her family or next of

18 kin, if they can be located, or to such person designated by the  
 19 person taken into civil protective custody.

20 ~~(3)-(4)~~ The law enforcement officer who acts in  
 21 compliance with this section shall be deemed to be acting in the  
 22 course of his or her official duty and shall not be criminally or  
 23 civilly liable for such actions.

24 ~~(4)-(5)~~ The taking of an individual into civil protective  
 25 custody under this section shall not be considered an arrest. No  
 26 entry or other record shall be made to indicate that the person has  
 27 been arrested or charged with a crime.

1 ~~(5)-(6)~~ For purposes of this section: ~~public~~

2 ~~(a) Public property shall mean~~ means any public  
 3 right-of-way, street, highway, alley, park, or other state, county,  
 4 or municipally owned property; ~~and -~~

5 ~~(6) For the purposes of this section, quasi-public~~  
 6 ~~property shall mean and include~~ (b) Quasi-public property means  
 7 and includes private property or publicly owned property utilized  
 8 for proprietary or business uses which invites patronage by the  
 9 public or which invites public ingress and egress.

10 2. Renumber the remaining section and amend the repealer  
 11 accordingly.

## COMMITTEE REPORT

### Natural Resources

**LEGISLATIVE BILL 458.** Placed on General File - Com AM741.  
 AM741

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

3 Section 1. The Riparian Vegetation Management Task Force  
 4 is created. The Governor shall appoint the members of the task  
 5 force. The members shall include one representative from the  
 6 Department of Agriculture, the Department of Natural Resources,  
 7 the office of the Governor, the office of the State Forester, the  
 8 Game and Parks Commission, and the University of Nebraska; two  
 9 representatives nominated by the Nebraska Association of Resources  
 10 Districts; two representatives nominated by the Nebraska Weed  
 11 Control Association; and one riparian landowner from each of the  
 12 state's congressional districts. In addition to such members, any  
 13 member of the Natural Resources Committee of the Legislature may  
 14 serve as a member of the task force at his or her option. This  
 15 section terminates on June 30, 2009.

16 Sec. 2. The Riparian Vegetation Management Task Force, in  
 17 consultation with appropriate federal agencies, shall develop and  
 18 prioritize vegetation management goals and objectives and develop  
 19 plans and policies to achieve such goals and objectives. The  
 20 task force shall convene within thirty days after the appointment  
 21 of the members is complete to elect a chairperson and conduct  
 22 such other business as deemed necessary. The efforts of the task

23 force shall be initially directed toward river basins designated  
 1 by the Department of Natural Resources as fully appropriated or  
 2 overappropriated. Task force meetings shall be held in communities  
 3 within the Republican and Platte River basins. The task force  
 4 shall make preliminary recommendations to the Governor and the  
 5 Legislature regarding funding and legislation needed to achieve its  
 6 goals on or before December 15, 2007, and each year thereafter,  
 7 with a final report due prior to June 30, 2009. It is the  
 8 intent of the Legislature that expenses of the task force be paid  
 9 from funds appropriated for this legislative bill and shall not  
 10 exceed twenty-five thousand dollars per fiscal year. This section  
 11 terminates on June 30, 2009.

12 Sec. 3. Section 2-945.01, Revised Statutes Cumulative  
 13 Supplement, 2006, is amended to read:

14 2-945.01 Sections 2-945.01 to 2-966 and sections 1 and 2  
 15 of this act shall be known and may be cited as the Noxious Weed  
 16 Control Act.

17 Sec. 4. Section 2-958.02, Revised Statutes Cumulative  
 18 Supplement, 2006, is amended to read:

19 2-958.02 (1) From funds available in the Noxious Weed and  
 20 Invasive Plant Species Assistance Fund, the director may administer  
 21 a grant program to assist local control authorities and other weed  
 22 management entities in the cost of implementing and maintaining  
 23 noxious weed control programs and in addressing special weed  
 24 control problems as provided in this section.

25 (2) The director shall receive applications by local  
 26 control authorities and weed management entities for assistance  
 27 under this subsection ~~section~~ and, in consultation with the  
 1 advisory committee created under section 2-965.01, award grants  
 2 for any of the following eligible purposes:

3 (a) To conduct applied research to solve locally  
 4 significant weed management problems;

5 (b) To demonstrate innovative control methods or land  
 6 management practices which have the potential to reduce landowner  
 7 costs to control noxious weeds or improve the effectiveness of  
 8 noxious weed control;

9 (c) To encourage the formation of weed management  
 10 entities;

11 (d) To respond to introductions or infestations of  
 12 invasive plants that threaten or potentially threaten the  
 13 productivity of cropland and rangeland over a wide area;

14 (e) To respond to introductions and infestations of  
 15 invasive plant species that threaten or potentially threaten the  
 16 productivity and biodiversity of wildlife and fishery habitats on  
 17 public and private lands;

18 (f) To respond to special weed control problems involving  
 19 weeds not included in the list of noxious weeds promulgated by  
 20 rule and regulation of the director if the director has approved a  
 21 petition to bring such weeds under the county control program;



22 (g) To conduct monitoring or surveillance activities  
23 to detect, map, or determine the distribution of invasive plant  
24 species and to determine susceptible locations for the introduction  
25 or spread of invasive plant species; and

26 (h) To conduct educational activities.

27 ~~(2)~~(3) The director shall select and prioritize  
1 applications for assistance under ~~this subsection (2)~~ of this  
2 section based on the following considerations:

3 (a) The seriousness of the noxious weed or invasive plant  
4 problem or potential problem addressed by the project;

5 (b) The ability of the project to provide timely  
6 intervention to save current and future costs of control and  
7 eradication;

8 (c) The likelihood that the project will prevent or  
9 resolve the problem or increase knowledge about resolving similar  
10 problems in the future;

11 (d) The extent to which the project will leverage federal  
12 funds and other nonstate funds;

13 (e) The extent to which the applicant has made progress  
14 in addressing noxious weed or invasive plant problems;

15 (f) The extent to which the project will provide a  
16 comprehensive approach to the control or eradication of noxious  
17 weeds;

18 (g) The extent to which the project will reduce the total  
19 population or area of infestation of a noxious weed;

20 (h) The extent to which the project uses the principles  
21 of integrated vegetation management and sound science; and

22 (i) Such other factors that the director determines to be  
23 relevant.

24 (4) The director shall receive applications for grants  
25 under this subsection and shall award grants to recipients and  
26 programs eligible under this subsection. Beginning in fiscal year  
27 2007-08, it is the intent of the Legislature to appropriate  
1 two million dollars annually to the Noxious Weed and Invasive  
2 Plant Species Assistance Fund for the management of vegetation  
3 within the banks of a natural stream or within one hundred  
4 feet of the banks of a channel of any natural stream. Such  
5 funds shall only be used to pay for activities and equipment  
6 as part of vegetation management programs that have as their  
7 primary objective improving conveyance of streamflow in natural  
8 streams. Grants from funds appropriated as provided in this  
9 subsection shall be disbursed only to weed management entities,  
10 including local weed control authorities and natural resources  
11 districts, whose territory includes one or more fully appropriated  
12 or overappropriated river basins as designated by the Department  
13 of Natural Resources with priority for the first year given  
14 to fully appropriated river basins that are the subject of  
15 an interstate compact or decree. The Nebraska Game and Parks  
16 Commission shall assist grant recipients in implementing grant

17 projects under this subsection, and interlocal agreements under the  
 18 Interlocal Cooperation Act or the Joint Public Agency Act shall be  
 19 utilized whenever possible in carrying out the grant projects. This  
 20 subsection terminates June 30, 2009.

21 ~~(3)~~~~(5)~~ Nothing in this section shall be construed to  
 22 relieve control authorities of their duties and responsibilities  
 23 under the Noxious Weed Control Act or the duty of a person to  
 24 control the spread of noxious weeds on lands owned and controlled  
 25 by him or her.

26 ~~(4)~~~~(6)~~ The Department of Agriculture may adopt and  
 27 promulgate necessary rules and regulations to carry out this  
 1 section.

2 Sec. 5. Original sections 2-945.01 and 2-958.02, Revised  
 3 Statutes Cumulative Supplement, 2006, are repealed.

4 Sec. 6. Since an emergency exists, this act takes effect  
 5 when passed and approved according to law.

(Signed) LeRoy Louden, Chairperson

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Fischer asked unanimous consent to add her name as cointroducer to LB 160. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Ralph and Linda Brown and family from Hayes Center; 30 fourth-grade students and teacher from St. Mary's School, David City; Nancy, Jean, and Andrea Wach from Hayes Center; Jane, Christopher, and Sarah Van Horn from Blair; Marsha Reiss; 80 nursing students from Creighton University School of Nursing, Omaha and Hastings campuses; members of Leadership Quest Valley County from Ord; and 36 fifth-grade students, teachers, and sponsors from Clarmar Elementary, Fremont.

### **ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Wednesday, March 21, 2007.

Patrick J. O'Donnell  
 Clerk of the Legislature

**FIFTIETH DAY - MARCH 21, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 21, 2007

**PRAYER**

The prayer was offered by Pastor Eric Bents, Trinity Church Interdenominational, Omaha.

**ROLL CALL**

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

The roll was called and all members were present except Senator Hudkins who was excused; and Senators Engel and Heidemann who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-ninth day was approved.

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

**LEGISLATIVE RESOLUTION 14.** Reported to the Legislature for further consideration.

(Signed) Ray Aguilar, Chairperson

**AMENDMENT - Print in Journal**

Senator Aguilar filed the following amendment to LB 389:  
AM782

- 1 1. Insert the following section:
- 2 Sec. 3. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 6CA.** Read. Considered.

Pending.

**ANNOUNCEMENT**

The Chair announced today is Senator McGill's and Senator Schimek's birthdays.

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 6CA.** Senator Chambers offered the following amendment:

FA48

On page 1, lines 14 and 15 and page 2, line 1 strike "public power districts and other political subdivisions".

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Chambers amendment was adopted with 45 ayes, 1 nay, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 415A.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 415, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 570A.** Introduced by Loudon, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 570, One Hundredth Legislature, First Session, 2007.

**COMMITTEE REPORTS**  
**Health and Human Services**

The Health and Human Services 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.

Scot Adams - Health and Human Services System  
Christine Peterson - Health and Human Services System

VOTE: Aye: Senators Johnson, Erdman, Gay, Hansen, Howard, Pankonin.  
Nay: None. Absent: Senator Stuthman.

The Health and Human Services 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.

Melisa (Lisa) M. Borchardt - Foster Care Review Board  
Sarah Ann Lewis - Foster Care Review Board

VOTE: Aye: Senators Johnson, Erdman, Gay, Hansen, Howard, Pankonin.  
Nay: None. Absent: Senator Stuthman.

(Signed) Joel Johnson, Chairperson

**AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB 255:  
AM720

(Amendments to Final Reading copy)

- 1 1. On page 3, lines 10 through 15, strike the new matter;
- 2 and in line 20 after the period insert "Paid leave, other than
- 3 earned but unused vacation leave, provided as a fringe benefit by
- 4 the employer shall not be included in the wages due and payable
- 5 at the time of separation, unless the employer and the employee
- 6 or the employer and the collective-bargaining representative have
- 7 specifically agreed otherwise.".

Senator Erdman filed the following amendment to LB 328:  
AM758

(Amendments to E & R amendments, ER8054)

- 1 1. On page 27, line 8, strike "and outdoor education
- 2 specialist".

Senators Fulton and Schimek filed the following amendment to LB 198:  
AM801

(Amendments to Standing Committee amendments, AM211)

- 1 1. On page 2, line 17, strike "and"; after line 17 insert
- 2 the following new subdivision:

3     "(2) Include in the message a statement of whether or not  
 4 the message was authorized by a candidate and, if authorized, the  
 5 name of the candidate; and"; and in line 18 strike "(2)" and insert  
 6 "(3)".

Senator McDonald filed the following amendment to LB 638:  
 AM768

1     1. On page 3, line 15, after the period insert "For  
 2 purposes of enforcing sections 28-1101 to 28-1117, the authority  
 3 of the investigators shall be limited to investigating possession  
 4 of a gambling device, notifying local law enforcement authorities,  
 5 and reporting suspected violations to the county attorney for  
 6 prosecution.".  
 7     2. On page 35, line 20; and page 36, line 3, before the  
 8 period insert "pursuant to the limitations in section 9-1,101".

Senator Johnson filed the following amendment to LB 395:  
 AM797

(Amendments to AM585)

1     1. Strike section 16.  
 2     2. On page 1, line 3, strike "20" and insert "19".  
 3     3. On page 3, lines 11 and 12, strike "sections 15 and  
 4 16" and insert "section 15".  
 5     4. On page 4, line 19; and page 5, lines 2, 12 and 13,  
 6 and 27, strike "Regulation and Licensure".  
 7     5. Renumber the remaining sections accordingly.

## NOTICE OF COMMITTEE HEARING

**Education**  
 Room 1525

Tuesday, May 1, 2007

8:30 a.m.

Ronald D. Hunter - Coordinating Commission for Postsecondary Education  
 Review Revised Comprehensive Statewide Plan - for Postsecondary  
 Education pursuant to §85-1413(8)  
 Review Progress Report on Attainment of Higher Education Priorities -  
 Coordinating Commission for Postsecondary Education pursuant to 85-1429

(Signed) Ron Raikes, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 198.** Title read. Considered.

Committee AM211, found on page 610, was considered.

Senator Schimek renewed the Schimek et al. amendment, AM705, found on page 871, to the committee amendment.

The Schimek et al. amendment was adopted with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment to the committee amendment:

FA49

Amend Committee Amendment (AM211)

On page 1, line 12 after "and" insert "4 p.m., and between 6 p.m. and".

Senator Chambers withdrew his amendment.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

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

### AMENDMENTS - Print in Journal

Senator Mines filed the following amendment to LB 405:  
AM799

- 1 1. Insert the following new sections:
- 2 Sec. 3. Section 23-151, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 23-151 (1) Each county under commissioner organization
- 5 having not more than three hundred thousand inhabitants shall be
- 6 divided into three districts numbered respectively, one, two, and
- 7 three, or into five districts as provided for in sections 23-148
- 8 and 23-149 numbered respectively, one, two, three, four, and five.
- 9 ~~Beginning October 1, 1991, on the effective date of this act, each~~
- 10 county having more than three hundred thousand inhabitants shall be
- 11 divided into ~~seven~~nine districts numbered respectively, one, two,
- 12 ~~three, four, five, six, and seven, eight, and nine.~~
- 13 (2) Such districts shall consist of two or more voting
- 14 precincts comprising compact and contiguous territory and embracing
- 15 a substantially equal division of the population of the county.
- 16 District boundary lines shall not be subject to alteration
- 17 more than once every ten years except as otherwise provided in
- 18 subsection (3) of this section.
- 19 (3)(a) In counties having more than three hundred
- 20 thousand inhabitants, the establishment of district boundary lines
- 21 pursuant to subsection (1) of this section shall be completed not
- 22 later than ~~October 1, 1991, July 1, 2007,~~ or within one year
- 23 after the county attains a population of more than three hundred
- 1 thousand inhabitants, whichever occurs later. ~~Beginning in~~In 2001
- 2 and every ten years thereafter, the district boundary lines of any
- 3 county having more than three hundred thousand inhabitants shall
- 4 be redrawn, if necessary to maintain substantially equal district
- 5 populations, by the date specified in section 32-553.

6 (b) The establishment of district boundary lines and any  
7 alteration thereof under this subsection shall be done by the  
8 county board. If the county board fails to do so by the applicable  
9 deadline, district boundaries shall be drawn by the election  
10 commissioner within six months after the deadline established for  
11 the drawing or redrawing of district boundaries by the county  
12 board. If the election commissioner fails to meet such deadline,  
13 the remedies established in subsection (3) of section 32-555 shall  
14 apply.

15 (4) The district boundary lines shall not be changed at  
16 any session of the county board unless all of the commissioners are  
17 present at such session.

18 (5) Commissioners shall be elected as provided in section  
19 32-528. Elections shall be conducted as provided in the Election  
20 Act.

21 Sec. 4. Section 32-528, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 32-528 (1) In counties having a county board of three  
24 commissioners, two commissioners shall be elected at the statewide  
25 general election in 1994 and each four years thereafter, and one  
26 commissioner shall be elected at the statewide general election  
27 in 1996 and each four years thereafter. In counties having a

1 county board of five commissioners, three commissioners shall be  
2 elected at the statewide general election in 1994 and each four  
3 years thereafter, and two commissioners shall be elected at the  
4 statewide general election in 1996 and each four years thereafter.

5 In counties having a county board of seven ~~or more~~ commissioners,  
6 one commissioner shall be elected in each odd-numbered commissioner  
7 district at the statewide general election in 1994 and each  
8 four years thereafter, and one commissioner shall be elected in  
9 each even-numbered commissioner district at the statewide general  
10 election in 1996 and each four years thereafter. In counties  
11 having a county board of nine commissioners, one commissioner  
12 shall be elected in each even-numbered commissioner district at the  
13 statewide general election in 2008 and each four years thereafter,  
14 and one commissioner shall be elected in each odd-numbered  
15 commissioner district at the statewide general election in 2010  
16 and each four years thereafter.

17 (2) Except for commissioners first elected after the  
18 county adopts the commissioner form of government or has increased  
19 the number of commissioners, the term of each county commissioner  
20 shall be four years or until his or her successor is elected  
21 and qualified. At the first election held to choose the board of  
22 commissioners in any county having three commissioners, the person  
23 having the highest number of votes shall serve for four years and  
24 the two receiving the next highest number of votes shall serve  
25 for two years, and if any three or more persons have the same  
26 number of votes, their terms of office shall be determined by the  
27 county canvassing board. The county commissioners shall meet the



1 qualifications found in section 23-150. Nothing in this section  
 2 shall be construed to prohibit the reelection of a commissioner  
 3 holding office if the commissioner is reelected to represent his or  
 4 her respective district. The county commissioners shall be elected  
 5 on the partisan ballot.

6 (3) In counties having not more than three hundred  
 7 thousand inhabitants, one commissioner shall be nominated and  
 8 elected from each district by the registered voters of the  
 9 district, except that in counties having a population of more than  
 10 one hundred fifty thousand but not more than three hundred thousand  
 11 inhabitants, one commissioner shall be nominated from each district  
 12 by the registered voters of the district and shall be elected by  
 13 the registered voters of the entire county. Beginning in 1992 in  
 14 counties having more than three hundred thousand inhabitants, one  
 15 commissioner shall be nominated and elected from each district by  
 16 the registered voters of the district.

17 (4) In counties in which a majority has voted to have  
 18 five commissioners as provided in section 23-148, the three  
 19 commissioners of such county whose terms of office will expire  
 20 after the election shall continue in office until the expiration of  
 21 the terms for which they were elected and until their successors  
 22 are elected and qualified. Two commissioners shall be appointed  
 23 pursuant to section 32-567 to serve until the first Thursday after  
 24 the first Tuesday in January following the next statewide general  
 25 election. At the next statewide general election, commissioners  
 26 shall be elected to fill the positions of any commissioners  
 27 appointed under this section. At the first primary election after  
 1 such appointments, filings shall be accepted for terms of two years  
 2 and for terms of four years so that two commissioners will be  
 3 elected to four-year terms at one election and three commissioners  
 4 will be elected to four-year terms at the next election.

5 (5) In counties having more than three hundred thousand  
 6 inhabitants, the ~~three commissioners whose terms of office will~~  
 7 ~~expire in 1995~~ holding office on the effective date of this act  
 8 shall continue in office until the expiration of the terms for  
 9 which they were elected and until their successors are elected and  
 10 qualified. At the primary election in ~~1992, 2008,~~ one commissioner  
 11 in such counties shall be nominated from each ~~odd-numbered~~  
 12 even-numbered district. At the ensuing general election, one  
 13 commissioner shall be elected from each ~~odd-numbered even-numbered~~  
 14 district. At the primary election in ~~1994, 2010,~~ one commissioner  
 15 in such counties shall be nominated from each ~~even-numbered~~  
 16 odd-numbered district. At the ensuing general election, one  
 17 commissioner shall be elected from each ~~even-numbered odd-numbered~~  
 18 district. Beginning in ~~1992, 2008,~~ each commissioner in such  
 19 counties shall hold office for four years or until his or her  
 20 successor is elected and qualified. Nothing in this subsection  
 21 shall be construed to prohibit the reelection of a commissioner  
 22 holding office ~~in 1992 or 1994~~ on the effective date of this

23 act if such commissioner is reelected to represent the district  
 24 in which he or she resides. By August 1, 2007, an eighth and a  
 25 ninth commissioner shall be appointed by a majority vote of the  
 26 commissioners holding office on such date and shall serve until  
 27 their successors are elected pursuant to this section.

- 1 2. On page 4, line 5, after "14-201" insert ", 23-151,
- 2 32-528,".
- 3 3. Renumber the remaining sections accordingly.

Senator Louden filed the following amendment to LB 299:  
 AM719

- 1 1. Strike the Standing Committee amendments, AM189.
- 2 2. Insert the following new section:
- 3 Section 1. Section 37-401, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 37-401 (1) For the purpose of supplying revenue for
- 6 the propagation, importation, distribution, protection, and
- 7 conservation of the wildlife of this state, including all wild
- 8 animals, birds, fish, and all things pertaining thereto, every
- 9 person sixteen years of age or older who hunts for game animals or
- 10 game birds or takes bullfrogs or any other species defined as game
- 11 or who takes fish and every person sixteen years of age or older
- 12 who engages in fur harvesting shall first pay a fee established
- 13 by the commission pursuant to section 37-327 and obtain a permit
- 14 except persons exempt from this requirement pursuant to section
- 15 37-402. Any person violating this ~~section~~ subsection shall be
- 16 guilty of a Class II misdemeanor and shall be fined at least forty
- 17 dollars.
- 18 (2) In addition to any permit required under subsection
- 19 (1) of this section, a person shall not trap game in the county
- 20 road right-of-way unless written permission is obtained from the
- 21 appropriate county board or its designee. The county board may,
- 22 by resolution, waive such requirement. Failure to obtain written
- 23 permission if required by the county board under this subsection
- 1 shall constitute second degree criminal trespass under section
- 2 28-521. For purposes of this subsection, county road right-of-way
- 3 means the area which has been designated a part of the county road
- 4 system and which has not been vacated pursuant to law.
- 5 3. On page 23, line 2, after "sections" insert "37-401,".
- 6 4. Renumber the remaining sections accordingly.

## COMMITTEE REPORT

### Revenue

**LEGISLATIVE BILL 334.** Placed on General File - Com AM775.  
 (Amendment is printed separately and available in the Bill Room, Room  
 1104.)

(Signed) Ray Janssen, Chairperson

**VISITORS**

Visitors to the Chamber were Sandra Samuelson, Renata Emken, Julie Freburg, Barb Allen, and Dora Lee Carlson from Holdrege; Senator McGill's mother and grandmother, Susan and Bernie McGill, from Omaha; Myron Lembke from Bridgeport and Keith Rexroth from Sidney; Karla and Elizabeth Orozco, Joy Roos, and Cherise Johnson from Lexington; 12 students from Burke High School, Omaha; 120 fourth-grade students and teachers from Crete; Senator Engel's sister-in-law, Yvonne Engel, from Elkhorn and Dona Clauff from Omaha; and 50 third-grade students, teachers, and sponsors from Cathedral of the Risen Christ, Lincoln.

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

**ADJOURNMENT**

At 11:51 a.m., on a motion by Senator Gay, the Legislature adjourned until 9:00 a.m., Thursday, March 22, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FIRST DAY - MARCH 22, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 22, 2007

**PRAYER**

The prayer was offered by Pastor Paul Rutten, Madonna Rehabilitation Hospital, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Gay, Hudkins, and Pankonin who were excused; and Senators Ashford, Carlson, Dierks, Heidemann, Nantkes, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fiftieth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE RESOLUTION 6CA.** Placed on Select File - ER8056.  
ER8056

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. At the general election in November 2008 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article XI, section 1:
- 8 XI-1 No city, county, town, precinct, municipality, or
- 9 ~~other sub-division~~ subdivision of the state, shall ever become
- 10 a subscriber to the capital stock, or owner of such stock, or
- 11 any portion or interest therein of any railroad, or private
- 12 corporation, or association, except that, notwithstanding any other
- 13 provision of this Constitution, the Legislature may authorize the

14 investment of the public endowment funds of cities, villages, and  
 15 school districts in the manner required of a prudent investor who  
 16 shall act with care, skill, and diligence under the prevailing  
 17 circumstance and in such investments as the governing body of  
 18 such city, village, or school district, acting in a fiduciary  
 19 capacity for the exclusive purpose of protecting and benefiting  
 20 such investment, may determine, subject to such limitations as the  
 21 Legislature may by statute provide.

22 Sec. 2. The proposed amendment shall be submitted to the  
 23 electors in the manner prescribed by the Constitution of Nebraska,

1 Article XVI, section 1, with the following ballot language:

2 A constitutional amendment to authorize the investment  
 3 of the public endowment funds of cities, villages, and school  
 4 districts in such manner and in such investments as the governing  
 5 body of such city, village, or school district may determine,  
 6 subject to limitations by the Legislature.

7 For

8 Against.

**LEGISLATIVE BILL 198.** Placed on Select File - ER8057.  
 ER8057

1 1. On page 1, strike beginning with "the" in line  
 2 1 through line 4 and insert "elections; to amend sections  
 3 49-1474.02 and 86-236, Revised Statutes Cumulative Supplement,  
 4 2006; to change requirements for campaign messages under the  
 5 Nebraska Political Accountability and Disclosure Act; to provide  
 6 requirements for political messages disseminated under the  
 7 Automatic Dialing-Announcing Devices Act; to harmonize provisions;  
 8 and to repeal the original sections."

(Signed) Amanda McGill, Chairperson

### **COMMITTEE REPORTS**

#### **Health and Human Services**

The Health and Human Services 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.

Crystal Johnson - Rural Health Advisory Commission  
 Rebecca Schroeder - Rural Health Advisory Commission  
 Michael Sitorius - Rural Health Advisory Commission  
 Roger Wells - Rural Health Advisory Commission

VOTE: Aye: Senators Johnson, Erdman, Gay, Hansen, Howard, Pankonin.  
 Nay: None. Absent: Senator Stuthman.

The Health and Human Services 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.

Joel E. Cerny - Board of Emergency Medical Services  
 Robert K. Olson - Board of Emergency Medical Services  
 James E. Smith - Board of Emergency Medical Services  
 Jeffrey Strawn - Board of Emergency Medical Services  
 Scott C. Wiebe - Board of Emergency Medical Services

VOTE: Aye: Senators Johnson, Erdman, Gay, Hansen, Howard, Pankonin.  
 Nay: None. Absent: Senator Stuthman.

(Signed) Joel Johnson, Chairperson

### Revenue

The Revenue 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.

Ruth A. Sorensen - Tax Equalization and Review Commission

VOTE: Aye: Senators Burling, Cornett, Dierks, Janssen, Langemeier, Preister, Raikes and White. Nay: None. Absent: None.

(Signed) Ray Janssen, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 59.** Introduced by Howard, 9; Adams, 24; Ashford, 20; Avery, 28; Johnson, 37; Kopplin, 3; McDonald, 41; Preister, 5.

WHEREAS, bullying is an unfortunate reality in Nebraska schools; and

WHEREAS, on any given day, in schools and on playgrounds across Nebraska, children are being victimized by their peers: From teasing, social rejection, and physical fights to text messaging and cyber-tormenting; and

WHEREAS, bullying causes deep psychological pain and children who are bullied often experience low self-esteem and depression as well as more frequent school absences, poor academic achievement, and increased school dropout rates; and

WHEREAS, children who engage in bully behavior often go on to engage in more destructive, antisocial behaviors as teens and adults; and

WHEREAS, incidents of school bullying in Nebraska schools can be reduced when students, teachers, and school administrators understand how to identify and manage bullying behavior through appropriate anti-bullying education and policy enforcement.

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

1. That the week of September 24-28, 2007, be designated as Nebraska School Bullying Awareness Week, with the intention that the issue of bullying and its prevention be discussed in Nebraska during that time.

2. That the Clerk of the Legislature send a copy of this resolution to the State Department of Education.

Laid over.

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 21, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Peck, Kristin  
Cox Nebraska Telcom, LLC

Vickers, Tom  
Postsecondary Career Schools, Nebraska Council of Private

### **REPORTS**

The following reports were received by the Legislature:

#### **Administrative Services, Department of**

Collective Bargaining Report

#### **College System, State**

Collective Bargaining Report

#### **Coordinating Commission for Postsecondary Education**

2007 Nebraska Higher Education Progress Report

#### **GIS Steering Committee**

Building a Spatial Data Infrastructure for Nebraska - December 2006

#### **Revenue, Department of**

2006 Annual Report on the Employment and Investment Growth Act (LB 775), the Employment Expansion and Investment Incentive Act (LB 1124), the Quality Jobs Act (LB 829), and the Invest Nebraska Act (LB 620)

### **MOTION - Approve Appointment**

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 904:

State Fire Marshal  
John E. Falgione



Voting in the affirmative, 29:

Adams	Erdman	Janssen	McDonald	Rogert
Aguilar	Fischer	Johnson	McGill	Schimek
Burling	Flood	Kruse	Mines	Stuthman
Christensen	Friend	Langemeier	Nelson	White
Cornett	Hansen	Lathrop	Pedersen	Wightman
Engel	Harms	Louden	Pirsch	

Voting in the negative, 0.

Present and not voting, 11:

Avery	Fulton	Kopplin	Synowiecki
Chambers	Howard	Pahls	Wallman
Dubas	Karpisek	Preister	

Excused and not voting, 9:

Ashford	Dierks	Heidemann	Nantkes	Raikes
Carlson	Gay	Hudkins	Pankonin	

The appointment was confirmed with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 638.** ER8045, found on page 815, was adopted.

Senator McDonald renewed her amendment, AM768, found on page 918.

The McDonald amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 328.** ER8054, printed separately and referred to on page 899, was adopted.

Senator Erdman renewed his amendment, AM758, found on page 917.

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

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 160.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 681.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 106.** ER8053, found on page 899, was adopted.

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

Senator Engel moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Engel requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Adams	Cornett	Howard	McDonald	Preister
Aguilar	Dubas	Janssen	McGill	Raikes
Avery	Engel	Karpisek	Mines	Rogert
Burling	Fulton	Kruse	Nantkes	Schimek
Carlson	Hansen	Louden	Pedersen	Stuthman

Voting in the negative, 13:

Chambers	Fischer	Harms	Langemeier	Wallman
Christensen	Flood	Johnson	Nelson	
Erdman	Friend	Kopplin	Pirsch	

Present and not voting, 6:

Ashford	Pahls	White
Lathrop	Synowiecki	Wightman

Excused and not voting, 5:

Dierks	Gay	Heidemann	Hudkins	Pankonin
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Advanced to E & R for engrossment with 25 ayes, 13 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 292.** ER8050, found on page 893, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 292A.** ER8055, found on page 904, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 389.** Senator Aguilar renewed his amendment,

AM782, found on page 915.

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

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 305.** Senator Fischer renewed her amendment, AM179, found on page 438.

Senator Fischer withdrew her amendment.

Senator Chambers offered the following motion:  
Indefinitely postpone LB 305.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his motion to indefinitely postpone.

Voting in the affirmative, 5:

Lathrop	Preister	Synowiecki	Wallman	White
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Voting in the negative, 34:

Adams	Dierks	Hansen	Kruse	Pahls
Aguilar	Engel	Harms	Langemeier	Pedersen
Avery	Erdman	Heidemann	Louden	Pirsch
Burling	Fischer	Janssen	McDonald	Raikes
Carlson	Flood	Johnson	Mines	Rogert
Christensen	Friend	Karpisek	Nantkes	Wightman
Cornett	Fulton	Kopplin	Nelson	

Present and not voting, 6:

Ashford	Howard	Schimek
Chambers	McGill	Stuthman

Excused and not voting, 4:

Dubas	Gay	Hudkins	Pankonin
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The Chambers motion to indefinitely postpone failed with 5 ayes, 34 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:  
Reconsider the vote on motion to indefinitely postpone.

### **SENATOR ERDMAN PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Chambers motion to reconsider failed with 7 ayes, 25 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:  
Bracket LB 305.

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

The Chambers motion to bracket failed with 4 ayes, 28 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:  
Reconsider the motion to bracket.

Senator Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 22:

Adams	Cornett	Friend	Louden	Stuthman
Aguilar	Dierks	Fulton	Nantkes	Wightman
Avery	Erdman	Hansen	Nelson	
Carlson	Fischer	Karpisek	Pedersen	
Christensen	Flood	Langemeier	Pirsch	

Present and not voting, 22:

Ashford	Howard	Lathrop	Preister	Wallman
Burling	Janssen	McDonald	Raikes	White
Dubas	Johnson	McGill	Rogert	
Harms	Kopplin	Mines	Schimek	
Heidemann	Kruse	Pahls	Synowiecki	

Excused and not voting, 4:

Engel            Gay            Hudkins        Pankonin

The Chambers motion to reconsider failed with 1 aye, 22 nays, 22 present and not voting, and 4 excused and not voting.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 60.** Introduced by Pirsch, 4.

WHEREAS, former State Senator Thomas S. Fitzgerald was born February 29, 1920, in Omaha. Upon graduation from Omaha South High School, Senator Fitzgerald worked in the Omaha Stockyards and, after Pearl Harbor, enlisted in the Army and served in the 10th Mountain Division as a ski trooper. He was awarded the Purple Heart in 1944; and

WHEREAS, Senator Fitzgerald married Lorraine Fitzgerald on September 25, 1948, and they had three children: Linda, Thomas III, and Gayle; and

WHEREAS, Senator Fitzgerald was elected to the Legislature on November 5, 1974, reelected in 1978, and served until 1981. He was also a member of many charitable organizations, including the American Legion Post 1, Fraternal Order of the Eagles, North Omaha Optimists Club, and Arts and Humanities Council of Florence; and

WHEREAS, Senator Fitzgerald will be remembered for his tireless work in establishing the Thomas Fitzgerald Veterans Home in Omaha in 1981, a truly remarkable legacy to aid America's veterans; and

WHEREAS, Thomas S. Fitzgerald died on Tuesday, March 13, 2007, at his home in Omaha, at the age of 87.

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

1. That the Legislature extends its condolences to the family of Thomas S. Fitzgerald.

Laid over.

## MESSAGE FROM THE GOVERNOR

March 21, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being

reappointed to the Nebraska Environmental Trust Board:

John Campbell, 710 N. 38th St., Omaha NE 68132  
 Vincent Kramper, 498 190th Street, Dakota City NE 68731

The following individual is being appointed:

Sherry Vinton, 80678 Haney Lane, Whitman NE 69366

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

Enclosures

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Campbell, John - Nebraska Environmental Trust Board - Natural Resources

Kramper, Vincent - Nebraska Environmental Trust Board - Natural Resources

Vinton, Sherry - Nebraska Environmental Trust Board - Natural Resources

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

### AMENDMENTS - Print in Journal

Senator Burling filed the following amendment to LB 218:  
 AM73

- 1 1. On page 3, line 5, strike "be allowed to".

Senator Johnson filed the following amendment to LB 236:  
 AM807

(Amendments to Standing Committee amendments, AM670)

- 1 1. Strike section 4.
- 2 2. On page 1, line 3, strike "5" and insert "4"; in
- 3 line 10 strike "escort services"; in line 11 after the comma
- 4 insert "incidental transportation"; in line 14 strike "incidental
- 5 transportation"; in line 16 after the second "services" insert
- 6 "that do not require the exercise of medical or nursing judgment";
- 7 and in line 23 after "department" insert "as defined in section
- 8 71-1626".

9 3. On page 2, line 2, strike "a nurse aide registry"; in  
 10 line 4 after the comma insert "an unlicensed home care registry or  
 11 similar entity that screens and schedules independent contractors  
 12 as caregivers for persons"; and in line 27 after "employ" insert  
 13 "or contract with".

14 4. On page 3, line 18, strike "4" and insert "3"; in line  
 15 19 strike "or prohibit"; and in lines 20 and 21 strike "and do not  
 16 apply" and insert "or".

17 5. Renumber the remaining sections accordingly.

Senator Synowiecki filed the following amendment to LB 324:  
 (Amendment, AM653, is printed separately and available in the Bill Room,  
 Room 1104.)

### MOTIONS - Print in Journal

Senator Mines filed the following motion to LB 395:  
 Bracket LB 395 to May 15, 2007.

Senator Chambers filed the following motion to LB 305:  
 Recommit to Transportation and Telecommunications Committee.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 328A.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 328, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

**LEGISLATIVE BILL 324A.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 324, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

**LEGISLATIVE BILL 303A.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 303, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 395A.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 395, One Hundredth Legislature, First Session, 2007.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Cornett asked unanimous consent to add her name as cointroducer to LR 14. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 60 fourth-grade students and teachers from Ashland Greenwood School, Ashland; 35 fourth-grade students from Arlington; a group from Hartington; 44 fourth-grade students and teachers from Pershing Elementary, Lexington; 11 fifth- through eighth-grade students, teacher, and sponsor from Omaha Memorial Adventist School, Omaha; and Paige and Morgan Kristensen from Minden.

The Doctor of the Day was Dr. Tim Dalton from Lincoln.

**ADJOURNMENT**

At 12:58 p.m., on a motion by Senator Langemeier, the Legislature adjourned until 10:00 a.m., Tuesday, March 27, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SECOND DAY - MARCH 27, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 27, 2007

**PRAYER**

The prayer was offered by Pastor Bob Snell, Southern Heights Presbyterian Church, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Christensen, Engel, Flood, Loudon, McDonald, Raikes, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-first day was approved.

**COMMITTEE REPORTS****Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 106, 160, 292, 292A, 328, 389, 638, and 681.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS****Health and Human Services**

The Health and Human Services 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.

Linda L. Jensen - Board of Emergency Medical Services  
Leon Sykes - Board of Emergency Medical Services

VOTE: Aye: Senators Johnson, Erdman, Gay, Hansen, Pankonin, Stuthman.  
Nay: None. Absent: Senator Howard.

The Health and Human Services 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.

Donald Frey - Rural Health Advisory Commission  
Kate Hesser - Rural Health Advisory Commission

VOTE: Aye: Senators Johnson, Erdman, Gay, Hansen, Pankonin, Stuthman.  
Nay: None. Absent: Senator Howard.

(Signed) Joel Johnson, Chairperson

### **MOTION - Return LB 255 to Select File**

Senator Cornett moved to return LB 255 to Select File for her specific amendment, AM720, found on page 917.

The Cornett motion to return prevailed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 255.** The Cornett specific amendment, AM720, found on page 917, was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

**LEGISLATIVE BILL 425.** ER8046, found on page 815, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 425A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 304.** ER8048, found on page 894, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 677.** ER8049, found on page 895, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 636.** ER8051, printed separately and referred to on page 895, was adopted.

Advanced to E & R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 338.** Title read. Considered.

Committee AM660, found on page 809, was adopted with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:

FA51

P. 6, line 13 after "married" insert "individual"

Senator Chambers moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Aguilar	Hansen	Langemeier	Pahls	Schimek
Ashford	Howard	Lathrop	Pedersen	Stuthman
Avery	Hudkins	Louden	Pirsch	Synowiecki
Chambers	Kopplin	McDonald	Preister	Wightman
Flood	Kruse	McGill	Rogert	

Voting in the negative, 9:

Adams	Fulton	Harms	Karpisek	Pankonin
Carlson	Gay	Janssen	Mines	

Present and not voting, 14:

Burling	Dubas	Friend	Nantkes	Wallman
Christensen	Engel	Heidemann	Nelson	White
Dierks	Fischer	Johnson	Raikes	

Excused and not voting, 2:

Cornett	Erdman
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The Chambers amendment lost with 24 ayes, 9 nays, 14 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

**RESOLUTION****LEGISLATIVE RESOLUTION 61.** Introduced by Kruse, 13.

WHEREAS, Brentley Brandquist has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Brentley has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, on March 17, 2007, Brentley Brandquist will receive the rank of Eagle Scout and, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Brentley Brandquist on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Brentley Brandquist.

Laid over.

**COMMITTEE REPORTS**  
**Revenue**

**LEGISLATIVE BILL 235.** Placed on General File - Com AM818.  
AM818

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. For purposes of sections 1 to 4 of this act:
- 4 (1) Crew means any person who works on preproduction,
- 5 principal photography, and postproduction, except producers,
- 6 principal cast, and the director;
- 7 (2) Film means a professional single media or multimedia
- 8 program or feature, which is not child pornography or obscene
- 9 material, including, but not limited to, national advertising
- 10 messages that are broadcast on a national affiliate or cable
- 11 network, fixed on film or digital video, which can be viewed
- 12 or reproduced and which is exhibited in theaters, licensed for

13 exhibition by individual television stations, groups of stations,  
14 networks, cable television stations, or other means or licensed for  
15 home viewing markets;

16 (3) Production company means a person or company that  
17 produces film for exhibition; and

18 (4) Production cost means:

19 (a) Wages or salaries of persons who are residents of  
20 this state and who have earned income from working on a film in  
21 this state, including payments to personal services corporations  
22 with respect to the services of qualified performing artists, as  
23 determined under section 62(a)(2)(B) of the Internal Revenue Code  
1 of 1986, as amended;

2 (b) The cost of construction and operations, wardrobe,  
3 and accessories;

4 (c) The cost of photography, sound, and lighting;

5 (d) The cost of editing;

6 (e) Rental of facilities, locations, and equipment; and

7 (f) Wages and salaries of persons who are defined and  
8 registered as Nebraska expatriates by the Film Office of the Game  
9 and Parks Commission, not to exceed ten percent of total production  
10 cost eligible for the credit.

11 Sec. 2. (1) A rebate as provided in this section in the  
12 amount of up to twenty-five percent of documented production costs  
13 incurred in Nebraska for production of a film in this state shall  
14 be paid to the production company responsible for the production if  
15 the Film Office of the Game and Parks Commission determines that  
16 the proposed project has a reasonable chance of economic success.

17 (2)(a) The amount of rebate paid to a production company  
18 with a minimum budget for a film of less than thirty million  
19 dollars shall be:

20 (i) Twenty-five percent if fifty percent or more of the  
21 crew are residents of Nebraska and are employed in this state;

22 (ii) Fifteen percent if twenty-five percent up to but not  
23 including fifty percent of the crew are residents of Nebraska and  
24 are employed in this state; and

25 (iii) Ten percent if less than twenty-five percent of the  
26 crew are residents of Nebraska and are employed in this state.

27 (b) The amount of rebate paid to a production company  
1 with a minimum budget for a film of thirty million dollars or more  
2 shall be twenty-five percent.

3 (3) The rebate program shall be administered by the Film  
4 Office.

5 (4) To be eligible for a rebate payment:

6 (a) The production company responsible for a film shall  
7 submit documentation to the Film Office of the amount of wages or  
8 salaries paid to residents of this state directly relating to the  
9 production and the amount of other production costs incurred in  
10 this state directly relating to the production;

11 (b) The production company shall file a Nebraska income

12 tax return;

13 (c) Except for major studio productions, the production  
14 company shall provide to the Film Office the name of the completion  
15 guarantor and a copy of the bond guaranteeing the completion of  
16 the project or, if a film has not secured a completion bond, the  
17 production company shall provide evidence to the office that all  
18 Nebraska crew and local vendors have been paid and there are no  
19 liens against the production company pending in this state;

20 (d) The minimum budget for the film shall be two million  
21 dollars of which not less than one million two hundred fifty  
22 thousand dollars of the production costs are incurred in this  
23 state. The minimum budget requirements of this subdivision shall be  
24 met by any production company that produces multiple film projects  
25 within one year if each project meets a minimum budget of three  
26 hundred thousand dollars and the total budget of all projects  
27 in one year is not less than two million dollars of which not  
1 less than one million two hundred fifty thousand dollars of the  
2 production costs are incurred in this state;

3 (e) The production company shall provide evidence to the  
4 Film Office of complete financing for production prior to the  
5 receipt of any rebate under this section; and

6 (f) The production company shall provide evidence to the  
7 Film Office of a certificate of general liability insurance with a  
8 minimum coverage of one million dollars and a workers' compensation  
9 policy pursuant to state law which shall include coverage of  
10 employer's liability prior to the receipt of any rebate under this  
11 section.

12 (5) The Film Office shall approve or disapprove all  
13 claims for rebate and shall notify the State Treasurer of such  
14 approval or disapproval. The State Treasurer shall issue payment  
15 for all approved claims from funds in the Film Enhancement Rebate  
16 Program Fund. The amount of rebates paid from the fund in any  
17 single fiscal year shall not exceed five million dollars. If the  
18 amount of approved rebates exceeds the amount specified in this  
19 subsection in a fiscal year, rebate payments shall be made in  
20 the order in which the rebates are approved by the office. If an  
21 approved rebate is not paid, in whole or in part, the unpaid rebate  
22 or unpaid portion may be paid in the following fiscal year subject  
23 to the limitations specified in this subsection.

24 Sec. 3. The Film Enhancement Rebate Program Fund is  
25 created. The fund shall consist of appropriations to the fund and  
26 any public or private donations, contributions, and gifts received  
27 for the benefit of the fund. Any money in the fund available  
1 for investment shall be invested by the state investment officer  
2 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
3 State Funds Investment Act.

4 Sec. 4. The Film Office is created within the Game  
5 and Parks Commission. The office shall be responsible for  
6 administration of sections 1 to 3 of this act and shall have such

7 other duties as assigned by the commission. The commission may  
8 develop forms and adopt and promulgate rules and regulations to  
9 carry out such sections.

**LEGISLATIVE BILL 488.** Placed on General File - Com AM825.  
AM825

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

3 Sec. 3. (1) There shall be allowed a refundable credit  
4 against the income tax imposed by the Nebraska Revenue Act of 1967  
5 to a taxpayer who donates during the taxable year all or part of  
6 the value of a perpetual conservation easement upon real property  
7 the taxpayer owns to the state, to the natural resources district  
8 that contains the land that would be subject to the conservation  
9 easement, or to a charitable organization that is approved to  
10 hold conservation easements by the natural resources district  
11 that contains the land covered by the conservation easement.  
12 A charitable organization that proposes to hold a conservation  
13 easement shall name in the easement a cooperating agency or  
14 organization that will automatically accept the easement should the  
15 charitable organization cease to exist. The amount of the credit  
16 shall not include the value of any portion of an easement on real  
17 property located in another state.

18 (2) To qualify for the income tax credit:

19 (a) The taxpayer shall file an application with the  
20 Department of Natural Resources no later than August 1 of the tax  
21 year for which the tax credit is sought. The application shall  
22 include an appraisal by a certified general real estate appraiser  
23 who can demonstrate either experience or continuing education  
1 in the appraisal of conservation easements. The department shall  
2 review the application and may approve applications for that year  
3 for conservation easements in one of the following areas which meet  
4 the requirements set forth in subdivision (2)(c) of this section:

5 (i) Areas designated by the department and affected  
6 natural resources districts as quick response water shortage  
7 areas in over-appropriated basins and areas subject to interstate  
8 compacts, agreements, and decrees. Within this category, the  
9 department may not require that conservation easements provide  
10 public access, but applications must list public benefits expected  
11 to result from the easement, including, but not limited to, water  
12 quality protection, flood protection, ecotourism opportunities,  
13 public access for hunting, fishing, and ecotourism, and critical  
14 habitat preservation; and

15 (ii) Areas designated by the Game and Parks Commission  
16 as biologically unique landscapes in the Nebraska natural legacy  
17 plan. Within this category, approval of an application must be  
18 recommended by the commission, except in the Niobrara scenic  
19 river corridor (72-2008), in which case the application must  
20 be recommended by the Niobrara Council. Within this category,

21 the commission or council may not require that conservation  
22 easements provide public access, but applications must list public  
23 benefits expected to result from the easement, including, but not  
24 limited to, water quality protection, flood protection, ecotourism  
25 opportunities, public access for hunting, fishing, and ecotourism,  
26 and critical habitat preservation;

27 (b) The taxpayer shall file with the Department of  
1 Revenue, at the same time as the taxpayer files a return for the  
2 taxable year in which the income tax credit is claimed, a certified  
3 copy of the approved application with the value of the conservation  
4 easement as approved by the Department of Natural Resources;

5 (c) The perpetual conservation easement shall, at a  
6 minimum:

7 (i) Preclude any pumping of ground water except for (A)  
8 domestic purposes, (B) stock well purposes, and (C) restoration of  
9 wetlands. For easements in areas described in subdivision (2)(a)(i)  
10 of this section, the easement may permit pumping of water during  
11 any period when the Department of Natural Resources determines  
12 there is not a water quantity shortage;

13 (ii) For easements in areas described in subdivisions  
14 (2)(a)(ii) of this section, prohibit new commercial, industrial,  
15 and residential development, or other uses that result in the  
16 destruction of wildlife habitat, native plant communities, historic  
17 sites, or other conservation values identified in the easement.  
18 This subdivision shall not be construed to prohibit hunting,  
19 fishing, ecotourism, or removal of invasive species or noxious  
20 weeds; and

21 (iii) Be in perpetuity;

22 (d) The perpetual conservation easement shall be filed  
23 with the office of the register of deeds of each county in which  
24 real property subject to the easement is located; and

25 (e) The holder of the perpetual conservation easement  
26 shall have a monitoring program to ensure that the terms of the  
27 easement are followed. If the holder is a charitable organization  
1 that has designated a governmental agency as a successor holder,  
2 annual monitoring reports shall be provided to that agency.

3 (3) The Department of Natural Resources shall review  
4 applications for any year and approve qualifying conservation  
5 easements by November 1. The department shall not approve  
6 applications for tax credits which would total more than five  
7 million dollars for any one year. If qualified applications would  
8 result in tax credits totaling more than five million dollars in  
9 the year, the department shall prioritize qualifying applications  
10 based on criteria developed by the department that maximize the  
11 amount of water conserved or unique landscapes protected from  
12 development and shall only approve qualifying applications totaling  
13 five million dollars or less in tax credits for that year.

14 (4) Upon approval, the department shall send to the  
15 applicant a certified copy of the approved application with the



16 approved value of the conservation easement for purposes of the tax  
17 credit.

18 (5) The income tax credit shall be an amount equal to  
19 fifteen percent of the appraised value of the donated portion  
20 of the perpetual conservation easement, not to exceed two  
21 hundred fifty thousand dollars. In the case of a partnership,  
22 subchapter S corporation, or other similar pass-through entity  
23 that donates a perpetual conservation easement as an entity, the  
24 two-hundred-fifty-thousand-dollar limitation shall be calculated at  
25 the entity level and the credit shall be allocated to the entity's  
26 partners, members, or shareholders in proportion to the partners',  
27 members', or shareholders' distributive shares of income from the  
1 entity.

2 (6) A taxpayer may claim the income tax credit under this  
3 section on only one conservation easement per taxable year.

4 (7) On or before January 1, 2009, and each January  
5 1 thereafter, the Department of Revenue shall issue a report  
6 to the Legislature and Governor detailing the use of income  
7 tax credits under this section. A portion of the report shall  
8 show perpetual conservation easements and income tax credits by  
9 natural resources district, the number of acres protected, the  
10 conservation values that were preserved, and the public benefits  
11 that resulted from these easements. The Department of Natural  
12 Resources and Game and Parks Commission shall assist the Department  
13 of Revenue with this portion of the report. The report shall be  
14 presented using aggregated information and other techniques so as  
15 not to reveal confidential information that allows identification  
16 of any taxpayer. The report shall not be issued until the Tax  
17 Commissioner has confirmed in writing that the report does not  
18 reveal any confidential information that allows identification of  
19 any taxpayer.

20 (8) No new applications shall be accepted for tax credits  
21 after December 31, 2012.

**LEGISLATIVE BILL 697.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

**Natural Resources**

**LEGISLATIVE BILL 705.** Placed on General File.

(Signed) LeRoy Loudon, Chairperson

**Education**

**LEGISLATIVE BILL 316.** Placed on General File - Com AM765.  
AM765

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

(Signed) Ron Raikes, Chairperson

**NOTICE OF COMMITTEE HEARING**  
**Natural Resources**  
 Room 1525

Thursday, April 5, 2007

8:30 a.m.

John Campbell - Nebraska Environmental Trust Board  
 Vincent Kramper - Nebraska Environmental Trust Board  
 Sherry Vinton - Nebraska Environmental Trust Board

(Signed) LeRoy Loudon, Chairperson

**AMENDMENT - Print in Journal**

Senator Avery filed the following amendment to LR 6CA:  
AM835

(Amendments to E & R amendments, ER8056)

- 1 1. On page 1, line 3, strike "the general election in
- 2 November 2008" and insert "a special election on May 13, 2008,".

**ANNOUNCEMENT**

Senator Cornett announced the Business and Labor Committee will hold an executive session Wednesday, March 28, 2007, at 10:00 a.m., under the north balcony of the Chamber.

**VISITORS**

Visitors to the Chamber were 39 fourth-grade students and teachers from Prairie Lane Elementary, Omaha; and 12 fourth-grade students and teachers from Bellevue Christian Academy, Bellevue.

**RECESS**

At 12:05 p.m., on a motion by Senator Nelson, 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 Carlson, Cornett, Engel, Heidemann, Karpisek, Nantkes, and White who were excused until they arrive.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 62.** Introduced by Howard, 9.

WHEREAS, Charles Werner Warren developed and demonstrated his leadership ability through service in the United States Army during World War II and earned the Bronze Star for initiative and courage under fire; and

WHEREAS, Mr. Warren served as Omaha city forester and parks director from 1957 to 1965; and

WHEREAS, under Charles Warren's direction, the city of Omaha constructed five swimming pools and developed the Benson Golf Course; and

WHEREAS, Charles Warren was a leading authority on Dutch elm disease and discovered the first instances of the disease west of the Mississippi River in Fort Madison, Iowa, in 1957; and

WHEREAS, Mr. Warren wrote his first lawn and tree column for the Omaha World-Herald in 1960 and continued the column for thirty-seven years; and

WHEREAS, after leaving city hall in 1965, Charles Warren worked for fifteen years at Offutt Air Force Base as a management agronomist; and

WHEREAS, following his retirement from Offutt Air Force Base, Mr. Warren taught tree disease identification and presented seminars in Omaha, Nebraska, and throughout the nation; and

WHEREAS, Charles Warren committed his adult life to caring for trees, plants, lawns, and the general well-being of our ecological system.

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

1. That the Legislature honors the memory of Charles Werner Warren and his many achievements for the betterment of the environment.

2. That the Clerk of the Legislature send a copy of this resolution to the Warren family.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 405.** Title read. Considered.

Committee AM497, found on page 676, was considered.

Senator Chambers requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

FA52

Insert the following new section: Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

## SENATOR ERDMAN PRESIDING

The first committee amendment lost with 9 ayes, 17 nays, and 23 present and not voting.

The second committee amendment is as follows:

FA53

2. On page 2, strike beginning with "(1)" in line 15 through "(2)" in line 24 and show the old matter as stricken; and in line 25 strike "election" through "situated" and insert "city council of".

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

Pending.

### **COMMITTEE REPORTS** **Business and Labor**

**LEGISLATIVE BILL 495.** Placed on General File - Com AM804.  
AM804

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 Section 1. (1) An employer shall include all compensated
- 4 and noncompensated leave offered by the employer in its collective
- 5 bargaining with a labor organization, as defined in section 48-218,
- 6 and shall not refuse to engage in collective bargaining with the
- 7 labor organization over such leave because the employer deems such
- 8 leave to be a company policy.
- 9 (2) Any employer who violates this section shall be
- 10 subject to a civil penalty of not less than five hundred dollars
- 11 for each offense. All fines collected under this section shall be
- 12 remitted to the State Treasurer for distribution in accordance with
- 13 Article VII, section 5, of the Constitution of Nebraska.

(Signed) Abbie Cornett, Chairperson

### **Nebraska Retirement Systems**

**LEGISLATIVE BILL 499.** Placed on General File - Com AM841.  
AM841

- 1 1. Strike original section 1.
- 2 2. On page 9, strike beginning with "and" in line 7
- 3 through "are" in line 8 and insert "is".
- 4 3. Renumber the remaining sections accordingly.

(Signed) John Synowiecki, Chairperson

### **Education**

**LEGISLATIVE BILL 91.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 63.** Introduced by Howard, 9.

WHEREAS, National Professional Social Work Month is observed in the month of March and this year's theme is Hope and Health: Help Starts Here; and

WHEREAS, it is the goal of the National Association of Social Workers' Social Work Reinvestment Initiative to pursue legislative, policy, and regulatory mechanisms that recognize the role of professional social workers in the delivery of health and human services and in the improved outcomes for individuals, families, and communities; and

WHEREAS, National Professional Social Work Month is part of an ongoing effort to increase the awareness of and respect for the social work profession, educate the public on the breadth and depth of social work practice, expand perceptions of who can benefit from social work services, and attract young people and career changers to the social work profession; and

WHEREAS, social workers help people in all stages of life, from children to the elderly, and in all situations, from adoption to hospice care; and

WHEREAS, more than six hundred thousand people in the United States hold social work degrees; and

WHEREAS, there are more than one hundred seventy social workers in national, state, and local elected office, including two United States Senators and four United States Representatives.

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

1. That the Legislature recognizes March, 2007, as Professional Social Work Month in Nebraska.

2. That during March, 2007, communities are encouraged to participate in activities designed to increase public awareness about the contributions of professionals in the field of social work.

Laid over.

**AMENDMENT - Print in Journal**

Senator Ashford filed the following amendment to LB 377:

(Amendment, AM832, is printed separately and available in the Bill Room, Room 1104.)

**NOTICE OF COMMITTEE HEARING**

**Judiciary**  
Room 1113

Friday, March 30, 2007

1:30 p.m.

LB 377 AM832 (Ashford) - Amend Capital Sentencing

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 405.** Senator Mines renewed his amendment, AM799, found on page 919.

Senator Mines withdrew his amendment.

Senator Pedersen moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Pedersen requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Christensen	Friend	Karpisek	McDonald	Raikes
Cornett	Fulton	Kopplin	McGill	Rogert
Engel	Howard	Langemeier	Pahls	Schimek
Fischer	Hudkins	Lathrop	Pedersen	Stuthman
Flood	Janssen	Louden	Pirsch	White

Voting in the negative, 16:

Adams	Chambers	Hansen	Pankonin
Aguilar	Dubas	Harms	Synowiecki
Ashford	Erdman	Mines	Wallman
Avery	Gay	Nelson	Wightman

Present and not voting, 6:

Burling	Heidemann	Kruse
Carlson	Johnson	Nantkes

Excused and not voting, 2:

Dierks	Preister
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Advanced to E & R for review with 25 ayes, 16 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT**  
**Education**

**LEGISLATIVE BILL 603.** Placed on General File - Com AM754.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ron Raikes, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 338. No objections. So ordered.

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

**SPEAKER FLOOD PRESIDING**

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 52, 53, 54, 55, 56, 57, and 58 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 52, 53, 54, 55, 56, 57, and 58.

**VISITOR**

The Doctor of the Day was Dr. Zach Tempelmeyer from Syracuse.

**ADJOURNMENT**

At 5:04 p.m., on a motion by Senator Christensen, the Legislature adjourned until 9:00 a.m., Wednesday, March 28, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-THIRD DAY - MARCH 28, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 28, 2007

**PRAYER**

The prayer was offered by Pastor Jack Sample, United Methodist Church, Wood River.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Cornett, Engel, Heidemann, Louden, Pedersen, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-second day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 328A.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 395A.** Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 395.** ER8041, found on page 763, was adopted.

Senator Mines renewed his motion, found on page 935, to bracket LB 395 to May 15, 2007.

Senator Mines withdrew his motion to bracket.

Senator Johnson renewed his amendment, AM585, found on page 754.

Senators Johnson and Mines offered the following amendment to the Johnson amendment:

AM852

(Amendments to AM585)

1 1. Strike section 16 and insert the following new  
2 sections:

3 Sec. 16. (1) In any city of the metropolitan class which  
4 had an ordinance in effect on January 1, 2007, prohibiting smoking  
5 in certain public places, the provisions of such ordinance shall  
6 supersede the other provisions of the Nebraska Clean Indoor Air Act  
7 enacted by this legislative bill until June 1, 2009, except that  
8 the governing body of such city may, prior to such date, (a) repeal  
9 such ordinance and become subject to such act at an earlier time or  
10 (b) adopt a new ordinance pursuant to section 17 of this act.

11 (2) In any other city or village, any ordinance with  
12 respect to smoking regulation which was not adopted under section  
13 17 of this act shall become invalid on June 1, 2008.

14 Sec. 17. (1) On and after September 1, 2007, the  
15 governing body of any city, village, or county, or the voters  
16 of any city, village, or unincorporated area of any county as  
17 provided in subsection (2) of this section, may adopt a nonsmoking  
18 ordinance or resolution that is less stringent than or more  
19 stringent than the Nebraska Clean Indoor Air Act enacted by this  
20 legislative bill, except that such ordinance or resolution shall  
21 not be less stringent than sections 71-5707 to 71-5709 as such  
22 sections existed prior to September 1, 2007.

1 (2) A proposed ordinance or resolution may be placed on  
2 the ballot for the voters of the city, village, or unincorporated  
3 area of the county (a) by a majority vote of the governing body  
4 of such city, village, or county, (b) by initiative under sections  
5 18-2501 to 18-2538, or (c) by petition meeting the requirements  
6 of and subject to sections 32-628 to 32-630 and signed by at  
7 least five percent of the registered voters residing in the  
8 unincorporated area of such county on the day such petitions are  
9 filed for verification. The election shall be conducted as provided  
10 in sections 32-556 to 32-559.

11 (3) Any ordinance or resolution adopted by the governing  
12 body of any city, village, or county under subsection (1) of this  
13 section without being submitted to the voters under subsection (2)  
14 of this section shall take effect ninety days after its adoption  
15 unless, within such ninety-day period, such governing body receives  
16 a petition signed by at least five percent of the registered  
17 voters residing in such city, village, or unincorporated area of  
18 such county on the date the ordinance or resolution was adopted  
19 requesting that such ordinance or resolution be repealed. Upon

20 verification of the signatures on such petition, the ordinance or  
 21 resolution shall be repealed.

22 (4) A copy of any ordinance or resolution adopted by a  
 23 city, village, or county under this section shall be provided to  
 24 the Department of Health and Human Services and to the local public  
 25 health department as defined in section 71-1626 of such city,  
 26 village, or county.

27 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,  
 1 13, 14, 15, 18, 19, 20, 21, and 24 of this act become operative  
 2 on June 1, 2008. Sections 16, 17, 22, and 23 of this act become  
 3 operative on September 1, 2007.

4 2. On page 1, line 3, strike "20" and insert "21".

5 3. On page 3, lines 11 and 12, strike "and 16" and insert  
 6 ", 16, and 17".

7 4. On page 4, strike beginning with "shall" in line 12  
 8 through "to" in line 14 and insert "of"; in line 15 strike "and";  
 9 and in line 16 strike "other".

10 5. On page 4, line 19; and page 5, lines 2, 12 and 13,  
 11 and 27, strike "Regulation and Licensure".

12 6. On page 5, line 13, strike ". The charge against such  
 13 person" and insert ", and such charge".

14 7. Renumber the remaining sections accordingly.

The Johnson-Mines amendment was adopted with 25 ayes, 4 nays, 17 present and not voting, and 3 excused and not voting.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 64.** Introduced by Howard, 9.

WHEREAS, national adoption awareness began in 1976 and expanded from a week of observation to a month of observation in 1990; and

WHEREAS, Adoption Awareness Month is a time to celebrate family and to bring about awareness that there are hundreds of thousands of children in foster homes awaiting adoption; and

WHEREAS, every child deserves a loving, nurturing, and permanent home; and

WHEREAS, adoption gives children a brighter future, brings great joy to the adoptive parents, and places fewer demands on social services; and

WHEREAS, adoptive children often need extra patience and support to help them overcome previous hardships; and

WHEREAS, there are families able and willing to adopt children who have special needs; and

WHEREAS, children waiting for adoptive parents and families who have adopted these children require and deserve community and public support.

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

1. That the Nebraska Legislature recognizes November, 2007, as Adoption Awareness Month in Nebraska.

2. That during November, 2007, communities are encouraged to participate in activities designed to increase public awareness about the benefits of adoption.

Laid over.

**LEGISLATIVE RESOLUTION 65.** Introduced by Howard, 9.

WHEREAS, April, 2007, is National Child Abuse Prevention Month; and  
 WHEREAS, the federal Child Abuse Prevention and Treatment Act defines child abuse and neglect as any act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, sexual abuse or exploitation, or places the child at imminent risk of serious harm; and

WHEREAS, in 2004, 872,000 children nationally were victims of abuse or neglect and more than sixty percent of those child victims experienced neglect, almost eighteen percent were physically abused, ten percent were sexually abused, and seven percent were emotionally mistreated; and

WHEREAS, it is estimated that nationwide approximately twelve in one thousand children are victims of abuse or neglect each year; and

WHEREAS, the State of Nebraska received 13,897 reports of child abuse and neglect in 2005; and

WHEREAS, research indicates that the physical, emotional, social, and economic consequences associated with child abuse and neglect are life-long; and

WHEREAS, incidents of child neglect, physical abuse, sexual abuse, and emotional mistreatment are preventable.

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

1. That the Legislature recognizes April, 2007, as Child Abuse Prevention Month in Nebraska.

2. That during April, 2007, communities are encouraged to participate in activities designed to increase public awareness about the importance of child abuse prevention.

Laid over.

**COMMITTEE REPORT**  
**Enrollment and Review**

**Correctly Reengrossed**

The following bill was correctly reengrossed: LB 255.

(Signed) Amanda McGill, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 395.** Senator Johnson withdrew his amendment AM797, found on page 918.

Senator Mines offered the following amendment to the Johnson amendment: AM858

(Amendments to AM852)

- 1 1. On page 2, line 16, after "petition" insert "meeting
- 2 the requirements of and subject to sections 32-628 to 32-630 and;
- 3 and strike beginning with "ordinance" in line 20 through line
- 4 21 and insert "repeal of such ordinance or resolution shall be
- 5 placed on the ballot for the voters of such city, village, or
- 6 unincorporated area of the county, and the ordinance or resolution
- 7 shall not take effect unless and until the repeal is rejected by
- 8 the voters. The election shall be conducted as provided in sections
- 9 32-556 to 32-559."

Senator Mines withdrew his amendment.

The Johnson amendment, AM585, found on page 754 and considered in this day's Journal, as amended, was renewed.

Senator Johnson moved for a call of the house. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Senator Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 31:

Adams	Cornett	Johnson	Nelson	Stuthman
Aguilar	Dubas	Kruse	Pahls	White
Ashford	Flood	Langemeier	Pankonin	Wightman
Avery	Gay	Lathrop	Pirsch	
Carlson	Hansen	McDonald	Preister	
Chambers	Harms	McGill	Raikes	
Christensen	Janssen	Mines	Rogert	

Voting in the negative, 5:

Erdman	Friend	Karpisek	Nantkes	Wallman
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Present and not voting, 10:

Burling	Fischer	Heidemann	Kopplin	Schimek
Engel	Fulton	Howard	Pedersen	Synowiecki

Absent and not voting, 1:

Hudkins

Excused and not voting, 2:

Dierks

Louden

The Johnson amendment, as amended, was adopted with 31 ayes, 5 nays, 10 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Fischer withdrew her amendment, FA23, found on page 758.

Senator Erdman withdrew his amendment, AM366, found on page 758.

Senator Carlson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Senator Johnson moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

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

Advanced to E & R for engrossment with 35 ayes, 4 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

## **SPEAKER FLOOD PRESIDING**

### **GENERAL FILE**

**LEGISLATIVE BILL 232.** Title read. Considered.

Committee AM677, found on page 841, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Hudkins withdrew her amendment, AM692, found on page 839.

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 502.** Title read. Considered.

Committee AM544, found on page 726, was considered.

Pending.

### VISITORS

Visitors to the Chamber were Casey Sorensen from Lincoln; 50 fourth-grade students from Avery Elementary, Bellevue; 15 twelfth-grade students and teachers from Omaha North High School, Omaha; Theresa Hilton, Rebecca Rayman, and Joe, Rosie, and Maricio Velasco from Columbus; members of the Tri-Diocesan Council of Catholic Women from across the state; and 31 eighth-grade students, teacher, and sponsors from Blue Hill.

### RECESS

At 12:03 p.m., on a motion by Senator Erdman, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

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

### ROLL CALL

The roll was called and all members were present except Senator Pedersen who was excused; and Senators Ashford, Engel, and Kruse who were excused until they arrive.

### GENERAL FILE

**LEGISLATIVE BILL 502.** Committee AM544, found on page 726 and considered in this day's Journal, was renewed.

### SENATOR FRIEND PRESIDING

Senator Mines offered the following amendment to the committee amendment:

AM875

(Amendments to Standing Committee amendments, AM544)

- 1 1. Strike the original amendment and insert the following
- 2 new amendments:
- 3 1. On page 2, lines 12 and 15, strike "one hundred" and
- 4 insert "forty".
- 5 2. On page 3, line 1, strike "ten" and insert "thirteen";
- 6 in lines 3 and 4 strike "twenty-five" and insert "fifteen"; and in
- 7 lines 12, 23, and 25 strike "twenty-five" and insert "ten".

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Mines amendment was adopted with 34 ayes, 3 nays, 10 present and not

voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Wightman renewed his amendment, AM683, found on page 884.

The Wightman amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Hudkins offered the following amendment:

FA54

Page 4, line 10 strike "2007" and insert "2008"

The Hudkins amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 32 ayes, 8 nays, 8 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 343.** Title read. Considered.

Committee AM661, found on page 809, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 343A.** Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 66.** Introduced by Flood, 19.

WHEREAS, the Battle Creek High School Speech Team won the C1-5 District Speech Championship and qualified nine members of the team to compete in the state competition; and

WHEREAS, the Battle Creek High School Speech Team was runner-up in the state competition; and

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

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

1. That the Legislature congratulates Coach Peggy Belt, Coach Cari McConnell, and Volunteer Coach Shane Bernhardt and the following members of the Battle Creek High School Speech Team on their



achievements this year: Stephanie Smolek; Jarred Vogel; Cody Hrabanek; Jeremy Grant; Callie Reeves; Alex McCleary; Jackson Schroeder; Casie Sorrick; Kassie Coover; Kacey Christiansen; Emilee Straka; Sami Sorrick; and Drew Nguyen.

2. That a copy of this resolution be sent to the Battle Creek High School Speech Team.

Laid over.

### AMENDMENTS - Print in Journal

Senator Harms filed the following amendment to LB 658:  
AM860

- 1 1. On page 5, line 14, strike "fifteen" and insert "ten";
- 2 and in line 16 strike "fifty-five" and insert "thirty".

Senator Louden filed the following amendment to LB 658:  
AM857

- 1 1. On page 5, strike lines 4 through line 25 and insert
- 2 "place the issue on the ballot for the next statewide general
- 3 election in accordance with the Election Act.".
- 4 2. On page 6, strike line 1; strike beginning with "If"
- 5 in line 2 through the period in line 7; in line 7 after "language"
- 6 insert "for the issue placed on the ballot pursuant to section
- 7 2 of this act"; in line 11 strike "petition" and insert "plan
- 8 approved pursuant to section 1 of this act"; in line 14 strike
- 9 "the petitions" and insert "such plan"; and in line 21 strike "the
- 10 petition" and insert "such plan".

Senator Louden filed the following amendment to LB 658:  
AM859

- 1 1. Strike section 8.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

Senator Hudkins filed the following amendment to LB 658:  
(Amendment, AM724, is printed separately and available in the Bill Room, Room 1104.)

Senator Dierks filed the following amendment to LB 629:  
AM824

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 7 of this act shall be known and
- 4 may be cited as the Rural Community-Based Energy Development Act.
- 5 Sec. 2. It is the intent of the Legislature to
- 6 create new rural economic development opportunities through rural
- 7 community-based energy development.
- 8 Sec. 3. For purposes of the Rural Community-Based Energy

9 Development Act:

10 (1) C-BED project or community-based energy development  
 11 project means a new wind energy project that:

12 (a)(i) For a C-BED project that consists of more than two  
 13 turbines, has no single qualified owner owning more than fifteen  
 14 percent of the project and with at least thirty-three percent of  
 15 the power purchase agreement payments flowing to the qualified  
 16 owner or local community; or

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

21 (b) Has a resolution of support adopted (i) by the county  
 22 board of each county in which the C-BED project is to be located or  
 23 (ii) by the tribal council for a C-BED project located within the  
 1 boundaries of an Indian reservation;

2 (2) C-BED tariff or tariff means a community-based energy  
 3 development tariff;

4 (3) Electric utility means a power supplier responsible  
 5 for generating more than two hundred megawatts for delivery in  
 6 Nebraska. Electric utility does not include distribution utilities  
 7 purchasing total power requirements from another utility or  
 8 wind-based generating facility;

9 (4) Net present value rate means a rate equal to the net  
 10 present value of the nominal payments to a C-BED project divided by  
 11 the total expected energy production of the C-BED project over the  
 12 life of its power purchase agreement; and

13 (5) Qualified owner means:

14 (a) A Nebraska resident;

15 (b) A limited liability company that is organized under  
 16 the Limited Liability Company Act and that is made up of members  
 17 who are Nebraska residents;

18 (c) A Nebraska nonprofit corporation organized under the  
 19 Nebraska Nonprofit Corporation Act;

20 (d) A Nebraska cooperative association, other than  
 21 a rural electric cooperative association or generation and  
 22 transmission cooperative;

23 (e) A political subdivision or unit of local government,  
 24 including, but not limited to, a school district or public or  
 25 private postsecondary educational institution, or any other local  
 26 or regional governmental organization such as a board, commission,  
 27 or association, but excluding publicly owned electric utilities; or

1 (f) A tribal council.

2 Sec. 4. (1) A C-BED tariff shall have a negotiated per  
 3 kilowatt hour net present value rate over the twenty-year life of  
 4 the power purchase agreement. The negotiated rate shall provide for  
 5 a rate that is higher in the first ten years of the power purchase  
 6 agreement than in the last ten years. The discount rate required  
 7 to calculate the net present value shall be the electric utility's

8 normal discount rate used for its other business purposes.

9 (2) A C-BED project developer and an electric utility  
10 shall negotiate the rate and power purchase agreement terms  
11 consistent with the tariff.

12 (3) At the discretion of a C-BED project developer, the  
13 C-BED project developer and an electric utility may negotiate a  
14 power purchase agreement with terms different from the tariff.

15 (4) A qualified owner, or any combination of qualified  
16 owners, may develop a community-based energy development project  
17 with an equity partner that is not a qualified owner.

18 (5) Except for an inherited interest, the transfer of  
19 a C-BED project to any person other than a qualified owner is  
20 prohibited during the initial twenty years of the power purchase  
21 agreement.

22 (6) A C-BED project that is operating under a power  
23 purchase agreement under a tariff is not eligible for net energy  
24 billing.

25 Sec. 5. An electric utility shall:

26 (a) Consider mechanisms to encourage the aggregation of  
27 C-BED projects in the same geographical area; and

1 (b) Require any qualified owner to provide sufficient  
2 security to insure performance under the power purchase agreement.

3 Sec. 6. (1) An electric utility that needs to construct  
4 new generation or purchase the output from additional generation  
5 shall take reasonable steps to determine if one or more C-BED  
6 projects are available that (a) can be safely integrated into and  
7 operated within the electric utility's grid without causing any  
8 adverse or unsafe consequences; and (b) is consistent with the  
9 electric utility's resource needs as identified in its most recent  
10 resource plan, to fulfill some or all of the identified need at  
11 minimal impact to customer rates.

12 (2) An electric utility shall include in its integrated  
13 resource plan filed with the Nebraska Power Review Board a  
14 description of its efforts to purchase energy from C-BED projects,  
15 including a list of the C-BED projects under a power purchase  
16 agreement and the amount of C-BED project energy purchased.

17 (3) Nothing in this section shall be construed to  
18 obligate an electric utility to enter into a power purchase  
19 agreement under a C-BED tariff.

20 Sec. 7. To the extent feasible, a C-BED project developer  
21 shall provide, in writing, an opportunity to invest in the C-BED  
22 project to each property owner on whose property a high-voltage  
23 transmission line is constructed that will transmit the energy  
24 generated by the C-BED project to market if the property is located  
25 and the owner resides in the county where the C-BED project is  
26 located.

Senator Hudkins filed the following amendment to LB 658:  
AM865

(Amendments to Standing Committee amendments, AM514)

- 1 1. On page 8, line 4, after "by" insert "two members of
- 2 the school board of each Class I school district within the Class
- 3 II, III, or IV school district and two members of the school board
- 4 or board of education of".

Senator Hudkins filed the following amendment to LB 658:  
AM866

(Amendments to Standing Committee amendments, AM514)

- 1 1. On page 8, strike beginning with "The" in line 3
- 2 through the period in line 8.

Senator Hudkins filed the following amendment to LB 658:  
AM867

(Amendments to Standing Committee amendments, AM514)

- 1 1. Insert the following new section:
- 2 Sec. 70. Any Class II, III, or IV school district
- 3 which sold or demolished a school building of a former Class I
- 4 school district consolidated pursuant to Laws 2005, LB 126, shall
- 5 contribute one hundred thousand dollars to a newly organized Class
- 6 I school district which is within the boundaries of such Class II,
- 7 III, or IV school district if:
- 8 (1) A notice of intent to organize a Class I school
- 9 district within the boundaries of the Class II, III, or IV school
- 10 district is filed on or before January 1, 2008, with the school
- 11 board or board of education of such Class II, III, or IV school
- 12 district;
- 13 (2) A special meeting of the registered voters of the
- 14 proposed Class I school district is held and fifty and one-tenth
- 15 percent of such registered voters present and voting such special
- 16 meeting vote to organize such Class I district; and
- 17 (3) The Class II, III, or IV school district sold or
- 18 demolished such school building on or after November 1, 2005, and
- 19 on or before January 1, 2008.
- 20 2. On page 7, line 15, strike "seven" and insert "five".

Senator Hudkins filed the following amendment to LB 658:  
AM870

- 1 1. On page 3, lines 2, 9, 13, and 18; page 4, lines 2,
- 2 13, and 25; page 5, line 15; page 6, lines 10, 13, 16, and 18; page
- 3 7, lines 8 and 9, 12, 14, 15, 23, and 24; page 8, lines 9 and 16;
- 4 and page 9, lines 2, 8, 17, and 22, strike "or IV" and insert "IV,
- 5 or V".

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Stuthman asked unanimous consent to add his name as cointroducer to LB 562. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 50 fourth-grade students, teachers, and sponsors from Morton Elementary, Lexington; 48 fourth-grade students from Conestoga School, Murray; and Kate Garhart from Lincoln and Caryn Vincent from York.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

**ADJOURNMENT**

At 4:29 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 29, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FOURTH DAY - MARCH 29, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 29, 2007

**PRAYER**

The prayer was offered by Pastor Kevin Burkhardt, First United Methodist Church and Garden Prairie United Methodist Church, Curtis.

**ROLL CALL**

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

The roll was called and all members were present except Senator Schimek who was excused; and Senators Cornett, Dubas, Heidemann, and Karpisek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**COMMITTEE REPORTS****Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 304, 425, 425A, 636, and 677.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORT****Revenue**

**LEGISLATIVE BILL 272.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 658.** Title read. Considered.

Committee AM514, found on page 718, was considered.

Senator Hudkins renewed her amendment, AM865, found on page 963, to the committee amendment.

Senator Hudkins moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Hudkins requested a roll call vote on her amendment.

Voting in the affirmative, 11:

Dierks	Fulton	Hudkins	Nelson
Erdman	Hansen	Langemeier	Stuthman
Fischer	Harms	Louden	

Voting in the negative, 30:

Adams	Chambers	Howard	McGill	Preister
Aguilar	Christensen	Janssen	Mines	Raikes
Ashford	Cornett	Johnson	Nantkes	Rogert
Avery	Engel	Kopplin	Pahls	Synowiecki
Burling	Flood	Kruse	Pankonin	Wallman
Carlson	Gay	Lathrop	Pirsch	White

Present and not voting, 6:

Dubas	Heidemann	Pedersen
Friend	McDonald	Wightman

Excused and not voting, 2:

Karpisek	Schimek
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The Hudkins amendment lost with 11 ayes, 30 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**AMENDMENTS - Print in Journal**

Senator Synowiecki filed the following amendment to LB 204:  
AM845

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 48-2103, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:



- 4 48-2103 For purposes of the Contractor Registration Act:  
 5 (1) Commissioner ~~shall mean~~ means the Commissioner of  
 6 Labor;  
 7 (2) Construction ~~shall mean~~ means work on real property  
 8 and annexations, including new work, additions, alterations,  
 9 reconstruction, installations, and repairs performed at one or more  
 10 different sites which may be dispersed geographically, but does not  
 11 include the construction of water wells or installation of septic  
 12 systems;  
 13 (3) Contractor ~~shall mean~~ means a person who engages  
 14 in the business of construction and ~~shall include~~ includes a  
 15 subcontractor, a general contractor, and any other person arranging  
 16 for the performance of construction. A person who earns less than  
 17 one thousand dollars annually or who performs work or has work  
 18 performed on ~~the person's~~ his or her own property, is not ~~shall not~~  
 19 ~~be~~ a contractor for purposes of the act;  
 20 (4) Department ~~shall mean~~ means the Department of Labor;  
 21 and  
 22 (5) Working days ~~shall mean~~ means Mondays through Fridays  
 23 but ~~shall~~ does not include Saturdays, Sundays, or federal or state  
 1 holidays. In computing fifteen working days, the day of receipt of  
 2 any notice ~~shall not be~~ is not included and the last day of the  
 3 fifteen working days ~~shall be~~ is included.  
 4 2. In the Standing Committee amendments, AM167, on page  
 5 1, line 10, after "2008," insert the following new subsection:  
 6 "(5) In any civil action to enforce the Contractor  
 7 Registration Act, the commissioner and the state may be represented  
 8 by any qualified attorney who is employed by the commissioner  
 9 and is designated by him or her for this purpose or at the  
 10 commissioner's request by the Attorney General".  
 11 3. On page 2, line 20, strike "one hundred" and all  
 12 amendments thereto and insert "forty"; in line 25, reinstate the  
 13 stricken "and does not pay more than", after the stricken "one"  
 14 insert "three", and reinstate the stricken "thousand dollars"; and  
 15 in lines 26 and 27 strike the new matter and reinstate the stricken  
 16 matter.  
 17 4. On page 3, lines 20 and 21, strike the new matter and  
 18 reinstate the stricken matter.  
 19 5. On page 4, line 11, after "48-2102," insert  
 20 "48-2103,".  
 21 6. Renumber the remaining sections accordingly.

Senator Johnson filed the following amendment to LB 395A:  
 AM878

- 1 1. Strike original section 1 and insert the following new  
 2 section:  
 3 Section 1. There is hereby appropriated (1) \$20,000 from  
 4 the Tobacco Prevention and Control Cash Fund for FY2007-08 and  
 5 (2) \$20,000 from the Tobacco Prevention and Control Cash Fund

6 for FY2008-09 to the Department of Health and Human Services, for  
 7 Program 177, to aid in carrying out the provisions of Legislative  
 8 Bill 395, One Hundredth Legislature, First Session, 2007.  
 9 No expenditures for permanent and temporary salaries and  
 10 per diems for state employees shall be made from funds appropriated  
 11 in this section.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 400A.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 400, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 245A.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 245, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 417A.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 417, One Hundredth Legislature, First Session, 2007.

### COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 338.** Placed on Select File - ER8058.  
ER8058

1 1. On page 9, line 14, strike the second "on".

**LEGISLATIVE BILL 405.** Placed on Select File - ER8059.  
ER8059

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 14-201, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 14-201 In any city of the metropolitan class, seven  
 6 council members shall be elected to the city council as provided  
 7 in section 32-536. The general city election for the election of  
 8 elective officers of cities of the metropolitan class shall be held  
 9 on the first Tuesday after the second Monday in May 1993 and every  
 10 four years thereafter. The terms of office of such council members  
 11 shall commence on the fourth Monday after such election, except

12 that the initial terms of office after the effective date of this  
13 act of the eighth and ninth council members shall commence upon  
14 their appointment as provided in section 32-536.

15 Sec. 2. Section 14-201.03, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17 14-201.03 ~~The election commissioner in any county in~~  
18 ~~which is situated a city of the metropolitan class shall divide the~~  
19 ~~city into seven city council districts of compact and contiguous~~  
20 ~~territory. Such districts shall be numbered consecutively from one~~  
21 ~~to seven. One council member shall be elected from each district.~~  
22 ~~The city council shall be responsible for redrawing the city~~  
23 ~~council district boundaries pursuant to section 32-553.~~

1 Within ninety days after the effective date of this act,  
2 the city council of a city of the metropolitan class shall divide  
3 the city into nine city council districts of compact and contiguous  
4 territory. Such districts shall be numbered consecutively from one  
5 to nine. One council member shall be elected from each district  
6 except as provided in section 32-536. The city council shall be  
7 responsible for redrawing the city council district boundaries  
8 pursuant to section 32-553.

9 Sec. 3. Section 32-536, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 32-536 (1) In a city of the metropolitan class in  
12 existence on the effective date of this act, seven council members  
13 shall be elected to the city council for terms of four years at  
14 the general city election in 1993 pursuant to section 14-201. One  
15 Within ninety days after the effective date of this act, an eighth  
16 and a ninth council member shall be appointed by a majority vote  
17 of the council members serving on such date and shall serve until  
18 their successors are elected at the general city election in May  
19 2009 and qualified.

20 (2) In any city of the metropolitan class which becomes  
21 a city of such class on or after the effective date of this act,  
22 nine council members shall be elected to the city council pursuant  
23 to section 14-201 for terms of four years at the first general city  
24 election after such city becomes a city of the metropolitan class  
25 and each four years thereafter.

26 (3) In each city of the metropolitan class, one council  
27 member shall be nominated and elected from each of the districts  
1 into which the city is divided pursuant to section 14-201.03. The  
2 council members shall meet the qualifications found in sections  
3 14-204 and 14-230.

4 Sec. 4. Original sections 14-201 and 32-536, Reissue  
5 Revised Statutes of Nebraska, and section 14-201.03, Revised  
6 Statutes Cumulative Supplement, 2006, are repealed.

**LEGISLATIVE BILL 328A.** Placed on Select File.

**LEGISLATIVE BILL 395A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 658.** Senator Hudkins renewed her amendment, AM866, found on page 964, to the committee amendment.

The Hudkins amendment lost with 7 ayes, 17 nays, 23 present and not voting, and 2 excused and not voting.

Senator Hudkins renewed her amendment, AM867, found on page 964, to the committee amendment.

The Hudkins amendment lost with 4 ayes, 14 nays, 28 present and not voting, and 3 excused and not voting.

Committee AM514, found on page 718 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Harms renewed his amendment, AM860, found on page 961.

### SENATOR ERDMAN PRESIDING

### SENATOR LANGEMEIER PRESIDING

Senator Raikes offered the following amendment to the Harms amendment:  
FA55

Amend AM860 Line 2 strike "thirty" and insert "fifty"

The Raikes amendment was adopted with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

The Harms amendment, as amended, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Louden withdrew his amendment, AM857, found on page 961.

Senator Louden asked unanimous consent to withdraw his amendment, AM859, found on page 961, and replace it with his substitute amendment, FA56. No objections. So ordered.  
FA56

On page 8, lines 21 and 22, strike "the registered voters of such Class I school district" and insert "those voting in the special election".

The Louden amendment was adopted with 30 ayes, 0 nays, 16 present and

not voting, and 3 excused and not voting.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 67.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Hudkins, 21; Louden, 49; Mines, 18; Pedersen, 39; Schimek, 27; Stuthman, 22; and Dubas, 34.

**PURPOSE:** The purpose of this resolution is to examine issues relating to public and private highway and rail crossings. Current inventory and train movement information indicates the following:

(1) At the present time there exists in this state three thousand three hundred thirty-one public and two thousand five hundred forty private crossings. There also exists a total of three thousand three hundred ninety miles of railroad trackage; and

(2) At the present time, approximately three hundred twenty trains per day operate within or through the state on high-density Class 1 railroad lines.

The issues to be specifically examined by the study shall include crossing safety and preventing the blockage of crossings by parked trains. Such study shall consider the appropriate public policy balance between the efficient movement of commerce by rail and the promotion and preservation of public convenience and safety upon public streets and highways.

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

## BILL ON FIRST READING

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

**LEGISLATIVE BILL 475A.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 475, One Hundredth Legislature, First Session, 2007.

**AMENDMENT - Print in Journal**

Senator Dierks filed the following amendment to LB 658:  
AM826

- 1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:
- 3 Section 1. On the effective date of this act, the Class  
4 I, II, III, IV, V, and VI school districts which were organized  
5 as such immediately before December 1, 2005, shall be reorganized  
6 according to the boundaries on file with the State Department of  
7 Education on November 30, 2005.
- 8 Sec. 2. Section 1 of this act does not apply to any  
9 school district which was reorganized by means other than Laws  
10 2005, LB 126, so long as the reorganization order was entered on  
11 or before November 30, 2005, notwithstanding the effective date of  
12 boundary changes of any such order.
- 13 Sec. 3. The school board or board of education of each  
14 school district reorganized pursuant to section 1 of this act  
15 shall consist of the persons who were serving in that capacity  
16 on November 30, 2005. If any member is unable to serve due to  
17 death, illness, or change of residence, the remaining members shall  
18 appoint a legal voter of the school district to fill the vacancy  
19 on such board. Members of the school boards or boards of education  
20 servng pursuant to this section shall serve terms of two years and  
21 until their successors are elected and qualified.
- 22 Sec. 4. Within sixty days after the effective date of  
23 this act, each Class I district referred to in section 1 of this  
1 act shall call a special meeting of the board of education and  
2 the legal voters of each such Class I district for purposes of  
3 ascertaining whether such legal voters desire such Class I district  
4 to remain in existence. In the absence of an affirmative vote by  
5 fifty-five percent of the legal voters of such district who are in  
6 attendance and voting on the matter at such special meeting to the  
7 contrary, the Class I district shall be legally presumed to be in  
8 existence and duly constituted.
- 9 The special meeting referred to in this section shall  
10 be called by posting notice in three public places within the  
11 boundaries of the Class I district at least five days before the  
12 meeting. The notice shall state the purpose of the meeting and  
13 shall contain the agenda of the meeting.
- 14 Sec. 5. If, at the special meeting described in section  
15 4 of this act the legal voters of the Class I district, by a  
16 fifty-five percent majority vote of those present and voting, vote  
17 to dissolve the district, the secretary of the Class I school  
18 district school board shall forward to the State Committee for  
19 the Reorganization of School Districts, within ten days after such  
20 special meeting, a copy of the notice of the call of such special  
21 meeting including the agenda items, the names of the persons moving  
22 and seconding the issue of dissolution of the district, the number

23 of votes cast in favor of the motion, the number of votes cast  
 24 against the motion, the number of legal voters present and voting  
 25 at such meeting, and the number of legal voters present and not  
 26 voting, if any.

27 Sec. 6. For school fiscal years 2007-08 and 2008-09,  
 1 each Class I school district which is reestablished pursuant to  
 2 sections 1 to 4 of this act shall be entitled to a budget at least  
 3 equal to the budget it had for school fiscal year 2005-06. Such  
 4 budget may include cash reserves not to exceed forty-five percent  
 5 of the general fund budget. In addition to the general fund budget  
 6 referred to in this section, each school district reestablished  
 7 under sections 1 to 4 of this act shall be entitled to exceed the  
 8 levy limitations set forth in sections 77-3442 to 77-3444, without  
 9 a vote of the people, for the purpose of paying for any costs  
 10 incurred as a result of the enactment of Laws 2005, LB 126, and its  
 11 subsequent repeal.

12 Sec. 7. Nothing in sections 1 to 6 of this act shall be  
 13 construed to prevent any such district from availing itself of any  
 14 other levy limit exemptions provided by law.

15 Sec. 8. Any school district or local system affected by  
 16 the enactment of Laws 2005, LB 126, and its subsequent repeal may,  
 17 in addition to the budget authority set forth in the Tax Equity  
 18 and Educational Opportunities Support Act, exceed the budget limits  
 19 contained in the act for school fiscal years 2007-08 and 2008-09  
 20 to pay for additional costs, expenses, salaries, transportation  
 21 equipment, excess staff, or any other cost or expense resulting  
 22 from the enactment of Laws 2005, LB 126, and its subsequent repeal.

23 Exceptions to levy limitations and budget limitations  
 24 described in this section and section 6 of this act shall  
 25 be identified to the appropriate county clerks, and the levy  
 26 identified by the affected school boards shall be levied.

27 Sec. 9. Section 32-1206, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:

2 32-1206 ~~Any~~ Except as provided in section 4 of this act,  
 3 any election not otherwise provided for in sections 32-1203 to  
 4 32-1205 which is conducted by the election commissioner or county  
 5 clerk shall be paid for by the entity holding the election.

6 Sec. 10. Section 79-403, Revised Statutes Cumulative  
 7 Supplement, 2006, as affected by Referendum 2006, No. 422, is  
 8 amended to read:

9 79-403 (1) Except as provided in subsections (2) and (3)  
 10 of this section, no new school district shall be created unless  
 11 such district provides instruction in kindergarten through grade  
 12 twelve.

13 (2) A new Class VI school district may be created if:

14 (a) Such Class VI school district will include at least  
 15 two or more previously existing Class II or Class III school  
 16 districts, except that if a reorganization petition for formation  
 17 of a Class VI school district is initiated by a petition signed by

18 fifty-five percent of the legal voters of a Class II or III school  
19 district, then such Class VI school district may include only one  
20 Class II or III school district; and

21 (b) The enrollment of the new Class VI school district  
22 is (i) at least one hundred twenty-five pupils if the district  
23 offers instruction in grades nine through twelve, (ii) at least one  
24 hundred seventy-five pupils if the district offers instruction in  
25 grades seven through twelve, or (iii) at least two hundred students  
26 if the district offers instruction in grades six through twelve,  
27 except that if such district will have population density of less  
1 than three persons per square mile, then the enrollment shall be  
2 at least seventy-five students if the district offers instruction  
3 in grades nine through twelve, at least one hundred students if  
4 the district offers instruction in grades seven through twelve, or  
5 at least one hundred twenty-five students if the district offers  
6 instruction in grades six through twelve.

7 (3) One or more new Class I districts may be created  
8 as provided in sections 1 to 8 of this act or as a part of a  
9 reorganization petition pursuant to subsection (2) of this section.

10 Sec. 11. Section 79-415, Revised Statutes Cumulative  
11 Supplement, 2006, as affected by Referendum 2006, No. 422, is  
12 amended to read:

13 79-415 (1) In addition to the petitions of legal voters  
14 pursuant to section 79-413 and the method provided in sections 1  
15 to 8 of this act, changes in boundaries and the creation of a new  
16 school district from other districts may be initiated and accepted  
17 by the school board or board of education of any district that is  
18 not a member of a learning community.

19 (2) In addition to the petitions of legal voters pursuant  
20 to section 79-413, the affiliation of a Class I district or portion  
21 thereof with one or more Class II, III, IV, or V districts may be  
22 initiated and accepted by:

23 (a) The board of education of any Class II, III, IV, or V  
24 district; and

25 (b) The school board of any Class I district in which is  
26 located a city or incorporated village.

27 Sec. 12. Section 79-479, Revised Statutes Cumulative  
1 Supplement, 2006, as affected by Referendum 2006, No. 422, is  
2 amended to read:

3 79-479 (1)(a) Beginning January 1, 1992, any school  
4 district boundaries changed by the means provided by Nebraska law,  
5 but excluding the method provided by sections 79-407, ~~and~~ 79-473  
6 to 79-475, or sections 1 to 8 of this act, shall be made only  
7 upon an order issued by the State Committee for the Reorganization  
8 of School Districts or county clerk. The state committee shall  
9 not issue an order changing boundaries relating to affiliation of  
10 school districts if twenty percent or more of any tract of land  
11 under common ownership which is proposing to affiliate is not  
12 contiguous to the high school district with which affiliation is



13 proposed unless (i) one or more resident students of the tract of  
14 land under common ownership has attended the high school program of  
15 the high school district within the immediately preceding ten-year  
16 period or (ii) approval of the petition or plan would allow  
17 siblings of such resident students to attend the same school as the  
18 resident students attended.

19 (b) The order issued by the state committee shall be  
20 certified to the county clerk of each county in which boundaries  
21 are changed and shall also be certified to the State Department of  
22 Education. Whenever the order changes the boundaries of a school  
23 district due to the transfer of land, the county assessor, the  
24 Property Tax Administrator, and the State Department of Education  
25 shall be provided with the legal description and a map of the  
26 parcel of land which is transferred. Such order shall be issued  
27 no later than June 1 and shall have an effective date no later  
1 than August 1 of the same year. For purposes of determining  
2 school district counts pursuant to sections 79-524 and 79-578  
3 and calculating state aid allocations pursuant to the Tax Equity  
4 and Educational Opportunities Support Act, any change in school  
5 district boundaries with an effective date between June 1 and  
6 August 1 of any year shall be considered effective July 1 of such  
7 year.

8 (2) Unless otherwise provided by sections 1 to 8 of  
9 this act or other state law or by the terms of an affiliation  
10 or reorganization plan or petition which is consistent with state  
11 law, all assets, including budget authority as provided in sections  
12 79-1023 to 79-1030, and liabilities, except bonded obligations, of  
13 school districts merged, dissolved, or annexed shall be transferred  
14 to the receiving district or districts on the basis of the  
15 proportionate share of assessed valuation received at the time of  
16 reorganization. When a Class II, III, IV, or V school district  
17 becomes a Class I school district:

18 (a) Which becomes part of a Class VI district which  
19 offers instruction in grades six through twelve, 37.9310 percent of  
20 the Class II, III, IV, or V district's assets and liabilities shall  
21 be transferred to the new Class I district and the remainder shall  
22 be transferred to the Class VI district or districts of which the  
23 Class I district becomes a part on the basis of the proportionate  
24 share of assessed valuation each high school district received at  
25 the time of such change in class of district;

26 (b) Which becomes part of a Class VI district which  
27 offers instruction in grades seven through twelve, 44.8276 percent  
1 of the Class II, III, IV, or V district's assets and liabilities  
2 shall be transferred to the new Class I district and the remainder  
3 shall be transferred to the Class VI district or districts of  
4 which the Class I district becomes a part on the basis of the  
5 proportionate share of assessed valuation each high school district  
6 received at the time of such change in class of district; or

7 (c) Which is affiliated or becomes part of a Class VI

8 district which offers instruction in grades nine through twelve,  
9 61.3793 percent of the Class II, III, IV, or V school district's  
10 assets and liabilities shall be transferred to the new Class I  
11 district and the remainder shall be transferred to the Class VI  
12 district or districts of which the Class I district becomes a part  
13 and to the high school district or districts with which the Class I  
14 district is affiliated on the basis of the proportionate share of  
15 assessed valuation each high school district received at the time  
16 of such change in class of district.

17 Sec. 13. Any certificated employee, as defined in  
18 subsection (1) of section 79-824, who as a result of the enactment  
19 of Laws 2005, LB 126, became employed by a Class II, III, IV, V, or  
20 VI school district and who was under an employment contract with a  
21 Class I school district on June 14, 2006, shall be reassigned and  
22 reallocated to the Class I district to which he or she was under  
23 contract on such date and shall remain employed by the Class I  
24 district under the terms and conditions of the employment contract  
25 between such certificated employee and the Class II, III, IV, V, or  
26 VI district at the time he or she is reassigned and reallocated to  
27 the Class I district. Such employment contract shall remain in full  
1 force and effect until nonrenewed, terminated, canceled, or amended  
2 pursuant to sections 79-824 to 79-842 or other applicable law.

3 Sec. 14. Any cost in addition to the cost that would  
4 have been incurred by any Class II, III, IV, V, or VI district  
5 as a result of the enactment of Laws 2005, LB 126, relating to  
6 the compensation such certificated employee may be accounted for in  
7 the budget of the applicable Class II, III, IV, V, or VI district,  
8 or the Class I district, as appropriate, and may constitute an  
9 exemption to applicable allowable budget growth rate and applicable  
10 levy limitations placed upon such districts. Such exceptions shall  
11 be allowable for school fiscal years 2007-08 and 2008-09.

12 Sec. 15. Any Class I district reestablished as a result  
13 of sections 1 to 8 of this act shall have levy authority and  
14 budget authority separate and distinct from the budget and levy  
15 authority of its principal Class II, III, IV, V, or VI district  
16 for purposes of reconciling any lost revenue and assets as a result  
17 of the enactment of Laws 2005, LB 126, as well as any increased  
18 liabilities resulting from its reestablishment under such sections.  
19 Such budget and levy authority shall exist for school fiscal years  
20 2007-08 and 2008-09, after which the budget and levy authority of  
21 any Class I reestablished as a result of the repeal of Laws 2005,  
22 LB 126, shall be as provided by section 79-1027.

23 Sec. 16. Any Class I district reestablished and remaining  
24 established for school fiscal years 2007-08 and 2008-09 shall  
25 have the authority to borrow up to one hundred percent of  
26 its established budget for purposes of funding its budgets as  
27 established by section 15 of this act.

1 Sec. 17. Any Class I district reestablished and remaining  
2 established for school fiscal years 2007-08 and 2008-09 shall have

3 returned to it all of its physical assets within ninety days  
4 after the effective date of this act, except that any Class I  
5 district which by a special vote of its legal voters has received  
6 authority to dispose of its building and physical assets as excess  
7 property may be dissolved by order of the State Committee for  
8 the Reorganization of School Districts upon the forwarding by such  
9 Class I district to the state committee of notice, agenda, minutes,  
10 and recorded vote relating to such vote to dispose of its buildings  
11 and physical assets.

12 For purposes of this section, physical assets means the  
13 schoolhouse, equipment, supplies, books, audio-visual equipment,  
14 computers, desks, furniture, and tangible property of any kind  
15 which belonged to the Class I district on June 14, 2006.

16 Sec. 18. The Revisor of Statutes shall assign sections 1  
17 to 8 of this act within Chapter 79.

18 Sec. 19. If any section in this act or any part of any  
19 section is declared invalid or unconstitutional, the declaration  
20 shall not affect the validity or constitutionality of the remaining  
21 portions.

22 Sec. 20. Original section 32-1206, Reissue Revised  
23 Statutes of Nebraska, and sections 79-403, 79-415, and 79-479,  
24 Revised Statutes Cumulative Supplement, 2006, as affected by  
25 Referendum 2006, No. 422, are repealed.

26 Sec. 21. Since an emergency exists, this act takes effect  
27 when passed and approved according to law.

## VISITORS

Visitors to the Chamber were 18 high school students, teacher, and sponsors from Hyannis; Danette Hudson from Hemingford; Glenn Spangler from Murray and Kent Netzman from Nehawka; Catherine Hughes from Omaha; 46 fourth-grade students and teachers from St. Mary St. Matthew, Bellevue; 4 eleventh-grade students from Howells; Anton, Ernestine, and Daniel Warta from Wilbur; 46 fourth-grade students from Hayward Elementary, Nebraska City; and 40 fourth-grade students and teachers from Lincoln Elementary, Beatrice.

## RECESS

At 11:54 a.m., on a motion by Senator Dierks, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

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

**ROLL CALL**

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

**GENERAL FILE**

**LEGISLATIVE BILL 658.** Senator Hudkins renewed her amendment, AM724, printed separately and referred to on page 961.

Senator Hudkins withdrew her amendment.

Senator Hudkins withdrew her amendment, AM870, found on page 964.

Senator Hudkins offered the following amendment:  
AM881

1 1. On page 4, lines 3 and 4, strike "on or before January  
2 15 of any even-numbered year"; in lines 8 and 9 strike "on or  
3 before April 1 of such year" and insert "within sixty days after  
4 receipt of the plan"; in lines 17 and 18 strike "on or before April  
5 15 of such year"; and in lines 18 and 19 strike "on or before June  
6 15 in such year" and insert "within seventy-five days after the  
7 appeal is filed".

8 2. On page 5, line 4, strike "on or before July 15" and  
9 insert "within sixty days"; in lines 12 and 24 after "statewide"  
10 insert "primary or"; and in lines 20 and 21 strike "on or before  
11 the immediately following August 15" and insert "for a primary  
12 election on or before February 15 immediately preceding the primary  
13 election and for a general election on or before August 15  
14 immediately preceding the general election".

15 3. On page 6, line 6, after "statewide" insert "primary  
16 or"; and in lines 23 and 24 strike "on or before December 31 of the  
17 same year" and insert "not more than forty days following a primary  
18 election or before December 31 following a general election".

19 4. On page 108, line 12, after the period insert "For  
20 new Class I school districts created after a primary election,  
21 the minimum budget authority shall be certified by the department  
22 within forty days following the primary election".

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

Advanced to E & R for review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**PRESIDENT SHEEHY PRESIDING**

**LEGISLATIVE BILL 562.** Title read. Considered.

Committee AM689, found on page 863, 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 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 457.** Title read. Considered.

Senator Flood offered the following amendment:

AM792

- 1 1. On page 2, line 21, after the second comma insert
- 2 "guardian"; and in line 25 strike "parent" and insert "foster
- 3 parent, preadoptive parent, guardian."

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

Pending.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 426A.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 426, One Hundredth Legislature, First Session, 2007.

### **COMMITTEE REPORTS** **Enrollment and Review**

#### **Correctly Engrossed**

The following bill was correctly engrossed: LB 395.

ST9020

Enrollment and Review Change to LB 395

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

1. The E & R Amendments, ER8041, have been struck.
2. In the Johnson amendment, AM585:
  - a. On page 2, line 6, "guestrooms" has been struck and "guestroom" inserted; and
  - b. On page 6, lines 11 though 13 have been struck and "71-5709, and 71-5712, Reissue Revised Statutes of Nebraska, section 71-5705, Revised Statutes Cumulative Supplement, 2006, sections 71-5710, 71-5711, and

71-5713, Reissue Revised Statutes of Nebraska, as amended by sections 630, 631, and 632, respectively, Legislative Bill 296, One Hundredth Legislature, First Session, 2007, and section 71-5707, Revised Statutes Cumulative Supplement, 2006, as amended by section 629, Legislative Bill 296, One Hundredth Legislature, First Session, 2007." inserted.

3. On page 1, lines 3 through 8 have been struck and "to provide penalties; to provide operative dates; to provide severability; and to outright repeal sections 71-5701, 71-5702, 71-5703, 71-5704, 71-5706, 71-5708, 71-5709, and 71-5712, Reissue Revised Statutes of Nebraska, section 71-5705, Revised Statutes Cumulative Supplement, 2006, sections 71-5710, 71-5711, and 71-5713, Reissue Revised Statutes of Nebraska, as amended by sections 630, 631, and 632, respectively, Legislative Bill 296, One Hundredth Legislature, First Session, 2007, and section 71-5707, Revised Statutes Cumulative Supplement, 2006, as amended by section 629, Legislative Bill 296, One Hundredth Legislature, First Session, 2007." inserted.

(Signed) Amanda McGill, Chairperson

## COMMITTEE REPORT

### Appropriations

**LEGISLATIVE BILL 33.** Placed on General File - Com AM876.  
AM876

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. There is hereby appropriated \$3,000,000 from  
4 the General Fund for FY2006-07 to the Department of Natural  
5 Resources, for Program 310, to aid in carrying out the provisions  
6 of this legislative bill.  
7 No expenditures for permanent and temporary salaries and  
8 per diems for state employees shall be made from funds appropriated  
9 in this section.
- 10 Sec. 2. (1) The Water Resources Cash Fund is created. The  
11 fund shall be administered by the Department of Natural Resources.  
12 Any money in the fund available for investment shall be invested  
13 by the state investment officer pursuant to the Nebraska Capital  
14 Expansion Act and the Nebraska State Funds Investment Act.
- 15 (2) The State Treasurer shall credit to the fund such  
16 money as is (a) transferred to the fund by the Legislature, (b)  
17 paid to the state as fees, deposits, payments, and repayments  
18 relating to the fund, both principal and interest, (c) donated as  
19 gifts, bequests, or other contributions to such fund from public or  
20 private entities, (d) made available by any department or agency of  
21 the United States if so directed by such department or agency, and  
22 (e) credited to the fund from the excise taxes imposed by section  
23 66-1345.01 beginning January 1, 2013.
- 1 (3) The fund shall be expended by the department to aid  
2 compliance efforts regarding the reduction of consumptive uses of  
3 water in regard to programs dealing with those natural resources

4 districts which are deemed overappropriated by the department  
5 pursuant to section 46-713 or are bound by an interstate compact  
6 or decree. The fund shall not be used to pay for administrative  
7 expenses or any salaries for the department or any political  
8 subdivision.

9 (4) It is the intent of the Legislature that two million  
10 seven hundred thousand dollars be transferred each fiscal year from  
11 the General Fund to the Water Resources Cash Fund for FY2009-10  
12 through FY2018-19.

13 Sec. 3. Section 61-210, Revised Statutes Supplement,  
14 2006, is amended to read:

15 61-210 The Department of Natural Resources Cash Fund  
16 is created. The State Treasurer shall credit to such fund such  
17 money as is specifically appropriated or reappropriated by the  
18 Legislature. The State Treasurer shall also credit such fund with  
19 payments, if any, accepted for services rendered by the department  
20 and fees collected pursuant to subsection (6) of section 46-606  
21 and section 61-209. The funds made available to the Department  
22 of Natural Resources by the United States, through the Natural  
23 Resources Conservation Service of the Department of Agriculture or  
24 through any other agencies, shall be credited to the fund by the  
25 State Treasurer. Any money in the fund available for investment  
26 shall be invested by the state investment officer pursuant to  
27 the Nebraska Capital Expansion Act and the Nebraska State Funds  
1 Investment Act. The Department of Natural Resources shall allocate  
2 money from the fund to pay costs of the programs or activities  
3 of the department. The Director of Administrative Services, upon  
4 receipt of proper vouchers approved by the department, shall issue  
5 warrants on the fund, and the State Treasurer shall countersign  
6 and pay from, but never in excess of, the amounts to the credit  
7 of the fund. ~~The State Treasurer shall transfer any money in the~~  
8 ~~Department of Water Resources Cash Fund and in the Nebraska Natural~~  
9 ~~Resources Commission Cash Fund on July 1, 2000, to the Department~~  
10 ~~of Natural Resources Cash Fund.~~

11 Sec. 4. Section 66-1345, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13 66-1345 (1) There is hereby created the Ethanol  
14 Production Incentive Cash Fund which shall be used by the board  
15 to pay the credits created in section 66-1344 to the extent  
16 provided in this section. Any money in the fund available for  
17 investment shall be invested by the state investment officer  
18 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
19 State Funds Investment Act. The State Treasurer shall transfer to  
20 the Ethanol Production Incentive Cash Fund such money as shall be  
21 (a) appropriated to the Ethanol Production Incentive Cash Fund by  
22 the Legislature, (b) given as gifts, bequests, grants, or other  
23 contributions to the Ethanol Production Incentive Cash Fund from  
24 public or private sources, (c) made available due to failure to  
25 fulfill conditional requirements pursuant to investment agreements

26 entered into prior to April 30, 1992, (d) received as return on  
27 investment of the Ethanol Authority and Development Cash Fund, (e)  
1 credited to the Ethanol Production Incentive Cash Fund from the  
2 excise taxes imposed by section 66-1345.01, and (f) credited to the  
3 Ethanol Production Incentive Cash Fund pursuant to sections 66-489,  
4 ~~66-4,134~~, 66-726, 66-1345.04, and 66-1519.

5 (2) The Department of Revenue shall, at the end of each  
6 calendar month, notify the State Treasurer of the amount of motor  
7 fuel tax that was not collected in the preceding calendar month  
8 due to the credits provided in section 66-1344. The State Treasurer  
9 shall transfer from the Ethanol Production Incentive Cash Fund to  
10 the Highway Trust Fund an amount equal to such credits less the  
11 following amounts:

12 (a) For 1993, 1994, and 1995, the amount generated during  
13 the calendar quarter by a one-cent tax on motor fuel pursuant to  
14 sections 66-489 and 66-6,107;

15 (b) For 1996, the amount generated during the calendar  
16 quarter by a three-quarters-cent tax on motor fuel pursuant to such  
17 sections;

18 (c) For 1997, the amount generated during the calendar  
19 quarter by a one-half-cent tax on motor fuel pursuant to such  
20 sections; and

21 (d) For 1998 and each year thereafter, no reduction.

22 For 1993 through 1997, if the amount generated pursuant  
23 to subdivisions (a), (b), and (c) of this subsection and the  
24 amount transferred pursuant to subsection (1) of this section are  
25 not sufficient to fund the credits provided in section 66-1344,  
26 then the credits shall be funded through the Ethanol Production  
27 Incentive Cash Fund but shall not be funded through either the  
1 Highway Cash Fund or the Highway Trust Fund. For 1998 and each year  
2 thereafter, the credits provided in such section shall be funded  
3 through the Ethanol Production Incentive Cash Fund but shall not be  
4 funded through either the Highway Cash Fund or the Highway Trust  
5 Fund.

6 If, during any month, the amount of money in the Ethanol  
7 Production Incentive Cash Fund is not sufficient to reimburse the  
8 Highway Trust Fund for credits earned pursuant to section 66-1344,  
9 the Department of Revenue shall suspend the transfer of credits by  
10 ethanol producers until such time as additional funds are available  
11 in the Ethanol Production Incentive Cash Fund for transfer to the  
12 Highway Trust Fund. Thereafter, the Department of Revenue shall, at  
13 the end of each month, allow transfer of accumulated credits earned  
14 by each ethanol producer on a prorated basis derived by dividing  
15 the amount in the fund by the aggregate amount of accumulated  
16 credits earned by all ethanol producers.

17 (3) The State Treasurer shall transfer from the Ethanol  
18 Production Incentive Cash Fund to the Management Services Expense  
19 Revolving Fund the amount reported under subsection (4) of section  
20 66-1345.02 for each calendar month of the fiscal year as provided



21 in such subsection.

22 (4) On December 31, 2012, the State Treasurer shall  
23 transfer ~~one half of the unexpended and unobligated funds,~~  
24 ~~including all subsequent investment interest,~~ from the Ethanol  
25 Production Incentive Cash Fund to the ~~Nebraska Corn Development,~~  
26 ~~Utilization, and Marketing Fund and Grain Sorghum Development,~~  
27 ~~Utilization, and Marketing Fund in the same proportion as funds~~  
1 ~~were collected pursuant to section 66-1345.01 from corn and grain~~  
2 ~~sorghum. The Department of Agriculture shall assist the State~~  
3 ~~Treasurer in determining the amounts to be transferred to the~~  
4 ~~funds. The remaining one half of the unexpended and unobligated~~  
5 ~~funds shall be transferred to the General Fund. Water Resources~~  
6 Cash Fund.

7 (5) Whenever the unobligated balance in the Ethanol  
8 Production Incentive Cash Fund exceeds twenty million dollars, the  
9 Department of Revenue shall notify the Department of Agriculture at  
10 which time the Department of Agriculture shall suspend collection  
11 of the excise tax levied pursuant to section 66-1345.01. If, after  
12 suspension of the collection of such excise tax, the balance of  
13 the fund falls below ten million dollars, the Department of Revenue  
14 shall notify the Department of Agriculture which shall resume  
15 collection of the excise tax.

16 (6) On or before December 1, 2003, and each December  
17 1 thereafter, the Department of Revenue and the Nebraska Ethanol  
18 Board shall jointly submit a report to the Legislature which shall  
19 project the anticipated revenue and expenditures from the Ethanol  
20 Production Incentive Cash Fund through the termination of the  
21 ethanol production incentive programs pursuant to section 66-1344.  
22 The initial report shall include a projection of the amount  
23 of ethanol production for which the Department of Revenue has  
24 entered agreements to provide ethanol production credits pursuant  
25 to section 66-1344.01 and any additional ethanol production which  
26 the Department of Revenue and the Nebraska Ethanol Board reasonably  
27 anticipate may qualify for credits pursuant to section 66-1344.

1 Sec. 5. Section 66-1345.01, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3 66-1345.01 An excise tax is levied upon all corn and  
4 grain sorghum sold through commercial channels in Nebraska or  
5 delivered in Nebraska. For any sale or delivery of corn or grain  
6 sorghum occurring on or after July 1, 1995, and before January  
7 1, 2000, the tax is three-fourths cent per bushel for corn and  
8 three-fourths cent per hundredweight for grain sorghum. For any  
9 sale or delivery of corn or grain sorghum occurring on or after  
10 January 1, 2000, and before January 1, 2001, the tax is one-half  
11 cent per bushel for corn and one-half cent per hundredweight for  
12 grain sorghum. For any sale or delivery of corn or grain sorghum  
13 occurring on or after October 1, 2001, and before October 1, 2004,  
14 the tax is one-half cent per bushel for corn and one-half cent per  
15 hundredweight for grain sorghum. For any sale or delivery of corn

16 or grain sorghum occurring on or after October 1, 2004, and before  
 17 October 1, 2005, the tax is three-fourths cent per bushel for  
 18 corn and three-fourths cent per hundredweight for grain sorghum.  
 19 For any sale or delivery of corn or grain sorghum occurring on  
 20 or after October 1, 2005, and before October 1, 2010, the tax is  
 21 seven-eighths cent per bushel for corn and seven-eighths cent per  
 22 hundredweight for grain sorghum. For any sale or delivery of corn  
 23 or grain sorghum occurring on or after October 1, 2012, and before  
 24 October 1, 2019, the tax is one-half cent per bushel for corn and  
 25 one-half cent per hundredweight for grain sorghum. The tax shall  
 26 be in addition to any fee imposed pursuant to sections 2-3623 and  
 27 2-4012.

1 The excise tax shall be imposed at the time of sale or  
 2 delivery and shall be collected by the first purchaser. The tax  
 3 shall be collected, administered, and enforced in conjunction with  
 4 the fees imposed pursuant to sections 2-3623 and 2-4012. The tax  
 5 shall be collected, administered, and enforced by the Department of  
 6 Agriculture. No corn or grain sorghum shall be subject to the tax  
 7 imposed by this section more than once.

8 In the case of a pledge or mortgage of corn or grain  
 9 sorghum as security for a loan under the federal price support  
 10 program, the excise tax shall be deducted from the proceeds of such  
 11 loan at the time the loan is made. If, within the life of the loan  
 12 plus thirty days after the collection of the excise tax for corn  
 13 or grain sorghum that is mortgaged as security for a loan under  
 14 the federal price support program, the grower of the corn or grain  
 15 sorghum so mortgaged decides to purchase the corn or grain sorghum  
 16 and use it as feed, the grower shall be entitled to a refund of  
 17 the excise tax previously paid. The refund shall be payable by the  
 18 department upon the grower's written application for a refund. The  
 19 application shall have attached proof of the tax deducted.

20 The excise tax shall be deducted whether the corn or  
 21 grain sorghum is stored in this or any other state. The excise  
 22 tax shall not apply to the sale of corn or grain sorghum to the  
 23 federal government for ultimate use or consumption by the people  
 24 of the United States when the State of Nebraska is prohibited from  
 25 imposing such tax by the Constitution of the United States and laws  
 26 enacted pursuant thereto.

27 Sec. 6. Section 66-1345.02, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:

2 66-1345.02 (1) The first purchaser, at the time of sale  
 3 or delivery, shall retain the excise tax as provided in section  
 4 66-1345.01 and shall maintain the necessary records of the excise  
 5 tax for each sale or delivery of corn or grain sorghum. Records  
 6 maintained by the first purchaser shall provide (a) the name and  
 7 address of the seller or deliverer, (b) the date of the sale or  
 8 delivery, (c) the number of bushels of corn or hundredweight of  
 9 grain sorghum sold or delivered, and (d) the amount of excise  
 10 tax retained on each sale or delivery. The records shall be open

11 for inspection and audit by authorized representatives of the  
12 Department of Agriculture during normal business hours observed by  
13 the first purchaser.

14 (2) The first purchaser shall render and have on file  
15 with the department by the last day of each January, April, July,  
16 and October on forms prescribed by the department a statement of  
17 the number of bushels of corn and hundredweight of grain sorghum  
18 sold or delivered in Nebraska. At the time the statement is filed,  
19 the first purchaser shall pay and remit to the department the  
20 excise tax.

21 (3) The department shall remit the excise tax collected  
22 to the State Treasurer for credit to the Ethanol Production  
23 Incentive Cash Fund within thirty days after the end of each  
24 quarter through December 31, 2010. Beginning January 1, 2013,  
25 the department shall remit the excise tax collected to the State  
26 Treasurer for credit to the Water Resources Cash Fund within thirty  
27 days after the end of each quarter.

1 (4) The department shall calculate its costs in  
2 collecting and enforcing the excise tax imposed by section  
3 66-1345.01 and shall report such costs to the budget division of  
4 the Department of Administrative Services within thirty days after  
5 the end of the fiscal year. Sufficient funds to cover such costs  
6 shall be transferred from the Ethanol Production Incentive Cash  
7 Fund to the Management Services Expense Revolving Fund at the end  
8 of each calendar month, with such transfers ending December 31,  
9 2010. Beginning January 1, 2013, the department shall calculate its  
10 costs in collecting and enforcing the excise tax imposed by section  
11 66-1345.01 and shall report such costs to the budget division  
12 of the Department of Administrative Services within thirty days  
13 after the end of the fiscal year. Sufficient funds to cover such  
14 costs shall be transferred from the Water Resources Cash Fund to  
15 the Management Services Expense Revolving Fund at the end of each  
16 calendar month. Funds shall be transferred upon the receipt of  
17 a report of costs incurred by the Department of Agriculture for  
18 the previous calendar month by the Department of Administrative  
19 Services.

20 Sec. 7. The State Treasurer shall transfer \$2,700,000  
21 from the General Fund to the Water Resources Cash Fund, on  
22 or before June 30, 2008, on such date as directed by the  
23 budget administrator of the budget division of the Department  
24 of Administrative Services.

25 Sec. 8. The State Treasurer shall transfer \$2,700,000  
26 from the General Fund to the Water Resources Cash Fund, on  
27 or before June 30, 2009, on such date as directed by the  
1 budget administrator of the budget division of the Department  
2 of Administrative Services.

3 Sec. 9. Original sections 61-210, 66-1345, 66-1345.01,  
4 and 66-1345.02, Revised Statutes Cumulative Supplement, 2006, are  
5 repealed.

6 Sec. 10. Since an emergency exists, this act takes effect  
7 when passed and approved according to law.

(Signed) Lavon Heidemann, Chairperson

### **AMENDMENT - Print in Journal**

Senator Louden filed the following amendment to LB 701:  
(Amendment, AM872, is printed separately and available in the Bill Room,  
Room 1104.)

### **NOTICE OF COMMITTEE HEARING** **Natural Resources** Room 1525

Wednesday, April 4, 2007  
LB 701 AM872 (Louden) - Water Legislation

12:00 p.m.

(Signed) LeRoy Louden, Chairperson

### **COMMITTEE REPORT** **Business and Labor**

**LEGISLATIVE BILL 588.** Placed on General File - Com AM862.  
(Amendment is printed separately and available in the Bill Room, Room  
1104.)

(Signed) Abbie Cornett, Chairperson

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Dubas asked unanimous consent to add her name as cointroducer to  
LB 564. No objections. So ordered.

Senators Cornett, Pankonin, and Stuthman asked unanimous consent to add  
their names as cointroducers to LB 565. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Social Work students from across the state;  
Lori Rodriguez, Rachel Blausey, and Jessica Curtis from Chadron; Brandon  
Davis and Jessica Shiveley from Lincoln; 45 fourth-grade students from  
Holy Name Elementary, Omaha; Speaker Flood's family from Fremont; and  
9 twelfth-grade students and teacher from Sutherland.

The Doctor of the Day was Dr. Anthony Montegut from Omaha.

**ADJOURNMENT**

At 4:29 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Friday, March 30, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FIFTH DAY - MARCH 30, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 30, 2007

**PRAYER**

The prayer was offered by Senator Pankonin.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fourth day was approved.

**COMMITTEE REPORT  
Revenue**

**LEGISLATIVE BILL 496.** Placed on General File.

(Signed) Ray Janssen, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 29, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Davis, Tom D.  
Class I's United

Gilpin, Vicki

Nebraska Association of Convention and Visitors Bureaus  
(Withdrawn 03/29/2007)

Moors, H. Jack  
City of Hastings

Mumgaard, D. Milo  
Appleseed Center for Law in the Public Interest, Nebraska  
(Withdrawn 03/27/2007)

Vickers, Tom  
ESU#3 Consortium

### REPORTS

The following reports were received by the Legislature:

#### **Agriculture, Department of**

USDA Bovine Tuberculosis Eradication Uniform Methods and Rules,  
Effective January 1, 2005

Updated version of USDA Bovine Tuberculosis Eradication Uniform  
Methods and Rules, Effective date changes for July 20, 2005, January  
10, 2006, and March 14, 2006

#### **Property Assessment and Taxation, Department of**

2006 Annual Report

#### **Retirement Systems, Public Employees**

Service Report for year ending December 31, 2006

#### **Roads, Department of**

Thirty-Seventh Annual Report of the Board of Examiners for County  
Highway and City Street Superintendents for the Period of January 1,  
2006 to December 31, 2006

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 25.**

A BILL FOR AN ACT relating to rabies; to amend sections 71-4401, 71-4402, 71-4403, 71-4404, 71-4405, 71-4406, 71-4407, 71-4408, 71-4409, 71-4410, and 71-4412, Reissue Revised Statutes of Nebraska; to define and redefine terms; to require vaccination of hybrid animals; to prohibit ownership of hybrid animals as prescribed; to change penalties; to provide for rules and regulations; 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, 41:

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

Voting in the negative, 1:

Kopplin

Present and not voting, 4:

Christensen	Nelson	Stuthman	Wallman
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Excused and not voting, 3:

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

### **LEGISLATIVE BILL 34.**

A BILL FOR AN ACT relating to the Legislature; to create the State-Tribal Relations Committee.

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, 36:

Adams	Dubas	Howard	McGill	Rogert
Aguilar	Engel	Janssen	Nantkes	Synowiecki
Ashford	Erdman	Johnson	Nelson	Wallman
Avery	Fischer	Kopplin	Pahls	White
Carlson	Flood	Kruse	Pankonin	
Christensen	Friend	Langemeier	Pedersen	
Cornett	Hansen	Lathrop	Pirsch	
Dierks	Harms	McDonald	Preister	

Voting in the negative, 6:

Fulton	Heidemann	Stuthman
Gay	Mines	Wightman

Present and not voting, 4:

Burling	Hudkins	Louden	Raikes
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Excused and not voting, 3:

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

### **LEGISLATIVE BILL 67.**

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1629.04, Reissue Revised Statutes of Nebraska; to provide for service of juror summons by first-class mail; 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	Dubas	Heidemann	Louden	Pirsch
Aguilar	Engel	Howard	McDonald	Preister
Ashford	Erdman	Hudkins	McGill	Raikes
Avery	Fischer	Janssen	Mines	Rogert
Burling	Friend	Johnson	Nantkes	Stuthman
Carlson	Fulton	Kopplin	Nelson	Synowiecki
Christensen	Gay	Kruse	Pahls	Wallman
Cornett	Hansen	Langemeier	Pankonin	White
Dierks	Harms	Lathrop	Pedersen	Wightman

Voting in the negative, 1:

Flood

Excused and not voting, 3:

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

### **LEGISLATIVE BILL 106.**

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend

sections 77-4001, 77-4002, 77-4004, 77-4007, 77-4008, 77-4009, 77-4014, 77-4017, 77-4018, 77-4024, and 77-4025, Reissue Revised Statutes of Nebraska; to change the tax on certain tobacco products; to define and redefine terms; to harmonize provisions; to provide an operative date; 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, 30:

Adams	Cornett	Howard	McGill	Preister
Aguilar	Dierks	Hudkins	Mines	Raikes
Ashford	Dubas	Janssen	Nantkes	Rogert
Avery	Engel	Kruse	Pankonin	Stuthman
Burling	Hansen	Louden	Pedersen	Synowiecki
Carlson	Harms	McDonald	Pirsch	White

Voting in the negative, 12:

Christensen	Flood	Gay	Langemeier
Erdman	Friend	Heidemann	Nelson
Fischer	Fulton	Kopplin	Wallman

Present and not voting, 4:

Johnson	Lathrop	Pahls	Wightman
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Excused and not voting, 3:

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

### **LEGISLATIVE BILL 136.**

A BILL FOR AN ACT relating to fund management; to adopt the Nebraska Uniform Prudent Management of Institutional Funds Act; to eliminate the Uniform Management of Institutional Funds Act; and to outright repeal sections 58-601, 58-602, 58-603, 58-604, 58-605, 58-606, 58-607, 58-608, and 58-609, 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, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Pankonin      Rogert

Excused and not voting, 4:

Chambers      Hudkins      Karpisek      Schimek

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

### ANNOUNCEMENT

The Chair announced April 1 is Senator Lathrop's birthday.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 143.**

A BILL FOR AN ACT relating to crimes and offenses; to prohibit government officials from requiring a polygraph examination of a victim of a sex offense as prescribed.

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

Voting in the negative, 0.

Excused and not voting, 4:

Chambers      Hudkins      Karpisek      Schimek

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

**LEGISLATIVE BILL 160.**

A BILL FOR AN ACT relating to fire and rescue departments; to amend section 35-801, Reissue Revised Statutes of Nebraska; to change provisions relating to clothing and equipment and certain donations; 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	Dubas	Harms	Louden	Pirsch
Aguilar	Engel	Heidemann	McDonald	Preister
Ashford	Erdman	Howard	McGill	Raikes
Avery	Fischer	Janssen	Mines	Rogert
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Kopplin	Nelson	Synowiecki
Christensen	Fulton	Kruse	Pahls	Wallman
Cornett	Gay	Langemeier	Pankonin	White
Dierks	Hansen	Lathrop	Pedersen	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Chambers      Hudkins      Karpisek      Schimek

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

**LEGISLATIVE BILL 192.**

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Revised Statutes Cumulative Supplement, 2006; to adopt the Access College Early Scholarship Program Act; to eliminate the Community Scholarship Foundation Program Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 85-2001, 85-2002, 85-2003, 85-2004, 85-2005, 85-2006, 85-2007, 85-2008, 85-2009, and 85-2010, Revised Statutes Cumulative Supplement, 2006.

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

Voting in the negative, 0.

Present and not voting, 1:

Christensen

Excused and not voting, 4:

Chambers      Hudkins      Karpisek      Schimek

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

**LEGISLATIVE BILL 203.**

A BILL FOR AN ACT relating to health care facilities; to amend sections 71-452, 71-453, and 71-6021, Reissue Revised Statutes of Nebraska, and section 71-401, Revised Statutes Cumulative Supplement, 2006; to provide for an informal conference process; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 223 with 38 ayes, 2 nays, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 223.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-375, 77-3,112, 77-2701.35, 77-2703.04, 77-2712.03, 77-2790, 77-27,131, 77-27,190, 77-27,192, 77-3102, 77-3903, 77-3904, 77-4105, 77-4110, 77-4933, and 77-5542, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, 77-2703, 77-2711, 77-2712.05, 77-2753, 77-2756, 77-27,187.01, 77-27,187.02, 77-27,188, 77-27,189, 77-5715, 77-5725, 77-5803, and 77-5904, Revised Statutes Cumulative Supplement, 2006; to change and eliminate sales and use tax provisions; to change provisions relating to the streamlined sales and use tax agreement; to change tax incentive and reporting requirements laws; to change provisions relating to the Tax Commissioner, disclosure of tax information to the Auditor of Public Accounts, withholding, deficiencies, security, nonresident contractors, and liens; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 77-2703.02, Revised Statutes Cumulative Supplement, 2006.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Karpisek      McGill      Schimek

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 255.** With Emergency.

A BILL FOR AN ACT relating to labor; to amend sections 48-1228, 48-1229, 48-1230, and 48-1232, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Wage Payment and Collection Act; to redefine terms; to provide for unpaid wages constituting commissions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:



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

Voting in the negative, 0.

Present and not voting, 1:

Pankonin

Excused and not voting, 1:

Schimek

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 286 with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 286.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-114, 60-308, 60-324, 60-355, 60-356, 60-378, 60-385, 60-387, 60-3,104, 60-3,118, 60-3,128, 60-3,142, 60-3,145, 60-3,147, and 60-3,150, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Motor Vehicle Certificate of Title Act and the Motor Vehicle Registration Act; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Schimek

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 292.**

A BILL FOR AN ACT relating to public health and welfare; to amend sections 68-104 and 68-1803, Revised Statutes Cumulative Supplement, 2006; to authorize transfers of public assistance funds from counties to the state as prescribed; to change the rate of tax on intermediate care facilities for the mentally retarded; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Schimek

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

**LEGISLATIVE BILL 292A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 292, 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Schimek

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

**LEGISLATIVE BILL 349.**

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-301, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to trailers; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Louden            Pedersen

Excused and not voting, 1:

Schimek

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

**LEGISLATIVE BILL 374.** With Emergency.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5667, Reissue Revised Statutes of Nebraska, and section 71-5666, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to student loans; to harmonize provisions; to provide an operative date; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Harms

Excused and not voting, 1:

Schimek

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 389.** With Emergency.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to job application materials; to repeal the original section; 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	Dubas	Heidemann	Louden	Raikes
Aguilar	Engel	Howard	McDonald	Rogert
Ashford	Erdman	Hudkins	McGill	Stuthman
Avery	Fischer	Janssen	Mines	Wallman
Burling	Flood	Johnson	Nantkes	White
Carlson	Friend	Karpisek	Pahls	Wightman
Chambers	Fulton	Kopplin	Pankonin	
Christensen	Gay	Kruse	Pedersen	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Present and not voting, 2:

Nelson            Synowiecki

Excused and not voting, 1:

Schimek

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 464.**

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 28-915.01 and 49-14,133, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-14,123, and 49-14,126, Revised Statutes Cumulative Supplement, 2006; to change enforcement provisions relating to the Campaign Finance Limitation Act and the Nebraska Political Accountability and Disclosure 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, 46:

Adams	Engel	Howard	McGill	Rogert
Ashford	Erdman	Hudkins	Mines	Stuthman
Avery	Fischer	Janssen	Nantkes	Synowiecki
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	Louden	Preister	
Dubas	Heidemann	McDonald	Raikes	

Voting in the negative, 1:

Lathrop

Present and not voting, 1:

Aguilar

Excused and not voting, 1:

Schimek

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

**LEGISLATIVE BILL 497.** With Emergency.

A BILL FOR AN ACT relating to labor and employment; to adopt the Family Military Leave Act; 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	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Schimek

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 568.** With Emergency.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,160, Revised Statutes Cumulative Supplement, 2006; to extend a scrap tire grant program; to repeal the original section; 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	Raikes
Aguilar	Erdman	Hudkins	McGill	Rogert
Ashford	Fischer	Janssen	Mines	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

Schimek

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 638 with 38 ayes, 3 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 638.**

A BILL FOR AN ACT relating to gambling; to amend sections 9-239, 9-266, 9-356, 9-424, 9-833, and 9-835, Reissue Revised Statutes of Nebraska, and sections 9-1,101, 9-232.01, 9-232.02, 9-233, 9-241.03, 9-255.06, 9-328, 9-329, 9-329.02, 9-425, 9-803, 9-812, and 77-366, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to bingo, lotteries, raffles, and the State Lottery Act; to provide for enforcement relating to possession of gambling devices; to harmonize provisions; to repeal the original sections; and to outright repeal sections 9-236 and 9-322.03, 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, 39:

Adams	Dubas	Hudkins	Louden	Preister
Aguilar	Engel	Janssen	McDonald	Raikes
Ashford	Fischer	Johnson	McGill	Rogert
Avery	Flood	Karpisek	Mines	Stuthman
Carlson	Friend	Kopplin	Nantkes	Synowiecki
Christensen	Harms	Kruse	Pahls	White
Cornett	Heidemann	Langemeier	Pankonin	Wightman
Dierks	Howard	Lathrop	Pedersen	

Voting in the negative, 8:

Burling	Erdman	Hansen	Pirsch
Chambers	Gay	Nelson	Wallman



Present and not voting, 1:

Fulton

Excused and not voting, 1:

Schimek

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 661 with 39 ayes, 4 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 661.** With Emergency.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-125, 86-140, 86-313, 86-316, 86-318, 86-322, 86-323, 86-420, 86-422, 86-433, 86-434, 86-435, 86-436, 86-442, 86-443, 86-456, 86-457, 86-459, and 86-461, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to registration of communications providers, access charges, surcharges, the Telecommunications Relay System Act, the Nebraska Telecommunications Universal Service Fund Act, the Emergency Telephone Communications Systems Act, the Enhanced Wireless 911 Services Act, and the Enhanced Wireless 911 Advisory Board; to define and redefine terms; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 86-427, 86-443.01, and 86-450.01, 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Schimek

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 681.**

A BILL FOR AN ACT relating to motor vehicle dealers; to amend section 60-1411.01, Reissue Revised Statutes of Nebraska, and section 60-1419, Revised Statutes Cumulative Supplement, 2006; to increase licensing fees and a bond; 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, 43:

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

Voting in the negative, 2:

Stuthman      Wallman

Present and not voting, 3:

Lathrop          Nantkes          White

Excused and not voting, 1:

Schimek

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

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 25, 34, 67, 106, 136, 143, 160, 192, 203, 223, 255, 286, 292, 292A, 349, 374, 389, 464, 497, 568, 638, 661, and 681.

### **SENATOR LANGEMEIER PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 457.** Senator Chambers withdrew his motion, found on page 981, to bracket until May 15, 2007.

Senator Flood withdrew his amendment, AM792, found on page 981.

Advanced to E & R for review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 415.** Title read. Considered.

Committee AM624, found on page 871, was considered.

Pending.

### **MOTION - Print in Journal**

Senator Erdman filed the following motion to LB 53:  
Bracket LB 53.

### **COMMITTEE REPORTS**

#### **Judiciary**

The Judiciary 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.

Robert L. Boozer - Board of Parole

VOTE: Aye: Senators Ashford, Lathrop, Chambers, McDonald, McGill,

Pedersen, Pirsch. Nay: None. Absent: Senator Schimek.

The Judiciary 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.

Joe Kelly - Community Corrections Council  
 Kermit Brashear - Community Corrections Council  
 Catherine Cook - Community Corrections Council  
 Jeffrey Davis - Community Corrections Council  
 Thomas Dorwart - Community Corrections Council  
 Julie Hippen - Community Corrections Council  
 Robert Lindemeier - Community Corrections Council

VOTE: Aye: Senators Ashford, Chambers, Lathrop, McDonald, McGill, Pedersen, Pirsch. Nay: None. Absent: Senator Schimek.

The Judiciary 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.

James Riskowski - Crime Victim's Reparations Committee  
 Scott Arnold - Crime Victim's Reparations Committee

VOTE: Aye: Senators Ashford, Chambers, Lathrop, McDonald, McGill, Pedersen, Pirsch. Nay: None. Absent: Senator Schimek.

**LEGISLATIVE BILL 112.** Placed on General File.  
**LEGISLATIVE BILL 214.** Placed on General File.  
**LEGISLATIVE BILL 260.** Placed on General File.  
**LEGISLATIVE BILL 280.** Placed on General File.  
**LEGISLATIVE BILL 424.** Placed on General File.

(Signed) Brad Ashford, Chairperson

### **CORRECTED COMMITTEE REPORT Enrollment and Review**

**LEGISLATIVE BILL 405.** Corrected E & R amendment:  
 ER8059

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 14-201, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 14-201 In any city of the metropolitan class, ~~seven-nine~~
- 6 council members shall be elected to the city council as provided
- 7 in section 32-536. The general city election for the election of
- 8 elective officers of cities of the metropolitan class shall be held
- 9 on the first Tuesday after the second Monday in May 1993 and every

10 four years thereafter. The terms of office of such council members  
11 shall commence on the fourth Monday after such election, except  
12 that the initial terms of office after the effective date of this  
13 act of the eighth and ninth council members shall commence upon  
14 their appointment as provided in section 32-536.

15 Sec. 2. Section 14-201.03, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17 14-201.03 ~~The election commissioner in any county in~~  
18 ~~which is situated a city of the metropolitan class shall divide the~~  
19 ~~city into seven city council districts of compact and contiguous~~  
20 ~~territory. Such districts shall be numbered consecutively from one~~  
21 ~~to seven. One council member shall be elected from each district.~~  
1 ~~The city council shall be responsible for redrawing the city~~  
2 ~~council district boundaries pursuant to section 32-553.~~

3 Within ninety days after the effective date of this act,  
4 the city council of a city of the metropolitan class shall divide  
5 the city into nine city council districts of compact and contiguous  
6 territory. Such districts shall be numbered consecutively from one  
7 to nine. One council member shall be elected from each district  
8 except as provided in section 32-536. The city council shall be  
9 responsible for redrawing the city council district boundaries  
10 pursuant to section 32-553.

11 Sec. 3. Section 32-536, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 32-536 (1) In a city of the metropolitan class in  
14 existence on the effective date of this act, seven council members  
15 shall be elected to the city council for terms of four years at  
16 the general city election in 1993 pursuant to section 14-201. One  
17 Within ninety days after the effective date of this act, an eighth  
18 and a ninth council member shall be appointed by a majority vote  
19 of the council members serving on such date and shall serve until  
20 their successors are elected at the general city election in May  
21 2009 and qualified.

22 (2) In any city of the metropolitan class which becomes  
23 a city of such class on or after the effective date of this act,  
24 nine council members shall be elected to the city council pursuant  
25 to section 14-201 for terms of four years at the first general city  
26 election after such city becomes a city of the metropolitan class  
27 and each four years thereafter.

1 (3) In each city of the metropolitan class, one council  
2 member shall be nominated and elected from each of the districts  
3 into which the city is divided pursuant to section 14-201.03. The  
4 council members shall meet the qualifications found in sections  
5 14-204 and 14-230.

6 Sec. 4. Original sections 14-201 and 32-536, Reissue  
7 Revised Statutes of Nebraska, and section 14-201.03, Revised  
8 Statutes Cumulative Supplement, 2006, are repealed.

(Signed) Amanda McGill, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 30, 2007, at 10:50 a.m. were the following: LBs 25, 34, 67, 106, 136, 143, 160, 192, 203, 223, 255e, 286, 292, 292A, 349, 374e, 389e, 464, 497e, 568e, 638, 661e, and 681.

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

**AMENDMENT - Print in Journal**

Senator Johnson filed the following amendment to LB 236:  
AM848

(Amendments to Standing Committee amendments, AM670)

- 1 1. Strike sections 4 and 6 and insert the following new
- 2 section:
- 3 Sec. 5. Section 71-415, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-415 Health care service means an adult day service, a
- 6 home health agency, a hospice or hospice service, or a respite care
- 7 service. Health care service does not include an in-home personal
- 8 services agency as defined in section 1 of this act.
- 9 2. On page 1, line 3, strike "5" and insert "4"; in line
- 10 6 after "means" insert "services provided to nonmedically fragile
- 11 persons, including"; in line 10 strike "escort services."; in line
- 12 16 after the second "services" insert "that do not require the
- 13 exercise of medical or nursing judgment"; and in line 23 after
- 14 "department" insert "as defined in section 71-1626".
- 15 3. On page 2, line 2, strike "a nurse aide registry."; in
- 16 line 4 after the comma insert "an unlicensed home care registry or
- 17 similar entity that screens and schedules independent contractors
- 18 as caregivers for persons."; and in line 27 after "employ" insert
- 19 "or contract with".
- 20 4. On page 3, line 18, strike "4" and insert "3"; in line
- 21 19 strike "or prohibit"; and in lines 20 and 21 strike "and do not
- 22 apply" and insert "or".
- 1 5. On page 4, line 27, strike "71-6615" and insert
- 2 "71-415".
- 3 6. Renumber the remaining sections accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 415.** Committee AM624, found on page 871 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Senator Erdman offered the following amendment:

AM895

- 1 1. Strike original sections 1 to 3, 6, and 7.
- 2 2. On page 6, strike lines 24 and 25.
- 3 3. On page 7, strike line 1.
- 4 4. Renumber the remaining sections and correct the
- 5 repealer accordingly.

Senator Erdman withdrew his amendment.

Advanced to E & R for review with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 415A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 5 nays, 13 present and not voting, and 6 excused and not voting.

### COMMITTEE REPORT Judiciary

**LEGISLATIVE BILL 564.** Placed on General File - Com AM879.  
AM879

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 13-910, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 13-910 The Political Subdivisions Tort Claims Act and
- 6 sections 16-727, 16-728, 23-175, 39-809, and 79-610 shall not apply
- 7 to:
- 8 (1) Any claim based upon an act or omission of an
- 9 employee of a political subdivision, exercising due care, in
- 10 the execution of a statute, ordinance, or officially adopted
- 11 resolution, rule, or regulation, whether or not such statute,
- 12 ordinance, resolution, rule, or regulation is valid;
- 13 (2) Any claim based upon the exercise or performance of
- 14 or the failure to exercise or perform a discretionary function or
- 15 duty on the part of the political subdivision or an employee of the
- 16 political subdivision, whether or not the discretion is abused;
- 17 (3) Any claim based upon the failure to make an
- 18 inspection or making an inadequate or negligent inspection of
- 19 any property other than property owned by or leased to such
- 20 political subdivision to determine whether the property complies
- 21 with or violates any statute, ordinance, rule, or regulation or
- 22 contains a hazard to public health or safety unless the political
- 23 subdivision had reasonable notice of such hazard or the failure
- 1 to inspect or inadequate or negligent inspection constitutes a
- 2 reckless disregard for public health or safety;
- 3 (4) Any claim based upon the issuance, denial,
- 4 suspension, or revocation of or failure or refusal to issue,























**FIFTY-SIXTH DAY - APRIL 2, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 2, 2007

**PRAYER**

The prayer was offered by Pastor Peggy Michael-Rush, First United Church of Gibbon, Gibbon.

**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 Senators Cornett and White who were excused; and Senators Aguilar, Ashford, Flood, Friend, Lathrop, Loudon, McDonald, McGill, Pedersen, Pirsch, Raikes, and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fifth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 232.** Placed on Select File - ER8060.  
ER8060

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 81-12,126, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 81-12,126 The purpose of the Building Entrepreneurial
- 6 Communities Act is to support economically depressed rural areas
- 7 of Nebraska in building entrepreneurial communities through grants
- 8 that will create community capacity to build and sustain programs
- 9 to generate and retain wealth in the community and region.
- 10 Specifically, the act will:
- 11 (1) Provide education and technical assistance to
- 12 energize small business development and entrepreneurship;
- 13 (2) Provide technical assistance to facilitate small

14 business transfer;

15 (3) Build community business capacity and leadership  
16 programs;

17 (4) Generate opportunities that will attract and retain  
18 young people and families;

19 (5) Provide education about philanthropy and  
20 intergenerational transfer of wealth; ~~and~~

21 (6) Build community endowments to support these  
22 activities; ~~and -~~

23 (7) Establish community initiatives to attract new  
1 residents.

2 Sec. 2. Section 81-12,127, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4 81-12,127 (1) The Department of Economic Development,  
5 with assistance provided by the Rural Development Commission, shall  
6 establish and administer a grant process to provide grants to  
7 ~~two or more municipalities, counties, unincorporated areas within~~  
8 ~~a county, local units of government~~ or census tracts that are  
9 collaborating on a project related to the purpose of the Building  
10 Entrepreneurial Communities Act with priority given to projects  
11 that best alleviate chronic economic distress. At least one of the  
12 collaborating ~~municipalities, counties, unincorporated areas within~~  
13 ~~a county, local units of government~~ or census tracts shall have  
14 chronic economic distress as indicated by:

15 (a) An unemployment rate which exceeds the statewide  
16 average unemployment rate;

17 (b) A per capita income below the statewide average per  
18 capita income; or

19 (c) A population loss between the two most recent federal  
20 decennial censuses.

21 (2) Grants shall not exceed seventy-five thousand dollars  
22 per collaborative project. Grant recipients shall have two years  
23 to expend the grant funds. No ~~municipality or county local unit of~~  
24 ~~government~~ shall receive funding for more than one project. Grant  
25 recipients shall provide fifty cents of matching funds in cash for  
26 each dollar of grant funds, except that in limited resource areas  
27 the cash match requirement is twenty-five percent of grant funds.

1 ~~a dollar for dollar match in money for grant funds.~~ Grants shall  
2 be awarded directly to one of the ~~municipalities or counties local~~  
3 ~~units of government~~ representing the collaborative project. The  
4 department shall act as the fiduciary agent for the grants.

5 (3) Planning grants may be awarded to limited resource  
6 areas in amounts not exceeding five thousand dollars for the  
7 purpose of establishing collaborations and developing proposals for  
8 submission under this section. There is no match requirement for  
9 planning grants.

10 (4) For purposes of this section, limited resource areas  
11 means areas that meet at least one of the following criteria:

12 (a) A per capita income below the statewide average per

13 capita income by at least twenty percent; or  
 14 (b) A population loss in the previous twenty years of at  
 15 least twenty percent.  
 16 Sec. 3. Original sections 81-12,126 and 81-12,127,  
 17 Revised Statutes Cumulative Supplement, 2006, are repealed.  
 18 2. On page 1, line 3, after the semicolon insert "to  
 19 provide for community initiatives to attract new residents and  
 20 for planning grants;"; and in line 4 after the first "to" insert  
 21 "recipients of grants and".

**LEGISLATIVE BILL 502.** Placed on Select File - ER8061.  
 ER8061

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 77-2004, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 77-2004 In the case of a father, mother, grandfather,  
 6 grandmother, brother, sister, son, daughter, child or children  
 7 legally adopted as such in conformity with the laws of the state  
 8 where adopted, any lineal descendant, any lineal descendant legally  
 9 adopted as such in conformity with the laws of the state where  
 10 adopted, any person to whom the deceased for not less than ten  
 11 years prior to death stood in the acknowledged relation of a  
 12 parent, or the spouse or surviving spouse of any such persons, the  
 13 rate of tax shall be one percent of the clear market value of the  
 14 property in excess of ~~ten-forty~~ thousand dollars received by each  
 15 person. Any interest in property, including any interest acquired  
 16 in the manner set forth in section 77-2002, which may be valued at  
 17 a sum less than ~~ten-forty~~ thousand dollars shall not be subject  
 18 to tax. In addition the homestead allowance, exempt property, and  
 19 family maintenance allowance shall not be subject to tax. Interests  
 20 passing to the surviving spouse by will, in the manner set forth  
 21 in section 77-2002, or in any other manner shall not be subject to  
 22 tax.  
 23 Sec. 2. Section 77-2005, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:  
 2 77-2005 In the case of an uncle, aunt, niece, or nephew  
 3 related to the deceased by blood or legal adoption, or other lineal  
 4 descendant of the same, or the spouse or surviving spouse of any  
 5 of such persons, the rate of tax shall be ~~six-thirteen~~ percent of  
 6 the clear market value of the property received by each person in  
 7 excess of ~~two-fifteen~~ thousand dollars. If the clear market value  
 8 of the beneficial interest is fifteen thousand dollars or less,  
 9 it shall not be subject to tax, and not exceeding sixty thousand  
 10 dollars; and on all the excess over sixty thousand dollars, the  
 11 rate of tax shall be nine percent.  
 12 Sec. 3. Section 77-2006, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:  
 14 77-2006 In all other cases the rate of tax shall be

15 eighteen percent on the clear market value of the beneficial  
 16 interests in excess of ten thousand dollars. shall be as follows:  
 17 ~~(1) For any amount not exceeding five thousand dollars, six~~  
 18 ~~percent; (2) on all the excess of beneficial interests over five~~  
 19 ~~thousand dollars and not exceeding ten thousand dollars, nine~~  
 20 ~~percent; (3) on all the excess of beneficial interests over ten~~  
 21 ~~thousand dollars and not exceeding twenty thousand dollars, twelve~~  
 22 ~~percent; (4) on all the excess of beneficial interests over twenty~~  
 23 ~~thousand dollars and not exceeding fifty thousand dollars, fifteen~~  
 24 ~~percent; and (5) on all the excess of beneficial interests over~~  
 25 ~~fifty thousand dollars, eighteen percent.~~ Such rates of tax shall  
 26 be applied to the clear market value of the beneficial interests  
 27 in excess of ~~five hundred ten thousand~~ dollars received by each  
 1 person. If the clear market value of the beneficial interest is  
 2 ~~five hundred ten thousand~~ dollars or less, it shall not be subject  
 3 to any tax.

4 Sec. 4. Section 77-2010, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6 77-2010 All taxes imposed by sections 77-2001 to 77-2037,  
 7 unless otherwise herein provided for, shall be due and payable  
 8 twelve months after the date of the death of the decedent, and  
 9 interest at the rate specified in section 45-104.01, as such rate  
 10 may from time to time be adjusted by the Legislature, shall be  
 11 charged and collected on any unpaid taxes due from the date the  
 12 same became payable, and in all cases where in which the personal  
 13 representatives or trustees do not pay such tax within twelve  
 14 months from the death of the decedent, they shall be required to  
 15 give bond in the form and to the effect prescribed in section  
 16 77-2009 for the payment of the tax together with interest. In  
 17 addition, for failure to file an appropriate proceeding for the  
 18 determination of the tax within twelve months after the date of  
 19 the death of the decedent there shall be added to the amount due  
 20 a penalty of five percent per month, up to a maximum penalty of  
 21 twenty-five percent of the unpaid taxes due.

22 Sec. 5. Section 77-2040, Reissue Revised Statutes of  
 23 Nebraska, is amended to read:

24 77-2040 Sections 77-2002 to 77-2004 and 77-2102 shall  
 25 become operative on December 31, 1982, and shall apply to all  
 26 property which passes from a decedent dying after such date.  
 27 Sections 77-2001, 77-2032, and 77-2106 shall become operative on  
 1 July 17, 1982. The changes made in sections 77-2004 to 77-2006 by  
 2 this legislative bill apply to all property which passes from a  
 3 decedent dying on or after January 1, 2008. The changes made to  
 4 section 77-2010 by this legislative bill apply to decedents dying  
 5 on or after January 1, 2008.

6 Sec. 6. Original sections 77-2004, 77-2005, 77-2006,  
 7 77-2010, and 77-2040, Reissue Revised Statutes of Nebraska, are  
 8 repealed.

9 2. On page 1, line 2, after the third comma insert  
10 "77-2010,"; and in line 3 strike "rates" and insert "provisions".

**LEGISLATIVE BILL 343.** Placed on Select File - ER8062.  
ER8062

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 77-2701, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and
- 6 77-27,228 to 77-27,235 and section 2 of this act shall be known and
- 7 may be cited as the Nebraska Revenue Act of 1967.
- 8 Sec. 2. (1) A taxpayer who makes an investment prior
- 9 to January 1, 2015, in a biodiesel facility shall receive a
- 10 nonrefundable income tax credit as provided in this section.
- 11 (2) The credit provided in subsection (1) of this section
- 12 is thirty percent of the amount invested by the taxpayer in
- 13 a biodiesel facility during the first taxable year in which
- 14 the biodiesel facility produces B100 subject to the following
- 15 conditions:
- 16 (a) A taxpayer may claim no more than fifty percent
- 17 of the credit attributable to qualified investments in a single
- 18 taxable year, and the amount of the credit allowed under this
- 19 section for any taxable year may not exceed fifty percent of the
- 20 taxpayer's tax liability;
- 21 (b) Any amount of credit not allowed because of the
- 22 limitations in this section may be carried forward for up
- 23 to fifteen taxable years after the taxable year in which the
- 1 investment was made. The aggregate maximum income tax credit a
- 2 taxpayer may obtain is two hundred fifty thousand dollars;
- 3 (c) The investment shall be at risk in the biodiesel
- 4 facility. The investment shall be in the form of a purchase of an
- 5 ownership interest or the right to receive payment of dividends
- 6 from the biodiesel facility and shall remain in the business for at
- 7 least three years. The Tax Commissioner may recapture any credits
- 8 used if the investment does not remain invested for the three-year
- 9 period. An investment placed in escrow does not qualify under this
- 10 subdivision;
- 11 (d) The entire amount of the investment shall be expended
- 12 by the biodiesel facility for plant, equipment, research and
- 13 development, marketing and sales activity, or working capital;
- 14 (e) A partnership, a subchapter S corporation, a limited
- 15 liability company that for tax purposes is treated like a
- 16 partnership, a cooperative, including a cooperative exempt under
- 17 section 521 of the Internal Revenue Code of 1986, as amended,
- 18 or any other pass-through entity that invests in a biodiesel
- 19 facility shall be considered to be the taxpayer for purposes
- 20 of the credit limitations. Except for the limitation under
- 21 subdivision (2)(a) of this section, the amount of the credit

22 allowed to a pass-through entity shall be determined at the  
 23 partnership, corporate, cooperative, or other organizational level.  
 24 The amount of the credit determined at the partnership, corporate,  
 25 cooperative, or other organizational level shall be allowed to  
 26 the partners, members, or other owners in proportion to their  
 27 respective ownership interests in the pass-through entity;

1 (f) The credit shall be given only if the biodiesel  
 2 facility produces B100, all processing takes place at a biodiesel  
 3 facility in Nebraska, and at least fifty-one percent of the  
 4 ownership interest of the biodiesel facility is held by Nebraska  
 5 individuals or entities; and

6 (g) The biodiesel facility shall provide the Department  
 7 of Revenue written evidence substantiating that the biodiesel  
 8 facility has received the requisite authority from the Department  
 9 of Environmental Quality and from the United States Department  
 10 of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.  
 11 The biodiesel facility shall annually provide an analysis to the  
 12 Department of Revenue of samples of the product collected according  
 13 to procedures specified by the department. The analysis shall be  
 14 prepared by an independent laboratory meeting standards of the  
 15 International Organization for Standardization. Prior to collecting  
 16 the samples, the biodiesel facility shall notify the department  
 17 which may observe the sampling procedures utilized by the biodiesel  
 18 facility to obtain the samples to be submitted for independent  
 19 analysis.

20 (3) Any biodiesel facility for which credits are granted  
 21 shall, whenever possible, employ workers who are residents of the  
 22 State of Nebraska.

23 (4) Trade secrets, academic and scientific research work,  
 24 and other proprietary or commercial information which may be  
 25 filed with the Tax Commissioner shall not be considered to be  
 26 public records as defined in section 84-712.01 if the release  
 27 of such trade secrets, work, or information would give advantage  
 1 to business competitors and serve no public purpose. Any person  
 2 seeking release of the trade secrets, work, or information as  
 3 a public record shall demonstrate to the satisfaction of the  
 4 department that the release would not violate this section.

5 (5) For purposes of this section:

6 (a) Biodiesel facility means a plant or facility related  
 7 to the processing, marketing, or distribution of biodiesel; and

8 (b) B100 means pure biodiesel containing mono-alkyl  
 9 esters of long chain fatty acids derived from vegetable oils  
 10 or animal fats, designated as B100, and meeting the American  
 11 Society for Testing and Materials standard, ASTM D6751.

12 Sec. 3. Section 77-2715.07, Revised Statutes Cumulative  
 13 Supplement, 2006, is amended to read:

14 77-2715.07 (1) There shall be allowed to qualified  
 15 resident individuals as a nonrefundable credit against the income  
 16 tax imposed by the Nebraska Revenue Act of 1967:

17 (a) A credit equal to the federal credit allowed under  
18 section 22 of the Internal Revenue Code; and

19 (b) A credit for taxes paid to another state as provided  
20 in section 77-2730.

21 (2) There shall be allowed to qualified resident  
22 individuals against the income tax imposed by the Nebraska Revenue  
23 Act of 1967:

24 (a) For returns filed reporting federal adjusted  
25 gross incomes of greater than twenty-nine thousand dollars, a  
26 nonrefundable credit equal to twenty-five percent of the federal  
27 credit allowed under section 21 of the Internal Revenue Code of  
1 1986, as amended;

2 (b) For returns filed reporting federal adjusted gross  
3 income of twenty-nine thousand dollars or less, a refundable credit  
4 equal to a percentage of the federal credit allowable under section  
5 21 of the Internal Revenue Code of 1986, as amended, whether or  
6 not the federal credit was limited by the federal tax liability.  
7 The percentage of the federal credit shall be one hundred percent  
8 for incomes not greater than twenty-two thousand dollars, and  
9 the percentage shall be reduced by ten percent for each one  
10 thousand dollars, or fraction thereof, by which the reported  
11 federal adjusted gross income exceeds twenty-two thousand dollars;

12 (c) A refundable credit for individuals who qualify for  
13 an income tax credit as an owner of agricultural assets under the  
14 Beginning Farmer Tax Credit Act for all taxable years beginning or  
15 deemed to begin on or after January 1, 2001, under the Internal  
16 Revenue Code of 1986, as amended; and a refundable credit as  
17 provided in section 77-5209.01 for individuals who qualify for an  
18 income tax credit as a qualified beginning farmer or livestock  
19 producer under the Beginning Farmer Tax Credit Act for all taxable  
20 years beginning or deemed to begin on or after January 1, 2006,  
21 under the Internal Revenue Code of 1986, as amended;

22 (d) A refundable credit for individuals who qualify for  
23 an income tax credit under the Nebraska Advantage Microenterprise  
24 Tax Credit Act or the Nebraska Advantage Research and Development  
25 Act; and

26 (e) A refundable credit equal to eight percent of the  
27 federal credit allowed under section 32 of the Internal Revenue  
1 Code of 1986, as amended.

2 (3) There shall be allowed to all individuals as a  
3 nonrefundable credit against the income tax imposed by the Nebraska  
4 Revenue Act of 1967:

5 (a) A credit for personal exemptions allowed under  
6 section 77-2716.01; ~~and~~

7 (b) A credit for contributions to certified community  
8 betterment programs as provided in the Community Development  
9 Assistance Act. Each partner, each shareholder of an electing  
10 subchapter S corporation, each beneficiary of an estate or trust,  
11 or each member of a limited liability company shall report his or

12 her share of the credit in the same manner and proportion as he  
13 or she reports the partnership, subchapter S corporation, estate,  
14 trust, or limited liability company income; and -

15 (c) A credit for investment in a biodiesel facility as  
16 provided in section 2 of this act.

17 (4) There shall be allowed as a credit against the income  
18 tax imposed by the Nebraska Revenue Act of 1967:

19 (a) A credit to all resident estates and trusts for taxes  
20 paid to another state as provided in section 77-2730; and

21 (b) A credit to all estates and trusts for contributions  
22 to certified community betterment programs as provided in the  
23 Community Development Assistance Act.

24 (5) There shall be allowed to all business firms as a  
25 credit against the income tax imposed by the Nebraska Revenue Act  
26 of 1967 a credit as provided in section 77-27,222.

27 Sec. 4. Section 77-2734.03, Revised Statutes Cumulative  
1 Supplement, 2006, is amended to read:

2 77-2734.03 (1)(a) For taxable years commencing prior to  
3 January 1, 1997, any (i) insurer paying a tax on premiums and  
4 assessments pursuant to section 77-908 or 81-523, (ii) electric  
5 cooperative organized under the Joint Public Power Authority Act,  
6 or (iii) credit union shall be credited, in the computation of  
7 the tax due under the Nebraska Revenue Act of 1967, with the  
8 amount paid during the taxable year as taxes on such premiums and  
9 assessments and taxes in lieu of intangible tax.

10 (b) For taxable years commencing on or after January 1,  
11 1997, any insurer paying a tax on premiums and assessments pursuant  
12 to section 77-908 or 81-523, any electric cooperative organized  
13 under the Joint Public Power Authority Act, or any credit union  
14 shall be credited, in the computation of the tax due under the  
15 Nebraska Revenue Act of 1967, with the amount paid during the  
16 taxable year as (i) taxes on such premiums and assessments included  
17 as Nebraska premiums and assessments under section 77-2734.05 and  
18 (ii) taxes in lieu of intangible tax.

19 (c) For taxable years commencing or deemed to commence  
20 prior to, on, or after January 1, 1998, any insurer paying a tax on  
21 premiums and assessments pursuant to section 77-908 or 81-523 shall  
22 be credited, in the computation of the tax due under the Nebraska  
23 Revenue Act of 1967, with the amount paid during the taxable year  
24 as assessments allowed as an offset against premium and related  
25 retaliatory tax liability pursuant to section 44-4233.

26 (2) There shall be allowed to corporate taxpayers a  
27 tax credit for contributions to community betterment programs as  
1 provided in the Community Development Assistance Act.

2 (3) There shall be allowed to corporate taxpayers a  
3 refundable income tax credit under the Beginning Farmer Tax Credit  
4 Act for all taxable years beginning or deemed to begin on or  
5 after January 1, 2001, under the Internal Revenue Code of 1986, as  
6 amended.



7 (4) There shall be allowed to corporate taxpayers a tax  
8 credit as provided in section 77-27,222.

9 (5) The changes made to this section by Laws 2004, LB  
10 983, apply to motor fuels purchased during any tax year ending  
11 or deemed to end on or after January 1, 2005, under the Internal  
12 Revenue Code of 1986, as amended.

13 (6) There shall be allowed to corporate taxpayers  
14 refundable income tax credits under the Nebraska Advantage  
15 Microenterprise Tax Credit Act and the Nebraska Advantage Research  
16 and Development Act.

17 (7) There shall be allowed to corporate taxpayers a  
18 nonrefundable income tax credit for investment in a biodiesel  
19 facility as provided in section 2 of this act.

20 Sec. 5. This act becomes operative for taxable years  
21 beginning or deemed to begin on or after January 1, 2007, under the  
22 Internal Revenue Code of 1986, as amended.

23 Sec. 6. Original sections 77-2701, 77-2715.07, and  
24 77-2734.03, Revised Statutes Cumulative Supplement, 2006, are  
25 repealed.

**LEGISLATIVE BILL 343A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### **COMMITTEE REPORT** **Agriculture**

**LEGISLATIVE BILL 435.** Placed on General File - Com AM854.  
AM854

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

3 Section 1. Section 2-108, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 2-108 The Nebraska State Fair Support and Improvement  
6 Cash Fund is created. The fund shall be maintained in the state  
7 accounting system as a cash fund. The State Treasurer shall  
8 credit to the fund the disbursement of state lottery proceeds  
9 designated for the ~~state fair~~ Nebraska State Fair and matching  
10 funds from the most populous city within the county in which  
11 the state fair is located. The balance of any fund that is  
12 administratively created to receive lottery proceeds designated  
13 for the Nebraska State Fair and matching fund revenue prior to  
14 May 25, 2005, shall be transferred to the Nebraska State Fair  
15 Support and Improvement Cash Fund on such date. The Nebraska  
16 State Fair Support and Improvement Cash Fund shall be expended  
17 by the Nebraska State Fair Board to provide support for operating  
18 expenses and capital facility enhancements, including conducting  
19 or providing financial support for studies of facility conditions  
20 of the Nebraska State Fairgrounds and needs as well as other

21 facility planning activities. Expenditures from the fund shall not  
 22 be limited to the amount appropriated. Any money in the fund  
 23 available for investment shall be invested by the state investment  
 1 officer pursuant to the Nebraska Capital Expansion Act and the  
 2 Nebraska State Funds Investment Act.

3 Sec. 2. Section 2-111, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:

5 2-111 (1) The Nebraska State Fair Board shall, no later  
 6 than November 1 of each year, provide an annual report to the  
 7 Governor and the Legislature regarding the use of the Nebraska  
 8 State Fair Support and Improvement Cash Fund. The report shall  
 9 include ~~(1)-(a)~~ a detailed listing of how the proceeds of the  
 10 fund were expended in the prior fiscal year and ~~(2)-(b)~~ any  
 11 distributions from the fund that remain unexpended and on deposit  
 12 in Nebraska State Fair accounts.

13 (2) The Nebraska State Fair Board shall cooperate with a  
 14 study by the Agriculture Committee of the Legislature of capital  
 15 facilities and infrastructure requirements to serve the purposes  
 16 and goals of the Nebraska State Fair and other uses of the Nebraska  
 17 State Fairgrounds as a year-round multipurpose facility sufficient  
 18 to host and accommodate events and attractions of local, state, and  
 19 regional interest and attendance. The Nebraska State Fair Board may  
 20 utilize available funds, not to exceed one hundred fifty thousand  
 21 dollars, including funds disbursed from the Nebraska State Fair  
 22 Support and Improvement Cash Fund and other resources, to assist in  
 23 completion of such study. This subsection terminates on January 1,  
 24 2008.

25 Sec. 3. (1) The Agriculture Committee of the Legislature,  
 26 with the assistance of the state building division of the  
 27 Department of Administrative Services, shall conduct a study of  
 1 the Nebraska State Fair consisting of the following components and  
 2 any other information deemed relevant:

3 (a)(i) What capital facilities and infrastructure does  
 4 the Nebraska State Fairgrounds require at its present location  
 5 to serve the fifteen-year program needs of the State of Nebraska  
 6 as a state fair site and as a year-round multipurpose facility  
 7 sufficient to attract a local, state, and regional audience;

8 (ii) What is the projected fifteen-year revenue and  
 9 cash flow analysis, including capital construction, operation and  
 10 maintenance, repair, and code compliance, necessary to meet the  
 11 program needs identified in subdivision (a)(i) of this section;

12 (b)(i) What would a new state fairgrounds at a new  
 13 undetermined and nonspecific site need to include to serve  
 14 a comparable fifteen-year program for a state fairgrounds and  
 15 year-round multipurpose facility sufficient to attract a local,  
 16 state, and regional audience; and

17 (ii) What is the projected fifteen-year revenue and  
 18 cash flow analysis, including capital construction, operation  
 19 and maintenance, repair, and code compliance, necessary to meet

20 the program needs of the Nebraska State Fair as identified in  
 21 subdivision (b)(i) of this section at a new state fairgrounds  
 22 location.  
 23 (2) The Department of Administrative Services, in  
 24 consultation with the Agriculture Committee of the Legislature  
 25 and the Executive Board of the Legislative Council, shall  
 26 commission an independent, neutral consultant to provide analysis  
 27 and recommendations relevant to the purposes of the study. The  
 1 Department of Administrative Services shall utilize funds provided  
 2 from nongeneral fund contributions received from any source, public  
 3 or private, to defray the costs of such independent consultant  
 4 commissioned to perform analysis contemplated under this section.  
 5 Copies of the report of the analysis and recommendations of such  
 6 consultant shall be delivered to the chairperson of the Agriculture  
 7 Committee of the Legislature, the Nebraska State Fair Board, the  
 8 Clerk of the Legislature, and the Governor on or before November  
 9 15, 2007.

10 (3) The Agriculture Committee of the Legislature shall  
 11 provide a report of its findings and recommendations arising from  
 12 the study pursuant to this section on or before December 15, 2007.  
 13 The committee shall conduct at least one public hearing subsequent  
 14 to the receipt of the report of the analysis and recommendations of  
 15 any independent consultant commissioned pursuant to subsection (2)  
 16 of this section.

17 (4) This section terminates on January 1, 2008.

18 Sec. 3. Original sections 2-108 and 2-111, Revised  
 19 Statutes Cumulative Supplement, 2006, are repealed.

20 Sec. 4. Since an emergency exists, this act takes effect  
 21 when passed and approved according to law.

(Signed) Philip Erdman, Chairperson

**MOTION - Approve Appointment**

Senator Janssen moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 927:

Tax Equalization and Review Commission  
 Ruth Sorensen

Voting in the affirmative, 31:

Adams	Erdman	Howard	Mines	Synowiecki
Burling	Fischer	Hudkins	Nantkes	Wallman
Carlson	Fulton	Janssen	Nelson	Wightman
Christensen	Gay	Johnson	Pahls	
Dierks	Hansen	Karpisek	Pankonin	
Dubas	Harms	Kopplin	Rogert	
Engel	Heidemann	Langemeier	Stuthman	

Voting in the negative, 0.

Present and not voting, 4:

Avery	Chambers	Kruse	Preister
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Excused and not voting, 14:

Aguilar	Flood	Louden	Pedersen	Schimek
Ashford	Friend	McDonald	Pirsch	White
Cornett	Lathrop	McGill	Raikes	

The appointment was confirmed with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 328A.** Senator Synowiecki renewed his amendment, AM894, found on page 1024.

The Synowiecki amendment was adopted with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 218.** Title read. Considered.

Senator Burling renewed his amendment, AM73, found on page 934.

The Burling amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 236.** Title read. Considered.

Committee AM670, found on page 858, was considered.

Senator Johnson withdrew his amendment, AM807, found on page 934.

Senator Johnson renewed his amendment, AM848, found on page 1014, to the committee amendment.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

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

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

Advanced to E & R for review with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 461.** Title read. Considered.

Committee AM651, found on page 872, was considered.

Pending.

### **COMMITTEE REPORT** **Appropriations**

**LEGISLATIVE BILL 420.** Placed on General File - Com AM890.  
AM890

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. (1) The Storm Water Management Plan Program  
4 Cash Fund is created. The fund shall be administered by the  
5 Department of Environmental Quality. Any money in the fund  
6 available for investment shall be invested by the state investment  
7 officer pursuant to the Nebraska Capital Expansion Act and the  
8 Nebraska State Funds Investment Act.  
9 (2) The State Treasurer shall credit to the fund money  
10 (a) received pursuant to section 77-2602, (b) paid to the state as  
11 fees, deposits, payments, and repayments relating to the fund, both  
12 principal and interest, (c) donated as gifts, bequests, or other  
13 contributions to such fund from public or private entities, and (d)  
14 made available by any department or agency of the United States if  
15 so directed by such department or agency.  
16 (3) The fund shall be used by the department for the  
17 purpose of carrying out the Storm Water Management Plan Program.  
18 The fund may be used to defray department administrative expenses  
19 and for the grant program administered by the department under the  
20 provisions of the Storm Water Management Plan Program.  
21 Sec. 2. (1) The Water Resources Cash Fund is created. The  
22 fund shall be administered by the Department of Natural Resources.  
23 Any money in the fund available for investment shall be invested  
1 by the state investment officer pursuant to the Nebraska Capital  
2 Expansion Act and the Nebraska State Funds Investment Act.  
3 (2) The State Treasurer shall credit to the fund money  
4 (a) received pursuant to section 77-2602, (b) paid to the state as  
5 fees, deposits, payments, and repayments relating to the fund, both

6 principal and interest, (c) donated as gifts, bequests, or other  
 7 contributions to such fund from public or private entities, and (d)  
 8 made available by any department or agency of the United States if  
 9 so directed by such department or agency.

10 (3) The fund shall be expended by the department to aid  
 11 compliance efforts regarding the reduction of consumptive uses of  
 12 water in regards to programs dealing with those natural resources  
 13 districts which are deemed overappropriated by the department  
 14 pursuant to section 46-713 or are bound by an interstate compact  
 15 or decree. The fund shall not be used to pay for administrative  
 16 expenses or any salaries for the department or any political  
 17 subdivision.

18 Sec. 3. (1) The Agricultural Research Cash Fund is  
 19 created. The fund shall be administered by the Department of  
 20 Agriculture. Any money in the fund available for investment  
 21 shall be invested by the state investment officer pursuant to  
 22 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 23 Investment Act.

24 (2) The State Treasurer shall credit to the fund money  
 25 (a) received pursuant to section 77-2602, (b) paid to the state as  
 26 fees, deposits, payments, and repayments relating to the fund, both  
 27 principal and interest, (c) donated as gifts, bequests, or other  
 1 contributions to such fund from public or private entities, and (d)  
 2 made available by any department or agency of the United States if  
 3 so directed by such department or agency.

4 (3) The fund shall be used by the department for the  
 5 purpose of funding agricultural research projects and facilities  
 6 across Nebraska. The department shall allocate money from the  
 7 fund for use by the department, by any state agency, board,  
 8 or commission, or by any political subdivision of the state,  
 9 by agreement, or by private organizations or firms as may be  
 10 contracted with by the department for the purposes described in  
 11 this section.

12 Sec. 4. Section 77-2602, Revised Statutes Cumulative  
 13 Supplement, 2006, is amended to read:

14 77-2602 (1) Every person engaged in distributing or  
 15 selling cigarettes at wholesale in this state shall pay to the  
 16 Tax Commissioner of this state a special privilege tax. This shall  
 17 be in addition to all other taxes. It shall be paid prior to or  
 18 at the time of the sale, gift, or delivery to the retail dealer  
 19 in the several amounts as follows: On each package of cigarettes  
 20 containing not more than twenty cigarettes, ~~sixty four~~ seventy  
 21 cents per package; and on packages containing more than twenty  
 22 cigarettes, the same tax as provided on packages containing not  
 23 more than twenty cigarettes for the first twenty cigarettes in each  
 24 package and a tax of one-twentieth of the tax on the first twenty  
 25 cigarettes on each cigarette in excess of twenty cigarettes in each  
 26 package.

27 (2) Commencing July 1, 1994, and continuing until October

1 1, 2004, the State Treasurer shall place the equivalent of  
2 twenty-one cents of such tax in the General Fund. Commencing  
3 October 1, 2004, the State Treasurer shall place the equivalent  
4 of forty-nine cents of such tax in the General Fund. The State  
5 Treasurer shall reduce the amount placed in the General Fund under  
6 this subsection by the amount prescribed in subdivision (3)(d) of  
7 this section. For purposes of this section, the equivalent of a  
8 specified number of cents of the tax shall mean that portion of the  
9 proceeds of the tax equal to the specified number divided by the  
10 tax rate per package of cigarettes containing not more than twenty  
11 cigarettes.

12 (3) The State Treasurer shall distribute the remaining  
13 proceeds of such tax in the following order:

14 (a) First, beginning July 1, 1980, the State Treasurer  
15 shall place the equivalent of one cent of such tax in the  
16 Nebraska Outdoor Recreation Development Cash Fund. For fiscal year  
17 distributions occurring after FY1998-99, the distribution under  
18 this subdivision shall not be less than the amount distributed  
19 under this subdivision for FY1997-98. Any money needed to increase  
20 the amount distributed under this subdivision to the FY1997-98  
21 amount shall reduce the distribution to the General Fund;

22 (b) Second, beginning July 1, 1993, the State Treasurer  
23 shall place the equivalent of three cents of such tax in the  
24 Department of Health and Human Services Finance and Support Cash  
25 Fund to carry out sections 81-637 to 81-640. For fiscal year  
26 distributions occurring after FY1998-99, the distribution under  
27 this subdivision shall not be less than the amount distributed  
1 under this subdivision for FY1997-98. Any money needed to increase  
2 the amount distributed under this subdivision to the FY1997-98  
3 amount shall reduce the distribution to the General Fund;

4 (c) Third, beginning July 1, 2001, and continuing until  
5 October 1, 2002, the State Treasurer shall place the equivalent of  
6 five cents of such tax in the Building Renewal Allocation Fund.  
7 Beginning October 1, 2002, and continuing until all the purposes of  
8 the Deferred Building Renewal Act have been fulfilled, the State  
9 Treasurer shall place the equivalent of seven cents of such tax  
10 in the Building Renewal Allocation Fund. The Legislature shall  
11 appropriate each fiscal year all sums inuring to the fund, plus  
12 interest earnings, for the Task Force for Building Renewal to be  
13 used to carry out its duties and to fulfill the purposes of the  
14 Deferred Building Renewal Act. Unexpended balances existing at the  
15 end of each fiscal year shall be, and are hereby, reappropriated.  
16 The distribution under this subdivision shall not be less than the  
17 amount distributed under this subdivision for FY1997-98. Any money  
18 needed to increase the amount distributed under this subdivision to  
19 the FY1997-98 amount shall reduce the distribution to the General  
20 Fund;

21 (d) Fourth, until July 1, 2009, the State Treasurer  
22 shall place in the Municipal Infrastructure Redevelopment Fund

23 the sum of five hundred twenty thousand dollars each fiscal year  
 24 to carry out the Municipal Infrastructure Redevelopment Fund Act.  
 25 The Legislature shall appropriate the sum of five hundred twenty  
 26 thousand dollars each year for fiscal year 2003-04 through fiscal  
 27 year 2008-09;

1 (e) Fifth, beginning July 1, 2001, the State Treasurer  
 2 shall place the equivalent of two cents of such tax in the  
 3 Information Technology Infrastructure Fund;

4 (f) Sixth, beginning July 1, 2001, and continuing until  
 5 June 30, 2016, the State Treasurer shall place one million dollars  
 6 each fiscal year in the City of the Primary Class Development Fund.  
 7 If necessary, the State Treasurer shall reduce the distribution of  
 8 tax proceeds to the General Fund pursuant to subsection (2) of this  
 9 section by such amount required to fulfill the one million dollars  
 10 to be distributed pursuant to this subdivision;

11 (g) Seventh, beginning July 1, 2001, and continuing  
 12 until June 30, 2016, the State Treasurer shall place one million  
 13 five hundred thousand dollars each fiscal year in the City of  
 14 the Metropolitan Class Development Fund. If necessary, the State  
 15 Treasurer shall reduce the distribution of tax proceeds to the  
 16 General Fund pursuant to subsection (2) of this section by such  
 17 amount required to fulfill the one million five hundred thousand  
 18 dollars to be distributed pursuant to this subdivision; ~~and~~

19 (h) Eighth, beginning October 1, 2002, and continuing  
 20 until October 1, 2004, the State Treasurer shall place the  
 21 equivalent of twenty-eight cents of such tax in the Cash Reserve  
 22 Fund; ~~and~~ -

23 (i) Ninth, beginning July 1, 2007, the State Treasurer  
 24 shall place the equivalent of three cents of such tax in the Water  
 25 Resources Cash Fund;

26 (j) Tenth, beginning July 1, 2007, the State Treasurer  
 27 shall place the equivalent of two cents of such tax in the Storm  
 28 Water Management Plan Program Cash Fund; and

29 (k) Eleventh, beginning July 1, 2007, the State Treasurer  
 30 shall place the equivalent of one cent of such tax in the  
 31 Agricultural Research Cash Fund.

32 (4) If, after distributing the proceeds of such tax  
 33 pursuant to subsections (2) and (3) of this section, any proceeds  
 34 of such tax remain, the State Treasurer shall place such remainder  
 35 in the Nebraska Capital Construction Fund.

36 (5) The Legislature hereby finds and determines that the  
 37 projects funded from the Municipal Infrastructure Redevelopment  
 38 Fund and the Building Renewal Allocation Fund are of critical  
 39 importance to the State of Nebraska. It is the intent of the  
 40 Legislature that the allocations and appropriations made by the  
 41 Legislature to such funds or, in the case of allocations for  
 42 the Municipal Infrastructure Redevelopment Fund, to the particular  
 43 municipality's account not be reduced until all contracts and  
 44 securities relating to the construction and financing of the



18 projects or portions of the projects funded from such funds or  
 19 accounts of such funds are completed or paid or, in the case  
 20 of the Municipal Infrastructure Redevelopment Fund, the earlier  
 21 of such date or July 1, 2009, and that until such time any  
 22 reductions in the cigarette tax rate made by the Legislature  
 23 shall be simultaneously accompanied by equivalent reductions in  
 24 the amount dedicated to the General Fund from cigarette tax  
 25 revenue. Any provision made by the Legislature for distribution  
 26 of the proceeds of the cigarette tax for projects or programs  
 27 other than those to (a) the General Fund, (b) the Nebraska  
 1 Outdoor Recreation Development Cash Fund, (c) the Department  
 2 of Health and Human Services Finance and Support Cash Fund,  
 3 (d) the Municipal Infrastructure Redevelopment Fund, (e) the  
 4 Building Renewal Allocation Fund, (f) the Information Technology  
 5 Infrastructure Fund, (g) the City of the Primary Class Development  
 6 Fund, (h) the City of the Metropolitan Class Development Fund, ~~and~~  
 7 (i) the Water Resources Cash Fund, (j) the Storm Water Management  
 8 Plan Program Cash Fund, (k) the Agricultural Research Cash Fund,  
 9 and (l) the Cash Reserve Fund shall not be made a higher priority  
 10 than or an equal priority to any of the programs or projects  
 11 specified in subdivisions (a) through ~~(j)~~(l) of this subsection.

12 Sec. 5. This act becomes operative on July 1, 2007.

13 Sec. 6. Original section 77-2602, Revised Statutes  
 14 Cumulative Supplement, 2006, is repealed.

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

(Signed) Lavon Heidemann, Chairperson

### AMENDMENT - Print in Journal

Senator Kruse filed the following amendment to LB 578:  
 AM779

(Amendments to Standing Committee amendments, AM573)

1 1. Strike section 3 and insert the following new  
 2 sections:  
 3 Sec. 3. Section 60-6,197.03, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:  
 5 60-6,197.03 Any person convicted of a violation of  
 6 section 60-6,196 or 60-6,197 shall be punished as follows:  
 7 (1) Except as provided in subdivision (2) of this  
 8 section, if such person has not had a prior conviction, such  
 9 person shall be guilty of a Class W misdemeanor, and the court  
 10 shall, as part of the judgment of conviction, order that the  
 11 operator's license of such person be revoked or impounded for a  
 12 period of six months from the date ordered by the court. Such  
 13 revocation or impoundment shall be administered upon sentencing,  
 14 upon final judgment of any appeal or review, or upon the date that  
 15 any probation is revoked.

16 If the court places such person on probation or suspends  
17 the sentence for any reason, the court shall, as one of the  
18 conditions of probation or sentence suspension, order that the  
19 operator's license of such person be revoked or impounded for  
20 a period of sixty days from the date ordered by the court  
21 unless otherwise authorized by an order issued pursuant to section  
22 60-6,211.05, and such order of probation or sentence suspension  
1 shall also include, as one of its conditions, the payment of a  
2 four-hundred-dollar fine;

3 (2) If such person has not had a prior conviction  
4 and, as part of the current violation, had a concentration of  
5 fifteen-hundredths of one gram or more by weight of alcohol per  
6 one hundred milliliters of his or her blood or fifteen-hundredths  
7 of one gram or more by weight of alcohol per two hundred ten  
8 liters of his or her breath, such person shall be guilty of  
9 a Class W misdemeanor, and the court shall, as part of the  
10 judgment of conviction, revoke the operator's license of such  
11 person for a period of one year from the date ordered by the  
12 court. Such revocation shall be administered upon sentencing, upon  
13 final judgment of any appeal or review, or upon the date that any  
14 probation is revoked.

15 If the court places such person on probation or suspends  
16 the sentence for any reason, the court shall, as one of the  
17 conditions of probation or sentence suspension, order that the  
18 operator's license of such person be revoked or impounded for  
19 a period of one year from the date ordered by the court  
20 unless otherwise authorized by an order issued pursuant to  
21 section 60-6,211.05, and such order of probation or sentence  
22 suspension shall also include, as conditions, the payment of a  
23 five-hundred-dollar fine and either confinement in the city or  
24 county jail for two days or the imposition of not less than one  
25 hundred twenty hours of community service;

26 (3) Except as provided in subdivision (5) of this  
27 section, if such person has had one prior conviction, such person  
1 shall be guilty of a Class W misdemeanor, and the court shall,  
2 as part of the judgment of conviction, order that the operator's  
3 license of such person be revoked for a period of one year from  
4 the date ordered by the court and shall issue an order pursuant  
5 to section 60-6,197.01. Such orders shall be administered upon  
6 sentencing, upon final judgment of any appeal or review, or upon  
7 the date that any probation is revoked.

8 If the court places such person on probation or  
9 suspends the sentence for any reason, the court shall, as  
10 one of the conditions of probation or sentence suspension,  
11 order that the operator's license of such person be revoked or  
12 impounded for a period of one year from the date ordered by the  
13 court unless otherwise authorized by an order issued pursuant  
14 to section 60-6,211.05 and shall issue an order pursuant to  
15 section 60-6,197.01, and such order of probation or sentence

16 suspension shall also include, as conditions, the payment of a  
17 five-hundred-dollar fine and either confinement in the city or  
18 county jail for ten days or the imposition of not less than two  
19 hundred forty hours of community service;

20 (4) Except as provided in subdivision (6) of this  
21 section, if such person has had two prior convictions, such person  
22 shall be guilty of a Class W misdemeanor, and the court shall,  
23 as part of the judgment of conviction, order that the operator's  
24 license of such person be revoked for a period of fifteen years  
25 from the date ordered by the court and shall issue an order  
26 pursuant to section 60-6,197.01. Such orders shall be administered  
27 upon sentencing, upon final judgment of any appeal or review, or  
1 upon the date that any probation is revoked.

2 If the court places such person on probation or suspends  
3 the sentence for any reason, the court shall, as one of the  
4 conditions of probation or sentence suspension, order that the  
5 operator's license of such person be revoked for a period of at  
6 least two years but not more than fifteen years from the date  
7 ordered by the court unless otherwise authorized by an order issued  
8 pursuant to section 60-6,211.05 and shall issue an order pursuant  
9 to section 60-6,197.01, and such order of probation or sentence  
10 suspension shall also include, as conditions, the payment of a  
11 six-hundred-dollar fine and confinement in the city or county jail  
12 for thirty days;

13 (5) If such person has had one prior conviction  
14 and, as part of the current violation, had a concentration of  
15 fifteen-hundredths of one gram or more by weight of alcohol per  
16 one hundred milliliters of his or her blood or fifteen-hundredths  
17 of one gram or more by weight of alcohol per two hundred ten  
18 liters of his or her breath or refused to submit to a test as  
19 required under section 60-6,197, such person shall be guilty of a  
20 Class I misdemeanor, and the court shall, as part of the judgment  
21 of conviction, revoke the operator's license of such person for  
22 a period of at least one year but not more than fifteen years  
23 from the date ordered by the court and shall issue an order  
24 pursuant to section 60-6,197.01. Such revocation and order shall be  
25 administered upon sentencing, upon final judgment of any appeal or  
26 review, or upon the date that any probation is revoked. The court  
27 shall also sentence such person to serve at least ninety days'  
1 imprisonment in the city or county jail or an adult correctional  
2 facility.

3 If the court places such person on probation or suspends  
4 the sentence for any reason, the court shall, as one of the  
5 conditions of probation or sentence suspension, order that the  
6 operator's license of such person be revoked or impounded for a  
7 period of at least one year but not more than fifteen years from  
8 the date ordered by the court unless otherwise authorized by an  
9 order issued pursuant to section 60-6,211.05 and shall issue an  
10 order pursuant to section 60-6,197.01, and such order of probation

11 or sentence suspension shall also include, as conditions, the  
12 payment of a one-thousand-dollar fine and confinement in the city  
13 or county jail for thirty days;

14 (6) If such person has had two prior convictions  
15 and, as part of the current violation, had a concentration of  
16 fifteen-hundredths of one gram or more by weight of alcohol per one  
17 hundred milliliters of his or her blood or fifteen-hundredths of  
18 one gram or more by weight of alcohol per two hundred ten liters  
19 of his or her breath or refused to submit to a test as required  
20 under section 60-6,197, such person shall be guilty of a Class IIIA  
21 felony, and the court shall, as part of the judgment of conviction,  
22 revoke the operator's license of such person for a period of  
23 fifteen years from the date ordered by the court and shall issue  
24 an order pursuant to section 60-6,197.01. Such revocation and order  
25 shall be administered upon sentencing, upon final judgment of any  
26 appeal or review, or upon the date that any probation is revoked.  
27 The court shall also sentence such person to serve at least one  
1 hundred eighty days' imprisonment in the city or county jail or an  
2 adult correctional facility.

3 If the court places such person on probation or suspends  
4 the sentence for any reason, the court shall, as one of the  
5 conditions of probation or sentence suspension, order that the  
6 operator's license of such person be revoked for a period of at  
7 least five years but not more than fifteen years from the date  
8 ordered by the court unless otherwise authorized by an order issued  
9 pursuant to section 60-6,211.05 and shall issue an order pursuant  
10 to section 60-6,197.01, and such order of probation or sentence  
11 suspension shall also include, as conditions, the payment of a  
12 one-thousand-dollar fine and confinement in the city or county jail  
13 for sixty days;

14 (7) Except as provided in subdivision (8) of this  
15 section, if such person has had three prior convictions, such  
16 person shall be guilty of a Class IIIA felony, and the court shall,  
17 as part of the judgment of conviction, order that the operator's  
18 license of such person be revoked for a period of fifteen years  
19 from the date ordered by the court and shall issue an order  
20 pursuant to section 60-6,197.01. Such orders shall be administered  
21 upon sentencing, upon final judgment of any appeal or review, or  
22 upon the date that any probation is revoked. The court shall also  
23 sentence such person to serve at least one hundred eighty days'  
24 imprisonment in the city or county jail or an adult correctional  
25 facility.

26 If the court places such person on probation or suspends  
27 the sentence for any reason, the court shall, as one of the  
1 conditions of probation or sentence suspension, order that the  
2 operator's license of such person be revoked for a period of  
3 fifteen years from the date ordered by the court unless otherwise  
4 authorized by an order issued pursuant to section 60-6,211.05 and  
5 shall issue an order pursuant to section 60-6,197.01, and such

6 order of probation or sentence suspension shall also include,  
7 as conditions, the payment of a one-thousand-dollar fine and  
8 confinement in the city or county jail for ninety days;

9 (8) If such person has had three prior convictions  
10 and, as part of the current violation, had a concentration of  
11 fifteen-hundredths of one gram or more by weight of alcohol per one  
12 hundred milliliters of his or her blood or fifteen-hundredths of  
13 one gram or more by weight of alcohol per two hundred ten liters  
14 of his or her breath or refused to submit to a test as required  
15 under section 60-6,197, such person shall be guilty of a Class III  
16 felony, and the court shall, as part of the judgment of conviction,  
17 revoke the operator's license of such person for a period of  
18 fifteen years from the date ordered by the court and shall issue  
19 an order pursuant to section 60-6,197.01. Such revocation and order  
20 shall be administered upon sentencing, upon final judgment of any  
21 appeal or review, or upon the date that any probation is revoked.

22 If the court places such person on probation or suspends  
23 the sentence for any reason, the court shall, as one of the  
24 conditions of probation or sentence suspension, order that the  
25 operator's license of such person be revoked for a period of  
26 fifteen years from the date ordered by the court unless otherwise  
27 authorized by an order issued pursuant to section 60-6,211.05 and  
1 shall issue an order pursuant to section 60-6,197.01, and such  
2 order of probation or sentence suspension shall also include,  
3 as conditions, the payment of a one-thousand-dollar fine and  
4 confinement in the city or county jail for one hundred twenty days;

5 (9) Except as provided in subdivision (10) of this  
6 section, if such person has had four or more prior convictions,  
7 such person shall be guilty of a Class III felony, and the court  
8 shall, as part of the judgment of conviction, order that the  
9 operator's license of such person be revoked for a period of  
10 fifteen years from the date ordered by the court and shall issue  
11 an order pursuant to section 60-6,197.01. Such orders shall be  
12 administered upon sentencing, upon final judgment of any appeal or  
13 review, or upon the date that any probation is revoked.

14 If the court places such person on probation or suspends  
15 the sentence for any reason, the court shall, as one of the  
16 conditions of probation or sentence suspension, order that the  
17 operator's license of such person be revoked for a period of  
18 fifteen years from the date ordered by the court unless otherwise  
19 authorized by an order issued pursuant to section 60-6,211.05 and  
20 shall issue an order pursuant to section 60-6,197.01, and such  
21 order of probation or sentence suspension shall also include,  
22 as conditions, the payment of a one-thousand-dollar fine and  
23 confinement in the city or county jail for one hundred eighty days;  
24 and

25 (10) If such person has had four or more prior  
26 convictions and, as part of the current violation, had a  
27 concentration of fifteen-hundredths of one gram or more by weight

1 of alcohol per one hundred milliliters of his or her blood or  
2 fifteen-hundredths of one gram or more by weight of alcohol per  
3 two hundred ten liters of his or her breath or refused to submit  
4 to a test as required under section 60-6,197, such person shall  
5 be guilty of a Class II felony and the court shall, as part of  
6 the judgment of conviction, revoke the operator's license of such  
7 person for a period of fifteen years from the date ordered by the  
8 court and shall issue an order pursuant to section 60-6,197.01.  
9 Such revocation and order shall be administered upon sentencing,  
10 upon final judgment of any appeal or review, or upon the date that  
11 any probation is revoked.

12 If the court places such person on probation or suspends  
13 the sentence for any reason, the court shall, as one of the  
14 conditions of probation or sentence suspension, order that the  
15 operator's license of such person be revoked for a period of  
16 fifteen years from the date ordered by the court unless otherwise  
17 authorized by an order issued pursuant to section 60-6,211.05 and  
18 shall issue an order pursuant to section 60-6,197.01, and such  
19 order of probation or sentence suspension shall also include,  
20 as conditions, the payment of a one-thousand-dollar fine and  
21 confinement in the city or county jail for one hundred eighty days.

22 Sec. 4. Original sections 53-101 and 60-6,197.03, Revised  
23 Statutes Cumulative Supplement, 2006, are repealed.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 316A.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 316, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

### **VISITORS**

Visitors to the Chamber were Darrell Fisher from Moorefield; 6 eleventh- and twelfth-grade students and teachers from Papillion-La Vista, Papillion; Elizabeth Hatting from Omaha; 50 fifth-grade students, teachers, and sponsors from Milliken Park, Fremont; members of Monday Morning Handcraft Group from Seward; and 78 third-grade students and teachers from Meadow Lane School, Lincoln.

### **RECESS**

At 12:03 p.m., on a motion by Senator Pankonin, 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 Cornett and White who were excused; and Senators Engel, Heidemann, and Raikes who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senator Hansen filed the following amendment to LB 457:  
AM898

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. (1) The court shall provide a caregiver
- 4 information form to the foster parent, preadoptive parent,
- 5 guardian, or relative providing care for the child when giving
- 6 notice of a court review described in section 43-1314. The form is
- 7 to be dated and signed by the caregiver and shall, at a minimum,
- 8 request the following:
- 9 (a) The child's name, age, and date of birth;
- 10 (b) The name of the caregiver, his or her phone number
- 11 and address, and whether the caregiver is a foster parent,
- 12 preadoptive parent, guardian, or relative;
- 13 (c) How long the child has been in the caregiver's care;
- 14 (d) A current picture of the child;
- 15 (e) The current status of the child's medical, dental,
- 16 and general physical condition;
- 17 (f) The current status of the child's emotional
- 18 condition;
- 19 (g) The current status of the child's education;
- 20 (h) Whether or not the child is a special education
- 21 student and the date of the last individualized educational plan;
- 22 (i) A brief description of the child's social skills and
- 23 peer relationships;
- 1 (j) A brief description of the child's special interests
- 2 and activities;
- 3 (k) A brief description of the child's reactions before,
- 4 during, and after visits;
- 5 (l) Whether or not the child is receiving all necessary
- 6 services;
- 7 (m) The date and place of each visit by the caseworker
- 8 with the child;
- 9 (n) A description of the method by which the guardian ad
- 10 litem has acquired information about the child; and
- 11 (o) Whether or not the caregiver can make a permanent
- 12 commitment to the child if the child does not return home.

13 (2) A caregiver information form shall be developed by  
 14 the Supreme Court. Such form shall be made a part of the record in  
 15 each court that reviews the child's foster care proceedings.  
 16 Sec. 2. Section 43-1318, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:  
 18 43-1318 Sections 43-1301 to 43-1318 and section 1 of this  
 19 act shall be known and may be cited as the Foster Care Review Act.  
 20 Sec. 3. Original section 43-1318, Reissue Revised  
 21 Statutes of Nebraska, is repealed.

### GENERAL FILE

**LEGISLATIVE BILL 461.** Committee AM651, found on page 872 and considered in this day's Journal, was renewed.

Senator Mines moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The committee amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Dubas	Gay	Kruse	Pankonin
Burling	Engel	Hansen	Lathrop	Pirsch
Carlson	Erdman	Howard	McDonald	Preister
Christensen	Fischer	Hudkins	McGill	Schimek
Dierks	Flood	Karpisek	Nelson	Stuthman

Voting in the negative, 3:

Adams	Chambers	Mines
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Present and not voting, 19:

Aguilar	Harms	Kopplin	Pahls	Synowiecki
Avery	Heidemann	Langemeier	Pedersen	Wallman
Friend	Janssen	Louden	Raikes	Wightman
Fulton	Johnson	Nantkes	Rogert	

Excused and not voting, 2:

Cornett	White
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Advanced to E & R for review with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 334.** Title read. Considered.

Committee AM775, printed separately and referred to on page 922, was considered.

Senator Janssen renewed the Janssen et al. amendment, AM886, found on page 1020, to the committee amendment.

The Janssen et al. amendment was adopted with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

Senator Wightman offered the following amendment to the committee amendment:

AM907

(Amendments to Standing Committee amendments, AM775)

- 1 1. Strike section 68 and insert the following new
- 2 section:
- 3 Sec. 105. The following section is outright repealed:
- 4 Section 77-1340, Revised Statutes Cumulative Supplement, 2006.
- 5 2. Renumber the remaining sections and correct internal
- 6 references accordingly.

## **SENATOR FRIEND PRESIDING**

Senator Wightman withdrew his amendment.

Pending.

## **MESSAGE FROM THE GOVERNOR**

April 2, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 255e and 389e were received in my office on March 30, 2007.

I signed these bills and delivered them to the Secretary of State on April 2, 2007.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

**COMMITTEE REPORT**  
**Enrollment and Review**

**Correctly Engrossed**

The following bill was correctly engrossed: LB 328A.

(Signed) Amanda McGill, Chairperson

**AMENDMENT - Print in Journal**

Senator Wallman filed the following amendment to LB 488:  
 AM864

(Amendments to Standing Committee amendments, AM825)

- 1 1. On page 4, line 19, strike "fifteen" and insert
- 2 "twenty-five"; in line 20 strike "two" and insert "one"; and
- 3 in line 24 strike "two-hundred fifty-thousand-dollar" and insert
- 4 "one-hundred-fifty-thousand-dollar".

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 235A.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 235, One Hundredth Legislature, First Session, 2007; and to provide for transfers.

**COMMITTEE REPORT**  
**Revenue**

**LEGISLATIVE BILL 367.** Placed on General File - Com AM911.  
 (Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ray Janssen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 334.** Senator Adams offered the following amendment to the committee amendment:  
 AM908

(Amendments to AM886)

- 1 1. On page 6, strike beginning with "The" in line 1
- 2 through line 4 and insert "The county assessor shall determine the
- 3 portion to be inspected and reviewed each year to assure that all
- 4 parcels of real property in the county have been inspected and
- 5 reviewed no less frequently than every six years.".

The Adams amendment was adopted with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

Committee AM775, printed separately and referred to on page 922 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 219.** Title read. Considered.

Committee AM357, found on page 595, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 622.** Title read. Considered.

Committee AM259, found on page 811, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Langemeier moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Langemeier requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Adams	Flood	Karpisek	McDonald	Pirsch
Ashford	Friend	Kopplin	McGill	Rogert
Avery	Fulton	Kruse	Mines	
Christensen	Hudkins	Langemeier	Nelson	
Dubas	Johnson	Lathrop	Pahls	

Voting in the negative, 16:

Burling	Erdman	Harms	Pankonin
Carlson	Fischer	Howard	Schimek
Chambers	Gay	Janssen	Stuthman
Engel	Hansen	Nantkes	Wallman

Present and not voting, 4:

Aguilar	Raikes	Synowiecki	Wightman
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Excused and not voting, 7:

Cornett	Heidemann	Pedersen	White
Dierks	Louden	Preister	

Failed to advance to E & R for review with 22 ayes, 16 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 236. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 367. No objections. So ordered.

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB 565. No objections. So ordered.

Senator Gay asked unanimous consent to add his name as cointroducer to LR 6CA. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 40 fifth-grade students and teachers from West Park Elementary, Columbus; Grant Jorgensen from Curtis; Roger Foster from Crete; 6 seventh- through eleventh-grade students and teacher from Thedford; and 6 ninth- through twelfth-grade students and teacher from Burwell.

The Doctor of the Day was Dr. Stuart Embury from Holdrege.

### **ADJOURNMENT**

At 5:13 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Tuesday, April 3, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-SEVENTH DAY - APRIL 3, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 3, 2007

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

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

The roll was called and all members were present except Senators Cornett and White who were excused; and Senators Engel, Erdman, Fischer, Heidemann, Nantkes, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-sixth day was approved.

**AMENDMENT - Print in Journal**

Senator Dubas filed the following amendment to LB 232:  
AM884

(Amendments to E & R amendments, ER8060)

- 1 1. On page 2, line 27, strike "percent" and insert "cents
- 2 for each dollar".

**MOTIONS - Approve Appointments**

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1011:

Board of Parole

Robert L. Boozer

Voting in the affirmative, 31:

Ashford	Fulton	Johnson	McGill	Stuthman
Burling	Gay	Karpisek	Mines	Wallman
Carlson	Hansen	Kopplin	Nelson	Wightman
Christensen	Harms	Langemeier	Pahls	
Dierks	Howard	Lathrop	Pankonin	
Dubas	Hudkins	Louden	Pedersen	
Friend	Janssen	McDonald	Pirsch	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Avery	Flood	Preister	Schimek
Aguilar	Chambers	Kruse	Rogert	Synowiecki

Excused and not voting, 8:

Cornett	Erdman	Heidemann	Raikes
Engel	Fischer	Nantkes	White

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1012:

Community Corrections Council

Kermit Brashear  
 Catherine Cook  
 Jeffrey Davis  
 Thomas Dorwart  
 Julie Hippen  
 Joe Kelly  
 Robert Lindemeier

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 4:

Dubas            Kruse            Pahls            Schimek

Excused and not voting, 4:

Cornett           Harms            Raikes            White

The appointments were confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1012:

Crime Victim's Reparations Committee

Scott Arnold

James Riskowski

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Chambers           Kruse            Synowiecki

Excused and not voting, 3:

Cornett            Raikes            White

The appointments were confirmed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 596.** Title read. Considered.

Committee AM610, found on page 789, was considered.

**SENATOR SCHIMEK PRESIDING**

The committee amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 488.** Title read. Considered.

Committee AM825, found on page 943, was considered.

Senator Wallman renewed his amendment, AM864, found on page 1050, to the committee amendment.

Senator Burling moved the previous question. The question is, "Shall the debate now close?" The motion failed with 20 ayes, 13 nays, and 16 not voting.

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

Senator Wallman requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 17:

Aguilar	Dierks	Kopplin	Preister	Wallman
Ashford	Dubas	Lathrop	Rogert	
Avery	Howard	McGill	Schimek	
Chambers	Karpisek	Nantkes	Synowiecki	

Voting in the negative, 13:

Adams	Engel	Flood	Hudkins	Stuthman
Carlson	Erdman	Friend	Pankonin	
Christensen	Fischer	Hansen	Pirsch	

Present and not voting, 16:

Burling	Heidemann	Langemeier	Nelson
Fulton	Janssen	Louden	Pahls
Gay	Johnson	McDonald	Raikes
Harms	Kruse	Mines	Wightman

Excused and not voting, 3:

Cornett	Pedersen	White
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The Wallman amendment lost with 17 ayes, 13 nays, 16 present and not voting, and 3 excused and not voting.



The Chair declared the call raised.

Senator Langemeier offered the following amendment to the committee amendment:

AM924

(Amendments to Standing Committee amendments, AM825)

- 1 1. On page 2, line 3, strike "in one of the following
- 2 areas"; strike beginning with the colon in line 4 through "Areas"
- 3 in line 5 and insert "The credit shall be available with respect
- 4 to areas"; in line 14 strike "and"; and strike lines 15 through 26.
- 5 2. On page 3, strike beginning with "For" in line 9
- 6 through "the" in line 10 and insert "The"; in line 12 after the
- 7 semicolon insert "and"; strike lines 13 through 20; and in line 21
- 8 strike "(iii)" and insert "(ii)".

The Langemeier amendment lost with 19 ayes, 3 nays, 23 present and not voting, and 4 excused and not voting.

Senator Wallman moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The committee amendment was adopted with 25 ayes, 6 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Langemeier offered the following motion:  
To indefinitely postpone LB 488.

Laid over.

## **SPEAKER FLOOD PRESIDING**

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 59, 60, 61, 62, and 63 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 59, 60, 61, 62, and 63.

**AMENDMENT - Print in Journal**

Senator Preister filed the following amendment to LB 701:  
AM914

(Amendments to AM872)

- 1 1. On page 1, line 10, after "Agriculture," insert  
 2 "the Department of Environmental Quality"; in lines 16 and 17  
 3 strike "Natural Resources Committee of the"; and in line 23  
 4 after the period insert "Such plans and policies shall include a  
 5 prohibition on the use of chemicals until all other feasible best  
 6 management practices for vegetation management have been considered  
 7 and exhausted".  
 8 2. On page 5, line 3, after the period insert "Priority  
 9 shall be given to grant applicants who propose programs which are  
 10 consistent with the policy established in section 2 of this act".  
 11 3. On page 7, line 25, after "tributaries" insert  
 12 "consistent with the policy established in section 2 of this  
 13 act".

**VISITORS**

Visitors to the Chamber were Dustin Meyer, Josh Lydic, and Landon Bailey from Maxwell; Hugh and Jane Hunt from Blair; and 40 fourth-grade students from Fort Calhoun.

**RECESS**

At 11:44 a.m., on a motion by Speaker Flood, 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 Cornett and White who were excused; and Senators Dierks, Heidemann, Nantkes, Pedersen, Preister, Raikes, and Synowiecki who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 564.** Title read. Considered.

Committee AM879, found on page 1015, was considered.

**SPEAKER FLOOD PRESIDING**

Senator Chambers offered the following amendment to the committee amendment:

FA58

Amend Committee Amendments (AM879) P. 4, lines 5 and 6, strike "for which no fee is charged".

## **PRESIDENT SHEEHY PRESIDING**

Pending.

## **COMMITTEE REPORTS**

### **Judiciary**

**LEGISLATIVE BILL 151.** Placed on General File - Com AM539.  
AM539

- 1 1. On page 2, line 24; and page 3, line 14, strike "Six"
- 2 and insert "Seven".

**LEGISLATIVE BILL 246.** Placed on General File - Com AM800.  
AM800

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Legislature finds and declares that it is
- 4 in the public interest to facilitate organ and tissue donations
- 5 pursuant to the Uniform Anatomical Gift Act and thereby to increase
- 6 the availability of organs and tissues for medical transplantation.
- 7 To accomplish these purposes, the following constitutes the
- 8 procedure to facilitate the recovery of organs and tissues from
- 9 donors under the jurisdiction of a coroner within a time period
- 10 compatible with the preservation of such organ or tissue for the
- 11 purpose of transplantation.
- 12 Sec. 2. For purposes of sections 1 to 8 of this act:
- 13 (1) Coroner means a coroner or his or her designated
- 14 representative;
- 15 (2) Decedent means an individual with respect to whom a
- 16 determination of death has been made pursuant to section 71-7202;
- 17 (3) Donor means a decedent (a) who is a donor of all
- 18 or part of his or her body pursuant to subsection (1) of section
- 19 71-4802 or (b) for whom an anatomical gift has been made pursuant
- 20 to subsection (2) of section 71-4802; and
- 21 (4) Preliminary investigation means an inquiry into
- 22 whether any organs or tissues are necessary to determine the
- 23 proximate cause or means of death.
- 1 Sec. 3. (1) A coroner shall conduct a preliminary
- 2 investigation of a decedent within the coroner's jurisdiction as
- 3 soon as possible after notification by the hospital in which such
- 4 decedent is located or the hospital to which such decedent is being
- 5 transported. The coroner may designate the coroner's physician or
- 6 another physician to conduct the preliminary investigation.

7     (2) The preliminary investigation shall be completed  
8 within a time period that is compatible with the preservation and  
9 recovery of organs or tissues for the purpose of transplantation.

10    (3) The coroner may request and shall have access to  
11 all necessary information including copies of medical records,  
12 laboratory test results, X-rays, and other diagnostic results. The  
13 information shall be provided as expeditiously as possible, through  
14 reasonable means, to permit the preliminary investigation to be  
15 completed within a time period compatible with the preservation and  
16 recovery of organs or tissues for the purpose of transplantation.

17    (4) Upon completion of the preliminary investigation, the  
18 coroner shall release all organs or tissues which have been donated  
19 or may yet be donated pursuant to the Uniform Anatomical Gift Act  
20 except those that the coroner reasonably believes contain evidence  
21 of the proximate cause or means of death. If the coroner reasonably  
22 believes that a specific organ or tissue contains evidence of the  
23 proximate cause or means of death and the organ or tissue is  
24 otherwise subject to recovery as a donated organ or tissue pursuant  
25 to the Uniform Anatomical Gift Act, the coroner or his or her  
26 designee shall be present for the removal procedure (a) to make  
27 a final determination that allows the recovery of the organs and  
1 tissues to proceed, (b) to request a biopsy, or (c) to deny removal  
2 of such organ or tissue if the coroner determines such organ or  
3 tissue contains evidence of the proximate cause or means of death.  
4 After a preliminary investigation is completed under this section,  
5 all organs or tissues compatible for transplantation, except any  
6 organs or tissues for which the coroner has denied recovery, may be  
7 recovered pursuant to the Uniform Anatomical Gift Act.

8     Sec. 4. If the coroner, coroner's physician, or  
9 other physician designated by the coroner fails to complete  
10 the preliminary investigation required under section 3 of  
11 this act, or if the coroner fails to designate the coroner's  
12 physician or another physician to conduct and complete the  
13 preliminary investigation, within a time period compatible with  
14 the preservation of the organs and tissues for the purpose  
15 of transplantation, or if the coroner declines to conduct the  
16 preliminary investigation, any organ or tissue that is compatible  
17 for transplantation may be recovered pursuant to the Uniform  
18 Anatomical Gift Act as though the donor was not within the  
19 coroner's jurisdiction.

20    Sec. 5. If the coroner denies recovery of an organ or  
21 tissue, the coroner shall state in a written report the reasons  
22 such recovery was denied and provide the report within ten days  
23 to the federally designated organ procurement organization in  
24 Nebraska.

25    Sec. 6. (1) If the coroner releases any organ or tissue  
26 for recovery, he or she may request that a blood sample, a sample  
27 of catheterized urine, a sample of bile if the liver is recovered  
1 for the purpose of transplantation, a biopsy specimen in fixative

2 of the organ or tissue procured, and copies of any photographs,  
 3 pictures, or other diagrams of the organ or tissue made at the time  
 4 of recovery be delivered to the coroner.

5 (2) A coroner shall have access to medical records,  
 6 pathology reports, and the body of the donor following the recovery  
 7 of any organ or tissue allowed under section 3 or 4 of this act.

8 Sec. 7. Any physician or designated recovery personnel  
 9 authorized by the federally designated organ procurement  
 10 organization in Nebraska to recover any organ or tissue pursuant  
 11 to section 3 or 4 of this act shall provide to the coroner a  
 12 report detailing the recovery of such organ or tissue and any  
 13 known relationship to the proximate cause or means of death.  
 14 If appropriate, such report shall include a biopsy or medically  
 15 approved sample from the recovered organ or tissue and the results  
 16 of any diagnostic testing performed upon the recovered organ or  
 17 tissue. Such report shall become part of the coroner's or coroner's  
 18 physician's report.

19 Sec. 8. Any coroner, coroner's designee, coroner's  
 20 physician or his or her designee, facility at which an organ or  
 21 tissue recovery took place pursuant to sections 1 to 8 of this  
 22 act, authorized recovery personnel, or other person who acts in  
 23 good faith in compliance with sections 1 to 8 of this act shall be  
 24 immune from criminal liability for recovery of any organ or tissue.

**LEGISLATIVE BILL 540.** Placed on General File - Com AM737.  
 AM737

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

3 Section 1. Sections 1 to 6 of this act shall be known and  
 4 may be cited as the Probation and Parole Services Study Act.

5 Sec. 2. It is the intent of the Legislature that the  
 6 Probation and Parole Services Study Act create a multi-branch  
 7 commission, known as the Probation and Parole Services Study  
 8 Commission, to undertake an in-depth analysis of the state's adult  
 9 and juvenile probation systems and services and the parole system  
 10 and services in order to assess the efficacy of coordination of  
 11 such services and administration of the systems for the benefit of  
 12 the public and the offenders served by the systems.

13 Sec. 3. The Legislature finds that:

14 (1) Nebraska's probation and parole services function  
 15 administratively under different branches of state government.  
 16 Probation services are currently under the judicial branch while  
 17 parole is a function of the Department of Correctional Services in  
 18 the executive branch;

19 (2) Probation and parole offender-based services share  
 20 many characteristics relative to: Community supervision of  
 21 offenders; risk assessment; enforcement of probation and parole  
 22 terms and conditions; offender accountability; initiation of  
 23 filings relating to probation and parole violations; providing

1 offender assistance; and appropriate referral for community-based  
2 services, including, but not limited to, substance abuse and mental  
3 health evaluation and treatment, housing assistance, and workforce  
4 development;

5 (3) Laws 1971, LB 680, which statutorily established  
6 probation service delivery in the judicial branch, provided the  
7 authority for parole officers to supervise probationers;

8 (4) Laws 2003, LB 46, provided for the establishment  
9 of community-based programs, services, and facilities for both  
10 probationers and parolees. Access to and participation in program  
11 services and facilities are shared by probationers and parolees.  
12 Probation officers and parole officers are assigned supervision of  
13 probationers and parolees that concurrently access and participate  
14 in community-based programs and services;

15 (5) It is appropriate for a multi-branch commission  
16 to study the effectiveness, efficiency, and responsiveness of  
17 Nebraska's current administrative assignment of probation and  
18 parole service delivery.

19 Sec. 4. The Probation and Parole Services Study  
20 Commission shall:

21 (1) Identify areas of overlap in offender services  
22 provided by probation and parole administration and assess  
23 the potential for coordination of state-sponsored services and  
24 resources which assist in offender rehabilitation;

25 (2) Assess the optimum methods for delivery of a seamless  
26 continuum of offender services within the current probation and  
27 parole systems and analyze whether a single system would be to the  
1 advantage of state government and offenders;

2 (3) Undertake a comparative analysis of other state's  
3 probation and parole administrative systems to include, but not  
4 be limited to, issues relating to personnel salary and benefits  
5 structures, hiring standards, officer caseloads, and officer  
6 training curriculum; and

7 (4) Assess service needs of juveniles on probation, their  
8 access to services, and the appropriate minimum array of services  
9 to be available for juveniles on probation throughout the state.

10 Sec. 5. (1) The Probation and Parole Services Study  
11 Commission is created. The commission shall have nineteen members  
12 as follows:

13 (a) Two members of the Judiciary Committee of the  
14 Legislature to be appointed by the chairperson of that committee;

15 (b) The Chief Justice of the Nebraska Supreme Court or  
16 his or her designee;

17 (c) The Governor of the State of Nebraska or his or her  
18 designee;

19 (d) The probation administrator or a representative of  
20 the Office of Probation Administration, appointed by the probation  
21 administrator;

22 (e) The Parole Administrator or a representative of

23 the Office of Parole Administration, appointed by the Parole  
 24 Administrator;

25 (f) One district court judge appointed by the Chief  
 26 Justice;

27 (g) One county court judge appointed by the Chief  
 1 Justice;

2 (h) One judge of a separate Juvenile Court appointed by  
 3 the Chief Justice;

4 (i) The administrator of the Office of Juvenile Services  
 5 or his or her designee;

6 (j) The Director of Correctional Services or his or her  
 7 designee;

8 (k) The Director of Health and Human Services or his or  
 9 designee;

10 (l) The executive director of the Community Corrections  
 11 Council or his or designee;

12 (m) The State Court Administrator who shall be an ex  
 13 officio member;

14 (n) The executive director of the Nebraska Commission on  
 15 Law Enforcement and Criminal Justice;

16 (o) One probation officer, appointed by the chairperson  
 17 of the Judiciary Committee of the Legislature;

18 (p) One parole officer, appointed by the chairperson of  
 19 the Judiciary Committee of the Legislature;

20 (q) A representative of the Chief Probation Officers  
 21 Association; and

22 (r) The chairperson of the Parole Board or his or  
 23 designee.

24 (2) The chairperson of the Probation and Parole Services  
 25 Study Commission shall be selected by a majority vote of the  
 26 members of the commission.

27 (3) Necessary appointments to the commission shall be  
 1 made within thirty days after the effective date of this act.  
 2 Members of the commission shall serve without compensation but  
 3 shall be reimbursed for their actual and necessary expenses as  
 4 provided in sections 81-1174 to 81-1177.

5 (4) The commission may hire consultants with expertise  
 6 in the type of study required pursuant to this section to design  
 7 the study, conduct research deemed necessary by the commission, and  
 8 analyze the results of such study. The study shall be completed  
 9 by the commission on or before December 31, 2007, and a copy of  
 10 the completed study shall be submitted to the Chief Justice, the  
 11 Governor, and the Speaker of the Legislature.

12 Sec. 6. The Legislature shall appropriate funds to the  
 13 Probation and Parole Services Study Commission for purposes of  
 14 conducting the study required by section 5 of this act.

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

(Signed) Brad Ashford, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 68.** Introduced by Rogert, 16.

WHEREAS, the townsite of Stanton, Nebraska, was officially platted on September 9, 1870, by Ludwig Lehmann, S. L. Holman, and George Graves, and the plat was recorded June 17, 1871; and

WHEREAS, the town of Stanton began to grow and officially became an incorporated village on November 14, 1881, and the following Board of Trustees was appointed by the commissioners: C. L. Lamb, Chairman; F. McGivern; Adam Pilger; Julius Poessnecker; and J. L. Everson. Karl Ley was appointed clerk and W. L. Kendall was appointed treasurer; and

WHEREAS, Stanton has been a thriving community for 125 years and is celebrating its year-long celebration.

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

1. That the Legislature congratulates the community of Stanton on its sesquicentennial celebration.

2. That a copy of this resolution be sent to Colleen Paden, Mayor of Stanton.

Laid over.

### AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB 367:  
AM921

(Amendments to Standing Committee amendments, AM911)

- 1 1. On page 3, line 5, after "(5)" insert "The State
- 2 Treasurer shall transfer twenty million dollars from the Cash
- 3 Reserve Fund to the Property Tax Credit Cash Fund by August 1,
- 4 2007."; and in line 6 strike "one hundred" and insert "eighty".

Senator Janssen filed the following amendment to LB 367:  
AM922

(Amendments to Standing Committee amendments, AM911)

- 1 1. On page 44, line 6, after "2007" insert ". and before
- 2 January 1, 2008"; in line 10 strike "1.7973" and insert "1.8243";
- 3 after line 10 insert the following new subdivision:
- 4 "(g) For taxable years beginning or deemed to begin on
- 5 or after January 1, 2008, under the Internal Revenue Code of
- 6 1986, as amended, the primary rate set by the Legislature shall
- 7 be multiplied by the following factors to compute the tax rates
- 8 for column D. The factors for the brackets, from lowest to highest
- 9 bracket, shall be .6932, .9646, 1.3846, and 1.7973."; in line 11
- 10 strike "(g)" and insert "(h)"; and in line 14 strike "(h)" and
- 11 insert "(i)".



Senator Janssen filed the following amendment to LB 367:  
AM923

(Amendments to Standing Committee amendments, AM911)

- 1 1. Strike section 6.
- 2 2. On page 68, strike beginning with "section" in line
- 3 2 through "and" in line 3; and in line 4 strike "are" and insert
- 4 "is".
- 5 3. Renumber the remaining sections and correct internal
- 6 references accordingly.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Flood and Gay asked unanimous consent to add their names as cointroducers to LB 368. No objections. So ordered.

Senators Erdman, Loudon, and Pirsch asked unanimous consent to add their names as cointroducers to LB 564. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 596. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Ritchie Burkhart from Alexandria and Bill Glenn from Fairbury; 38 fourth-grade students from Stanton; 23 fourth-grade students from Arapahoe; and 96 fourth-grade students and teachers from St. Wenceslaus School, Omaha.

The Doctor of the Day was Dr. Audrey Paulman from Omaha.

### **ADJOURNMENT**

At 4:00 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, April 4, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-EIGHTH DAY - APRIL 4, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 4, 2007

**PRAYER**

The prayer was offered by Senator Kruse.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Cornett, and White who were excused; and Senators Dierks, Engel, Erdman, Raikes, and Stuthman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-seventh day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 564.** Committee AM879, found on page 1015 and considered on page 1058, was renewed.

Senator Chambers renewed his amendment, FA58, found on page 1059, to the committee amendment.

**SENATOR LANGEMEIER PRESIDING**

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the committee amendment:

FA59

Amend AM879 P. 4, lines 6 and 7, strike "resulting from the inherent risk of the recreational activity".

**SENATOR ERDMAN PRESIDING**

**SENATOR FISCHER PRESIDING**

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

The Chambers amendment lost with 0 ayes, 29 nays, 15 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:  
Reconsider vote just taken on FA59.

**SENATOR LANGEMEIER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Chambers motion to reconsider failed with 2 ayes, 23 nays, 14 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORTS**  
**Health and Human Services**

**LEGISLATIVE BILL 427.** Placed on General File - Com AM843.  
AM843

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 71-193.15, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 71-193.15 ~~A-(1) Except as otherwise provided in this~~  
6 section, a licensed dental hygienist shall perform the traditional  
7 dental hygiene functions set forth listed in section 71-193.17  
8 only when authorized to do so by a licensed dentist who shall be  
9 responsible for the total oral health care of the patient.  
10 ~~(2) The Department of Health and Human Services~~  
11 ~~Regulation and Licensure in the conduct of public health related~~  
12 ~~services department may authorize a licensed dental hygienist to~~  
13 ~~conduct preliminary perform the following functions in the conduct~~  
14 of public health-related services in a public health setting or  
15 in a health care or related facility: Preliminary charting and  
16 screening examinations; ~~provide~~ oral health education, including  
17 workshops and inservice training sessions on dental health; and  
18 for patients including the teaching of appropriate plaque control  
19 techniques, and perform or provide all of the duties that any

20 dental assistant is authorized to perform.

21 (3)(a) The department may authorize a licensed dental  
 22 hygienist with three thousand hours of clinical experience in  
 23 at least four of the preceding five calendar years to perform  
 1 the following functions in the conduct of public health-related  
 2 services in a public health setting or in a health care or related  
 3 facility: Oral prophylaxis to healthy children who do not require  
 4 antibiotic premedication; pulp vitality testing; and preventive  
 5 measures, including the application of fluorides, sealants, and  
 6 other recognized topical agents for the prevention of oral disease.

7 (b) Authorization shall be granted by the department  
 8 under this subsection upon (i) filing an application with the  
 9 department, (ii) providing evidence of current licensure and  
 10 professional liability insurance coverage, and (iii) providing  
 11 evidence of clinical experience as required under subdivision (a)  
 12 of this subsection. Authorization may be limited by the department  
 13 as necessary to protect the public health and safety upon good  
 14 cause shown and may be renewed in connection with renewal of the  
 15 dental hygienist's license.

16 (c) A licensed dental hygienist performing dental hygiene  
 17 functions as authorized under this subsection shall (i) report  
 18 authorized functions performed by him or her to the department  
 19 and (ii) advise the patient or recipient of services or his or  
 20 her authorized representative that such services are preventive in  
 21 nature and do not constitute a comprehensive dental diagnosis and  
 22 care.

23 Sec. 2. Section 71-193.16, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25 71-193.16 For purposes of sections 71-183 to 71-193.20: ~~;~~

26 ~~(1) general~~

27 (1) General supervision means the directing of the  
 1 authorized activities of a dental hygienist or dental assistant  
 2 by a licensed dentist and shall not be construed to require the  
 3 physical presence of the supervisor when directing such activities;  
 4 ~~and (2) indirect~~

5 (2) Health care or related facility means a hospital,  
 6 a nursing facility, an assisted-living facility, a correctional  
 7 facility, a tribal clinic, or a school-based preventive health  
 8 program;

9 (3) Indirect supervision means supervision when the  
 10 licensed dentist authorizes the procedure to be performed by a  
 11 dental hygienist or dental assistant and the licensed dentist is  
 12 physically present on the premises when such procedure is being  
 13 performed by the dental hygienist pursuant to section 71-193.18 or  
 14 by the dental assistant; and -

15 (4) Public health setting means a federal, state, or  
 16 local public health department or clinic, community health center,  
 17 rural health clinic, or other similar program or agency that serves  
 18 primarily public health care program recipients.

19 Sec. 3. Section 71-193.17, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 ~~71-193.17 When properly authorized by and under the~~  
22 ~~general supervision of a licensed dentist, a licensed dental~~  
23 ~~hygienist, under the general supervision of a licensed dentist,~~  
24 may perform the following intra and extra oral procedures and  
25 functions

26 (1) Oral prophylaxis, periodontal scaling, and root  
27 planing which includes supragingival and subgingival debridement;  
1 Sealing of teeth, including subgingival regions and root planing  
2 with hand and ultrasonic instruments;

3 (2) Polish all exposed tooth surfaces, including  
4 with motor driven and hand instruments in the oral prophylaxis  
5 procedure, including polishing amalgam restorations;

6 (3) Conduct and assess preliminary charting, probing,  
7 and screening examinations, and indexing of dental and periodontal  
8 disease, with referral, when appropriate, for a dental diagnosis by  
9 a licensed dentist

10 (4) Brush biopsies;

11 (5) Pulp vitality testing;

12 (4) ~~Periodontal probing and charting;~~

13 (5)-(6) ~~Gingival curettage;~~

14 (6) ~~Place and remove periodontal dressings;~~

15 (7) ~~Remove~~ Removal of sutures;

16 (8) ~~Provide preventive~~ Preventive measures, such as  
17 including the application of fluorides, sealants, and other  
18 recognized topical agents for the prevention of oral disease;

19 (9) ~~Provide impressions~~ Impressions for study casts;

20 (10) ~~Apply~~ Application of topical desensitizing and  
21 subgingival agents;

22 (11) ~~Provide radiographic~~ Radiographic exposures;

23 (12) ~~Provide oral~~ Oral health education, including  
24 conducting workshops and inservice training sessions on dental  
25 health; for patients including the teaching of appropriate plaque  
26 control techniques; and

27 (13) Application or administration of antimicrobial  
1 rinses, fluorides, and other anticariogenic agents; and

2 (13) ~~Perform or provide all~~ (14) All of the duties that  
3 any dental assistant is authorized to perform.

4 Sec. 4. Original sections 71-193.15, 71-193.16, and  
5 71-193.17, Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 479.** Placed on General File - Com AM783.  
AM783

1 1. Strike original sections 3, 4, 6, 7, 8, 18, and 20 and  
2 insert the following new sections:

3 Sec. 13. Section 71-4706, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 71-4706 (1) Application for a license under sections

6 71-4701 to 71-4719 shall be made to the department on forms  
7 prescribed by the department and shall be accompanied by the fee  
8 established as provided in section 71-162. If the applicant is an  
9 individual, the application shall include the applicant's social  
10 security number. The department shall, without discrimination,  
11 issue a license to any person who passes an examination provided  
12 for in section 71-4707. The department shall issue a license to an  
13 audiologist who complies with subsection (4) of section 71-4707 and  
14 pays the fee described in subdivision (2)(b) of section 71-162.05  
15 in lieu of the fee established as provided in section 71-162.

16 The license shall be effective until December 31 of the next  
17 even-numbered year.

18 (2) Whenever the board determines that another state  
19 or jurisdiction has requirements equivalent to those in effect  
20 pursuant to sections 71-4701 to 71-4719 and that such state  
21 or jurisdiction has a program equivalent to the program for  
22 determining whether applicants pursuant to such sections are  
23 qualified to fit and sell hearing aids, the department may issue  
1 licenses to applicants who hold current, unsuspended, and unrevoked  
2 certificates or licenses to fit and sell hearing aids in such other  
3 state or jurisdiction. No such applicants for licensure shall be  
4 required to submit to or undergo a qualifying examination if his  
5 or her certificate or license is based upon a written examination  
6 equivalent to the Nebraska examination.

7 Sec. 14. Section 71-4707, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 71-4707 (1) Any person may obtain a license by  
10 successfully passing a qualifying examination if the applicant:

- 11 (a) Is at least twenty-one years of age;
- 12 (b) Is of good moral character;
- 13 (c) Has an education equivalent to a four-year course in  
14 an accredited high school; and
- 15 (d) Is free of contagious or infectious disease.

16 (2) Each applicant for license by examination shall  
17 appear at a time and place and before such persons as the  
18 department may designate to be examined by means of written and  
19 practical tests in order to demonstrate that he or she is qualified  
20 to practice the fitting and sale of hearing aids. The examination  
21 shall not be conducted in such a manner that college training is  
22 required in order to pass. Nothing in this examination shall imply  
23 that the applicant is required to possess the degree of medical  
24 competence normally expected of physicians.

25 (3) The department shall give examinations as determined  
26 by the board, except that a minimum of two examinations shall be  
27 offered each calendar year.

1 (4) An audiologist may obtain a license without  
2 examination if he or she provides the board with a copy of a valid  
3 Nebraska license to practice audiology and maintains a practice in  
4 which hearing aids are regularly dispensed.

- 5 Sec. 16. Original sections 71-1,186, 71-1,187, 71-1,190,  
 6 71-1,195.01, 71-1,195.02, 71-1,195.03, 71-1,195.04, 71-1,195.05,  
 7 71-1,195.06, 71-1,195.07, 71-1,195.08, 71-1,195.09, 71-4706,  
 8 71-4707, and 81-651, Reissue Revised Statutes of Nebraska, are  
 9 repealed.
- 10 2. On page 3, line 5, after "program" insert "for  
 11 purposes of obtaining a license under sections 71-4701 to 71-4719";  
 12 and in lines 7 and 25 strike "life span" and insert "lifespan.  
 13 Such practice does not include the practice of medical diagnosis,  
 14 medical treatment, or surgery".
- 15 3. On page 5, line 24, strike "or" and show as stricken.
- 16 4. On page 6, line 6, strike the period, show as  
 17 stricken, and insert "; or"; and after line 6 insert the following  
 18 new subdivision:  
 19 "(6) The utilization of a speech aide or other personnel  
 20 employed by a public school, educational service unit, or other  
 21 private or public educational institution working under the direct  
 22 supervision of a credentialed speech-language pathologist".
- 23 5. On page 11, line 11, after "(c)" insert "describe  
 24 the".
- 25 6. Renumber the remaining sections accordingly.

(Signed) Joel Johnson, Chairperson

### **Business and Labor**

#### **LEGISLATIVE BILL 31.** Placed on General File - Com AM926. AM926

- 1 1. Strike section 1 and insert the following section:  
 2 Section 1. Section 48-1203, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 48-1203 (1) Except as otherwise provided in this section  
 5 and section 48-1203.01, every employer shall pay to each of his  
 6 or her employees who are seventeen years of age or older a  
 7 minimum wage that is the federal minimum wage in effect on the  
 8 effective date of this act or the state-calculated minimum wage  
 9 under subsection (2) of this act, whichever is greater.
- 10 (2) The state-calculated minimum wage shall be: wages at  
 11 the minimum rate of four dollars and twenty five cents per hour  
 12 through August 31, 1997, and five dollars and fifteen cents per  
 13 hour on and after September 1, 1997.
- 14 (a) Five dollars and fifteen cents per hour through  
 15 September 30, 2007;
- 16 (b) Five dollars and fifty-two cents per hour on and  
 17 after October 1, 2007, through September 30, 2008;
- 18 (c) Five dollars and eighty-nine cents on and after  
 19 October 1, 2008, through September 30, 2009;
- 20 (d) Six dollars and twenty-six cents on and after October  
 21 1, 2009, through September 30, 2010; and



22 (e) As calculated by the Department of Labor for wages  
 23 beginning on October 1, 2010, through September 30, 2013. The  
 1 department shall have such minimum wage calculated by June 15,  
 2 2010, and shall adjust the six dollars and twenty-six cents  
 3 wage to reflect the changes in the Consumer Price Index for  
 4 all-urban consumers published by the federal Department of Labor  
 5 for 2007, 2008, and 2009 plus the first quarter of 2010. Every  
 6 three years thereafter, the department shall make an adjustment of  
 7 the state-calculated minimum wage to reflect the changes in such  
 8 Consumer Price Index for the preceding three calendar years. For  
 9 purposes of this section, calendar year begins on April 1 and ends  
 10 on March 31 of the next year. The new state-calculated minimum wage  
 11 shall be calculated by June 15 of the year that it will go into  
 12 effect on October 1.

13 ~~(2)~~(3) For persons who are seventeen years of age or  
 14 older compensated by way of gratuities such as waitresses, waiters,  
 15 hotel bellhops, porters, and shoeshine persons, the employer shall  
 16 pay wages at the minimum ~~rate of two dollars and thirteen cents per~~  
 17 ~~hour, wage of fifty percent of the applicable minimum wage provided~~  
 18 in subsection (1) of this section, plus all gratuities given  
 19 to them for services rendered. The sum of wages and gratuities  
 20 received by each person compensated by way of gratuities shall  
 21 equal or exceed the minimum wage rate provided in subsection (1)  
 22 of this section. In determining whether or not the individual is  
 23 compensated by way of gratuities, the burden of proof shall be upon  
 24 the employer.

25 ~~(3)~~(4) Any employer employing student-learners as part  
 26 of a bona fide vocational training program shall pay such  
 27 ~~student learners'~~student-learners who are seventeen years of age  
 1 or older wages at a rate of at least seventy-five percent of the  
 2 minimum wage rate which would otherwise be applicable.

3 2. On page 4, line 17, strike "2008" and insert "2010".

**LEGISLATIVE BILL 265.** Placed on General File - Com AM863.  
 (Amendment is printed separately and available in the Bill Room, Room  
 1104.)

**LEGISLATIVE BILL 500.** Placed on General File - Com AM809.  
 (Amendment is printed separately and available in the Bill Room, Room  
 1104.)

(Signed) Abbie Cornett, Chairperson

### AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB 367:  
 AM934

(Amendments to Standing Committee amendments, AM911)

- 1 1. On page 1, line 16, strike "years after" and insert
- 2 "year".

Senator Janssen filed the following amendment to LB 367:  
AM935

(Amendments to Standing Committee amendments, AM911)

- 1 1. On page 58, line 26, after "act" insert "for the new
- 2 zero-emission facility".

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 603A.** Introduced by Education Committee: Raikes, 25, Chairperson; Adams, 24; Ashford, 20; Avery, 28; Burling, 33; Howard, 9; Johnson, 37; Kopplin, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 603, One Hundredth Legislature, First Session, 2007.

### **VISITORS**

Visitors to the Chamber were Senator Kopplin's wife, daughter, and grandson, Mary Lou Kopplin and Janette and Erik Hughes from Gretna; Jeff and Annette Kasselmann, Jill Moline, and Jill Bauerle and their families from Imperial; 75 fourth-grade students and teachers from Trinity Christian School, Omaha; and 15 fourth-grade students from St. Bernard School, Omaha.

### **RECESS**

At 11:54 a.m., on a motion by Senator McGill, the Legislature recessed until 2:00 p.m.

### **AFTER RECESS**

The Legislature reconvened at 2:00 p.m., Senator Langemeier presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Ashford, Cornett, and White who were excused; and Senators Carlson, Christensen, Dubas, Engel, Fischer, Fulton, Harms, Heidemann, Hudkins, Kopplin, Kruse, Loudon, McDonald, Nantkes, Nelson, Preister, Synowiecki, Wallman, and Wightman who were excused until they arrive.

**ATTORNEY GENERAL'S OPINION**Opinion 07008

DATE: April 4, 2007

SUBJECT: Continued validity of Op. Att'y Gen. No. 93009 (February 19, 1993); Constitutionality of "fair share" payments by non-union employees under art. XV, § 13 of the Nebraska Constitution.

REQUESTED BY: Senator Mick Mines  
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General  
Dale A. Comer, Assistant Attorney General

In our Op. Att'y Gen. No. 93009 (February 19, 1993), we considered the constitutionality of LB 255, a bill which would have required non-union employees in a bargaining unit covered by a collective bargaining agreement to pay fees to the labor organization representing those non-union employees in collective bargaining. The amounts to be paid by non-union employees under LB 255 represented the "fair share" for those employees of the costs of union representation, and the "fair share" amounts at issue represented the proportionate share of the costs borne by the labor organization in representing non-members. If any non-union employee refused to pay the labor organization the "fair share" amount, LB 255 allowed the union to file suit against that employee for payment of the "fair share," attorneys fees and court costs. We ultimately concluded in Opinion No. 93009 that the "fair share" provisions of LB 255 were "constitutionally suspect under Article XV, Section 13 of the Nebraska Constitution." Opinion No. 93009 at 4. That constitutional provision is Nebraska's Right to Work law.

A bill currently under consideration by the Legislature, LB 57, is similar in many respects to LB 255 which we discussed in Opinion No. 93009. Therefore, you have asked us whether the analysis set out in Opinion No. 93009 "is still valid today."

We have reviewed Opinion No. 93009 and the various authorities cited therein. Our supplemental research indicates that the analysis set out in Opinion No. 93009 remains valid, and indeed, there is more recent case authority which supports that analysis. For example, in *American Federation of State, County and Municipal Employees, AFL-CIO v. City of Phoenix*, 213 Ariz. 358, 142 P.3d 234 (Ariz. Ct. App. 2006), Review Denied January 9, 2007, the Arizona Court of Appeals considered whether a union's proposed mandatory "fair share" contribution by non-union employees violated an Arizona state constitutional provision similar to art. XV, § 13 of the Nebraska Constitution. The court ultimately concluded that the "fair

share" provision violated the Arizona Constitution, and stated:

Further, we conclude that it is irrelevant whether the fee is for the full amount of union dues or a portion thereof; it is the imposition of a mandatory contribution, or "fair share" service fee, that is impermissible. In its September 2, 2004 minute entry, the superior court recognized that point, when it reasoned "that it is the compulsion and not the amount which is determinative." The clear intent of the electorate of Arizona in enacting Article 25 of the Arizona Constitution and Arizona's "right to work" laws was to ensure the freedom of workers to choose whether to join and participate in a union. Allowing the proposed "fair share" fee would be contrary to the intent voiced by Arizona citizens because it would essentially render meaningless the distinction between union membership and non-membership. Non-members would be forced to contribute to, and thus support, the Union, albeit in an amount slightly less than full union dues. Consequently, the proposed "fair share" fee would, in its practical effect to non-union employees, be little different than mandatory membership dues. Such a "fair share" fee is no less onerous to freedom of employment than a compulsory arrangement requiring the payment of full union dues. It is clear that the populace, through constitutional amendment and legislation, intended to forbid both management and labor from imposing, as a condition of employment, the requirement that any person participate in any form or design of union membership.

142 P.3d at 242, 243 (citations omitted) (emphasis in original). The purpose of Article 25 of the Arizona Constitution as described by the Arizona Court of Appeals appears quite similar to the purpose of art. XV, § 13 of the Nebraska Constitution, which we have described as "to prohibit compulsory unionism and to allow an individual employee to choose whether 'to join or affiliate' with a labor organization." 1979-80 Rep. Att'y Gen. 82, 83 (Opinion No. 55, dated March 13, 1979).

Therefore, we believe that the analysis set out in Opinion No. 93009 is still valid. To the extent that the provisions of LB 57 are the same as or similar to those of LB 255 from 1993, it appears to us that those provisions are constitutionally suspect for the reasons set out in Opinion No. 93009.

Sincerely,  
JON BRUNING  
Attorney General  
(Signed) Dale A. Comer  
Assistant Attorney General

cc. Patrick J. O'Donnell  
Clerk of the Legislature  
05-493-21

**COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 658.** Placed on Select File - ER8064.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 562.** Placed on Select File - ER8065.  
ER8065

- 1 1. In the Standing Committee amendments, AM689:
- 2 a. On page 1, line 6, after "and" insert "may be";
- 3 b. On page 7, line 17, strike "insurance";
- 4 c. On page 16, line 10; and page 24, line 1, strike "a"
- 5 and insert "per";
- 6 d. On page 16, line 22, after "to" insert an underscored
- 7 comma;
- 8 e. On page 17, lines 7 and 8, strike "sections 18-2101 to
- 9 18-2144", show as stricken, and insert "the Community Development
- 10 Law";
- 11 f. On page 18, line 27, strike "sections 18-2101 to
- 12 18-2144," show as stricken, and insert "the Community Development
- 13 Law";
- 14 g. On page 19, line 24, strike "said", show as stricken,
- 15 and insert "the";
- 16 h. On page 20, line 14, after "acts" insert an
- 17 underscored comma;
- 18 i. On page 22, line 19, strike "act" and insert
- 19 "Community Development Law";
- 20 j. On page 25, line 24; and page 26, line 8, strike the
- 21 period and insert an underscored semicolon; and
- 22 k. On page 26, line 11, strike the period and insert ";
- 23 and".
- 1 2. On page 1, line 4, after "define" insert "and
- 2 redefine" and before "change" insert "provide powers and duties
- 3 and"; and in line 7 after the second semicolon insert "to provide
- 4 severability;".

**LEGISLATIVE BILL 457.** Placed on Select File.

**LEGISLATIVE BILL 415.** Placed on Select File - ER8063.  
ER8063

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 60-462, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 60-462 Sections 60-462 to 60-4,188 and section 3 of this
- 6 act shall be known and may be cited as the Motor Vehicle Operator's
- 7 License Act.

8 Sec. 2. Section 60-463, Reissue Revised Statutes of  
9 Nebraska, is amended to read:  
10 60-463 For purposes of the Motor Vehicle Operator's  
11 License Act, the definitions found in sections 60-463.01 to 60-478  
12 and section 3 of this act shall be used.

13 Sec. 3. Interactive wireless communication device means  
14 any wireless electronic communication device that provides for  
15 voice or data communication between two or more parties, including,  
16 but not limited to, a mobile or cellular telephone, a text  
17 messaging device, a personal digital assistant that sends or  
18 receives messages, an audio-video player that sends or receives  
19 messages, or a laptop computer.

20 Sec. 4. Section 60-4,120.01, Revised Statutes Cumulative  
21 Supplement, 2006, is amended to read:

22 60-4,120.01 ~~(1)~~(1)(a) Any person who is at least sixteen  
23 years of age but less than eighteen years of age may be issued a  
1 provisional operator's permit by the Department of Motor Vehicles.  
2 The provisional operator's permit shall expire on the applicant's  
3 eighteenth birthday.

4 (b) No provisional operator's permit shall be issued to  
5 any person unless such person:

6 (i) Has possessed a valid Nebraska LPD-learner's permit  
7 for at least a six-month period beginning on the date of issuance  
8 of such person's LPD-learner's permit; and

9 (ii) Has not accumulated three or more points pursuant to  
10 section 60-4,182 during the six-month period immediately preceding  
11 the date of the application for the provisional operator's permit.

12 (c) The requirements for the provisional operator's  
13 permit prescribed in subdivisions (2)(a) and (b) of this section  
14 may be completed prior to the applicant's sixteenth birthday. A  
15 person may apply for a provisional operator's permit and take the  
16 driving test and the written examination, if required, at any time  
17 within sixty days prior to his or her sixteenth birthday upon proof  
18 of age in the manner provided in section 60-484.

19 (2) In order to obtain a provisional operator's permit,  
20 the applicant shall present to the examiner (a)(i) proof of  
21 successful completion of a department-approved driver safety course  
22 which includes behind-the-wheel driving specifically emphasizing  
23 (A) the effects of the consumption of alcohol on a person  
24 operating a motor vehicle, (B) occupant protection systems, (C)  
25 risk assessment, and (D) railroad crossing safety and (ii) proof  
26 of successful completion of a written examination and driving  
27 test administered by a driver safety course instructor or (b)  
1 a certificate in a form prescribed by the department, signed  
2 by a parent, guardian, or licensed driver at least twenty-one  
3 years of age, verifying that the applicant has completed fifty  
4 hours of lawful motor vehicle operation including at least ten  
5 hours of motor vehicle operation between sunset and sunrise,  
6 under conditions that reflect department-approved driver safety

7 course curriculum, with a parent, guardian, or adult at least  
8 twenty-one years of age, who has a current Nebraska operator's  
9 license or who is licensed in another state. If the applicant  
10 presents such a certificate, the applicant shall be required to  
11 successfully complete a driving test administered by an examiner  
12 of the department. The written examination shall be waived if the  
13 applicant surrenders a Nebraska LPD-learner's permit or has been  
14 issued a Nebraska LPE-learner's permit after January 1, 2006, and  
15 such permit is valid or has expired no more than one year prior  
16 to surrender. However, the department shall not waive the written  
17 examination if the provisional operator's permit being applied for  
18 contains a class or endorsement which is different from the class  
19 or endorsement of the LPD-learner's or LPE-learner's permit. Upon  
20 presentation to the examiner by the applicant of a form prescribed  
21 by the department showing successful completion of the driver  
22 safety course, the examiner shall waive the written examination and  
23 driving test. Upon presentation to the examiner of the certificate,  
24 the examiner shall waive the written examination but not the  
25 driving test. The examiner shall waive the written examination and  
26 the driving test if the applicant has been issued a school permit  
27 and such permit is valid or has expired no more than one year prior  
1 to application. The written examination shall not be waived if the  
2 provisional operator's permit being applied for contains a class or  
3 endorsement which is different from the class or endorsement of the  
4 school permit.

5 ~~(3)~~(3)(a) The holder of a provisional operator's permit  
6 shall only operate a motor vehicle on the highways of this state  
7 during the period beginning at 6 a.m. and ending at 12 midnight  
8 except when he or she is en route to or from his or her residence  
9 to his or her place of employment or a school activity. The holder  
10 of a provisional operator's permit may operate a motor vehicle on  
11 the highways of this state at any hour of the day or night if  
12 accompanied by a parent, guardian, or adult at least twenty-one  
13 years of age, who has a current Nebraska operator's license or who  
14 is licensed in another state.

15 (b) The holder of a provisional operator's permit shall  
16 only operate a motor vehicle on the highways of this state during  
17 the first six months of holding the permit with no more than one  
18 passenger who is not an immediate family member and who is under  
19 nineteen years of age.

20 (c) The holder of a provisional operator's permit shall  
21 not use any type of interactive wireless communication device while  
22 operating a motor vehicle on the highways of this state.

23 (4) The county treasurer shall collect the fee prescribed  
24 in section 60-4,115 for the issuance of each provisional operator's  
25 permit.

26 Sec. 5. Section 60-4,123, Revised Statutes Cumulative  
27 Supplement, 2006, is amended to read:

1 60-4,123 (1) Any person who is at least fifteen years

2 of age may apply for an LPD-learner's permit from the Department  
 3 of Motor Vehicles. In order to obtain an LPD-learner's permit,  
 4 the applicant shall successfully complete a written examination. A  
 5 person may take the written examination beginning sixty days prior  
 6 to his or her fifteenth birthday but shall not be issued a permit  
 7 until he or she is fifteen years of age. The written examination  
 8 shall be waived for any person who has been issued an LPE-learner's  
 9 permit after January 1, 2006.

10 (2) Upon successful completion of the written examination  
 11 and the payment of a fee, the applicant shall be issued an  
 12 LPD-learner's permit from the county treasurer. The permit shall be  
 13 valid for twelve months.

14 ~~(3)-(3)(a)~~ The holder of an LPD-learner's permit shall  
 15 only operate a motor vehicle on the highways of this state if he  
 16 or she is accompanied at all times by a licensed operator who is  
 17 at least twenty-one years of age and who has been licensed by this  
 18 state or another state and if he or she is actually occupying the  
 19 seat beside the licensed operator or, in the case of a motorcycle  
 20 or moped, if he or she is within visual contact of and under the  
 21 supervision of, in the case of a motorcycle, a licensed motorcycle  
 22 operator or, in the case of a moped, a licensed motor vehicle  
 23 operator.

24 (b) The holder of an LPD-learner's permit shall not  
 25 use any type of interactive wireless communication device while  
 26 operating a motor vehicle on the highways of this state.

27 (4) The county treasurer shall collect the fee prescribed  
 1 in section 60-4,115 for the issuance of each LPD-learner's permit.

2 Sec. 6. Section 60-4,124, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:

4 60-4,124 (1) A person who is younger than sixteen years  
 5 and three months of age but is older than fourteen years and two  
 6 months of age may be issued, by the county treasurer, a school  
 7 permit if such person lives a distance of one and one-half miles or  
 8 more from the school he or she attends and either resides outside  
 9 a city of the metropolitan, primary, or first class or attends  
 10 a school which is outside a city of the metropolitan, primary,  
 11 or first class and if such person has held an LPE-learner's  
 12 permit for two months. A school permit shall not be issued  
 13 until such person has appeared before an examiner to demonstrate  
 14 that he or she is capable of successfully operating a motor  
 15 vehicle, moped, or motorcycle and has in his or her possession an  
 16 examiner's certificate authorizing the county treasurer to issue a  
 17 school permit. In order to obtain an examiner's certificate, the  
 18 applicant shall present to the examiner (a) proof of successful  
 19 completion of a department-approved driver safety course which  
 20 includes behind-the-wheel driving specifically emphasizing (i) the  
 21 effects of the consumption of alcohol on a person operating a motor  
 22 vehicle, (ii) occupant protection systems, (iii) risk assessment,  
 23 and (iv) railroad crossing safety and (b)(i) proof of successful



24 completion of a written examination and driving test administered  
25 by a driver safety course instructor or (ii) a certificate in a  
26 form prescribed by the department, signed by a parent, guardian, or  
27 licensed driver at least twenty-one years of age, verifying that  
1 the applicant has completed fifty hours of lawful motor vehicle  
2 operation, under conditions that reflect department-approved driver  
3 safety course curriculum, with a parent, guardian, or adult at  
4 least twenty-one years of age, who has a then current Nebraska  
5 operator's license or who is licensed in another state. The  
6 Department of Motor Vehicles shall waive the written examination  
7 if the applicant surrenders an LPE-learner's permit issued after  
8 January 1, 2006, and if such permit is valid or has expired no more  
9 than one year prior to application. The written examination shall  
10 not be waived if the permit being applied for contains a class or  
11 endorsement which is different from the class or endorsement of the  
12 LPE-learner's permit.

13 (2) A person holding a school permit may operate a motor  
14 vehicle, moped, or motorcycle:

15 (a) To and from where he or she attends school and  
16 between schools of enrollment over the most direct and accessible  
17 route by the nearest highway from his or her place of residence  
18 to transport such person or any family member who resides with  
19 such person to attend duly scheduled courses of instruction and  
20 extracurricular or school-related activities at the school he or  
21 she attends; or

22 (b) Under the personal supervision of a licensed  
23 operator. Such licensed operator shall be at least twenty-one years  
24 of age and licensed by this state or another state and shall  
25 actually occupy the seat beside the permitholder or, in the case of  
26 a motorcycle or moped, if the permitholder is within visual contact  
27 of and under the supervision of, in the case of a motorcycle, a  
1 licensed motorcycle operator or, in the case of a moped, a licensed  
2 motor vehicle operator.

3 (3) The holder of a school permit shall not use any  
4 type of interactive wireless communication device while operating a  
5 motor vehicle on the highways of this state.

6 ~~(3)-(4)~~ A person who is younger than sixteen years of age  
7 but is over fourteen years of age may be issued an LPE-learner's  
8 permit from the county treasurer, which permit shall be valid for a  
9 period of three months. An LPE-learner's permit shall not be issued  
10 until such person successfully completes a written examination  
11 prescribed by the department and demonstrates that he or she has  
12 sufficient powers of eyesight to safely operate a motor vehicle,  
13 moped, or motorcycle.

14 ~~(4)-(5)(a)~~ While holding the LPE-learner's permit, the  
15 person may operate a motor vehicle on the highways of this state  
16 if he or she has seated next to him or her a person who is a  
17 licensed operator or, in the case of a motorcycle or moped, if he  
18 or she is within visual contact of and is under the supervision of

19 a person who, in the case of a motorcycle, is a licensed motorcycle  
 20 operator or, in the case of a moped, is a licensed motor vehicle  
 21 operator. Such licensed motor vehicle or motorcycle operator shall  
 22 be at least twenty-one years of age and licensed by this state or  
 23 another state.

24 (b) The holder of an LPE-learner's permit shall not  
 25 use any type of interactive wireless communication device while  
 26 operating a motor vehicle on the highways of this state.

27 ~~(5)-(6)~~ The county treasurer shall collect the fee  
 1 prescribed in section 60-4,115 from each successful applicant for a  
 2 school or LPE-learner's permit. All school permits shall be subject  
 3 to impoundment or revocation under the terms of section 60-496. Any  
 4 person who violates the terms of a school permit shall be guilty  
 5 of an infraction and shall not be eligible for another operator's  
 6 license or school, farm, LPD-learner's, or LPE-learner's permit  
 7 until he or she has attained the age of sixteen years.

8 Sec. 7. This act becomes operative on January 1, 2008.

9 Sec. 8. Original section 60-463, Reissue Revised Statutes  
 10 of Nebraska, and sections 60-462, 60-4,120.01, 60-4,123, and  
 11 60-4,124, Revised Statutes Cumulative Supplement, 2006, are  
 12 repealed.

13 2. On page 1, lines 1 and 2, strike "sections 60-463 and  
 14 60-4,118.05" and insert "section 60-463".

**LEGISLATIVE BILL 415A.** Placed on Select File.

**LEGISLATIVE BILL 218.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 564.** Senator Chambers offered the following  
 amendment to the committee amendment:

FA60

Amend AM879 P. 4, line 7 after "activity" add "if safety rules have been  
 formulated, posted prominently, and are enforced by the entity providing  
 such recreational activity".

### SENATOR ERDMAN PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with  
 15 ayes, 0 nays, and 34 not voting.

The Chambers amendment lost with 6 ayes, 18 nays, 9 present and not  
 voting, and 16 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:  
 Reconsider vote on FA60.

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 4:

Chambers	Dierks	Karpisek	Langemeier
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Voting in the negative, 21:

Adams	Friend	Johnson	Pankonin	Stuthman
Aguilar	Gay	Lathrop	Pirsch	
Avery	Hansen	McDonald	Raikes	
Burling	Howard	McGill	Rogert	
Erdman	Janssen	Mines	Schimek	

Excused and not voting, 24:

Ashford	Engel	Heidemann	Nantkes	Synowiecki
Carlson	Fischer	Hudkins	Nelson	Wallman
Christensen	Flood	Kopplin	Pahls	White
Cornett	Fulton	Kruse	Pedersen	Wightman
Dubas	Harms	Louden	Preister	

The Chambers motion to reconsider failed with 4 ayes, 21 nays, and 24 excused and not voting.

The Chair declared the call raised.

Committee AM879, found on page 1015 and considered on page 1058 and in this day's Journal, was renewed.

Senator Chambers asked unanimous consent to bracket LB 564 until May 15, 2007.

Senator Langemeier objected.

Senator Chambers offered the following motion:  
 Bracket LB 564 until May 15, 2007.

**SPEAKER FLOOD PRESIDING**

Senator Friend offered the following motion:  
 Invoke cloture on LB 564, pursuant to Rule 7, Sec. 10.

Senator Friend moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Chambers requested a roll call vote on the Friend motion to invoke cloture.

Voting in the affirmative, 40:

Adams	Engel	Harms	Kruse	Nelson
Aguiar	Erdman	Heidemann	Langemeier	Pankonin
Avery	Fischer	Howard	Lathrop	Pirsch
Burling	Flood	Hudkins	Louden	Raikes
Carlson	Friend	Janssen	McDonald	Rogert
Christensen	Fulton	Johnson	McGill	Stuthman
Dierks	Gay	Karpisek	Mines	Synowiecki
Dubas	Hansen	Kopplin	Nantkes	Wightman

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Schimek      Wallman

Excused and not voting, 6:

Ashford	Pahls	Preister
Cornett	Pedersen	White

The Friend motion to invoke cloture prevailed with 40 ayes, 1 nay, 2 present and not voting, and 6 excused and not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 42:

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

Excused and not voting, 6:

Ashford	Pahls	Preister
Cornett	Pedersen	White

The Chambers motion to bracket failed with 1 aye, 42 nays, and 6 excused and not voting.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Ashford	Pahls	Preister
Cornett	Pedersen	White

The committee amendment was adopted with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Senator Langemeier requested the roll call vote be taken in reverse order on

the advancement of the bill.

Voting in the affirmative, 42:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 6:

Ashford	Pahls	Preister
Cornett	Pedersen	White

Advanced to E & R for review with 42 ayes, 1 nay, and 6 excused and not voting.

The Chair declared the call raised.

### **COMMITTEE REPORT** **Natural Resources**

**LEGISLATIVE BILL 701.** Placed on General File - Com AM938.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) LeRoy Louden, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 701A.** Introduced by Louden, 49; Carlson, 38; Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 701, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

**AMENDMENT - Print in Journal**

Senator Harms filed the following amendment to LB 415:  
AM901

(Amendments to E & R amendments, ER8063)

- 1 1. On page 4, after line 22, insert the following new  
2 subdivision:  
3 "(d) Enforcement of subdivisions (a), (b), and (c) of  
4 this subsection shall be accomplished only as a secondary action  
5 when the holder of the provisional operator's permit has been cited  
6 or charged with a violation of some other offense.".  
7 2. On page 5, line 26, after the period insert  
8 "Enforcement of this subdivision shall be accomplished only as a  
9 secondary action when the holder of the LPD-learner's permit has  
10 been cited or charged with a violation of some other offense.".  
11 3. On page 8, line 5, after the period insert  
12 "Enforcement of this subsection shall be accomplished only as a  
13 secondary action when the holder of the school permit has been  
14 cited or charged with a violation of some other offense."; and in  
15 line 26 after the period insert "Enforcement of this subdivision  
16 shall be accomplished only as a secondary action when the holder of  
17 the LPE-learner's permit has been cited or charged with a violation  
18 of some other offense.".

**MOTION - Print in Journal**

Senator Chambers filed the following motion to LB 564:  
Indefinitely postpone.

**VISITORS**

Visitors to the Chamber were Senator Chambers' brother and nephew, Eddie and Joseph Chambers, from Omaha; 32 fourth-grade students, teachers, and sponsors from Morton Elementary, Hastings; Michelle Haney from Oconto; 14 fourth-grade students from Pawnee City; 21 fourth-grade students from Homer; and Adam Harrison from Papillion.

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

**ADJOURNMENT**

At 5:08 p.m., on a motion by Senator Heidemann, the Legislature adjourned until 9:00 a.m., Thursday, April 5, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature





**FIFTY-NINTH DAY - APRIL 5, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 5, 2007

**PRAYER**

The prayer was offered by Senator Hudkins.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Cornett, Pedersen, and White who were excused; and Senator Raikes who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 236.** Placed on Select File - ER8067.  
ER8067

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. For purposes of sections 1 to 4 of this act:
- 4 (1) Activities of daily living has the definition found
- 5 in section 71-6602;
- 6 (2) Attendant services means services provided to
- 7 nonmedically fragile persons, including hands-on assistance
- 8 with activities of daily living, transfer, grooming, medication
- 9 reminders, and similar activities;
- 10 (3) Companion services means the provision of
- 11 companionship and assistance with letter writing, reading, and
- 12 similar activities;
- 13 (4) Homemaker services means assistance with household
- 14 tasks, including, but not limited to, housekeeping, personal
- 15 laundry, shopping, incidental transportation, and meals;

16 (5) In-home personal services means attendant services,  
17 companion services, and homemaker services that do not require  
18 the exercise of medical or nursing judgment provided to a person  
19 in his or her residence to enable the person to remain safe and  
20 comfortable in such residence;

21 (6) In-home personal services agency means an entity  
22 that provides or offers to provide in-home personal services  
23 for compensation by employees of the agency or by persons with  
1 whom the agency has contracted to provide such services. In-home  
2 personal services agency does not include a local public health  
3 department as defined in section 71-1626, a health care facility  
4 as defined in section 71-413, a health care service as defined in  
5 section 71-415, programs supported by the federal Corporation for  
6 National and Community Service, an unlicensed home care registry or  
7 similar entity that screens and schedules independent contractors  
8 as caregivers for persons, or an agency that provides only  
9 housecleaning services. A home health agency may be an in-home  
10 personal services agency; and

11 (7) In-home personal services worker means a person who  
12 meets the requirements of section 2 of this act and provides  
13 in-home personal services.

14 Sec. 2. An in-home personal services worker:

15 (1) Shall be at least eighteen years of age;

16 (2) Shall have good moral character;

17 (3) Shall not have been convicted of a crime under the  
18 laws of Nebraska or another jurisdiction, the penalty for which is  
19 imprisonment for a period of more than one year and which crime is  
20 rationally related to the person's fitness or capacity to act as an  
21 in-home personal services worker;

22 (4) Shall have no adverse findings on the Adult  
23 Protective Services Central Registry, the central register created  
24 in section 28-718, the Medication Aide Registry, the Nurse Aide  
25 Registry, or the central registry maintained by the sex offender  
26 registration and community notification division of the Nebraska  
27 State Patrol pursuant to section 29-4004;

1 (5) Shall be able to speak and understand the English  
2 language or the language of the person for whom he or she is  
3 providing in-home personal services; and

4 (6) Shall have training sufficient to provide the  
5 requisite level of in-home personal services offered.

6 Sec. 3. An in-home personal services agency shall employ  
7 or contract with only persons who meet the requirements of section  
8 2 of this act to provide in-home personal services. The in-home  
9 personal services agency shall perform or cause to be performed a  
10 criminal history record information check on each in-home personal  
11 services worker and a check of his or her driving record as  
12 maintained by the Department of Motor Vehicles or by any other  
13 state which has issued an operator's license to the in-home  
14 personal services worker, when driving is a service provided by the

15 in-home personal services worker, and shall maintain documentation  
 16 of such checks in its records for inspection at its place of  
 17 business.

18 Sec. 4. Sections 1 to 3 of this act do not apply to  
 19 the performance of health maintenance activities by designated care  
 20 aides pursuant to section 71-1,132.30 or to persons who provide  
 21 personal assistant services, respite care or habilitation services,  
 22 or aged and disabled services.

23 Sec. 5. Section 71-415, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25 71-415 Health care service means an adult day service, a  
 26 home health agency, a hospice or hospice service, or a respite care  
 27 service. Health care service does not include an in-home personal  
 1 services agency as defined in section 1 of this act.

2 Sec. 6. Section 71-6720, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 71-6720 (1) The purposes of the Medication Aide Act  
 5 are to ensure the health, safety, and welfare of the public by  
 6 providing for the accurate, cost-effective, efficient, and safe  
 7 utilization of medication aides to assist in the administration of  
 8 medications by ~~(4)-(a)~~ competent individuals, ~~(2)-(b)~~ caretakers  
 9 who are parents, foster parents, family, friends or legal  
 10 guardians, and ~~(3)-(c)~~ licensed health care professionals.

11 (2) The act applies to all settings in which medications  
 12 are administered except the home, unless the in-home administration  
 13 of medication is. ~~The act does apply to medication administered~~  
 14 ~~in the home when~~ provided through a licensed home health agency or  
 15 licensed or certified home and community-based provider.

16 (3) The act does not apply to the provision of reminders  
 17 to persons to self-administer medication or assistance to persons  
 18 in the delivery of nontherapeutic topical applications by in-home  
 19 personal services workers. For purposes of this subsection, in-home  
 20 personal services worker has the definition found in section 1 of  
 21 this act.

22 Sec. 7. Original sections 71-415 and 71-6720, Reissue  
 23 Revised Statutes of Nebraska, are repealed.

24 2. On page 1, line 2, strike "71-6615" and insert  
 25 "71-415"; and in line 3 strike "care".

**LEGISLATIVE BILL 461.** Placed on Select File - ER8066.  
 ER8066

- 1 1. On page 1, strike beginning with "placements" in
- 2 line 1 through the semicolon in line 2 and insert "; to state
- 3 legislative intent relating to foster care placements;".

(Signed) Amanda McGill, Chairperson

**MESSAGES FROM THE GOVERNOR**

April 5, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 25, 34, 67, 136, 143, 160, 192, 203, 223, 286, 292, 292A, 349, 374e, 464, 497e, 568e, 638, 661e, and 681 were received in my office on March 30, 2007.

I signed these bills on April 4, 2007, and delivered them to the Secretary of State on April 5, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 5, 2007

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

Dear Mr. President and Members of the Legislature:

I am returning LB 106 without my signature and with my objections.

LB 106 divides current tobacco products into those defined as smoking tobacco and those defined as tobacco products. The tax on tobacco products is changed from an ad valorem method to a weight-based method at the rate of \$1.05 per ounce.

As advanced by the Revenue Committee, LB 106 would have provided for the equitable treatment of tobacco products. I could have supported the bill in that form. However, in its final form, LB 106 has now become an unnecessary tax increase.

In my view, this bill is a tax increase not based on sound public policy but rather on a desire to increase the tax on tobacco products. Further consideration should be given as to how such a dramatic increase in the tax affects the ultimate consumer.

For these reasons, I urge you to sustain my veto of the legislation.

Sincerely,  
(Signed) Dave Heineman  
Governor

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 4, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Keigher/Rasmussen & Associates, LLC  
Class I's United  
(Withdrawn 04/02/2007)

Kesari, Dimitri N.  
National Right to Work Committee

Lamb, Amy  
Occupational Therapy Association, Nebraska

Sedlacek, Ronald J.  
Wal-Mart Stores, Inc.

Zohner, Judy  
Farm Bureau Federation, Nebraska  
(Withdrawn 03/30/2007)

### **REPORTS**

The following reports were received by the Legislature:

#### **Health and Human Services System**

Director's Report on the Audiology Speech-Language Proposal for a  
Change in Scope of Practice  
Director's Report on the Proposal for Licensing Perfusionists

#### **Investment Council**

2006 Annual Report

#### **Public Service Commission**

Broadband Survey

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 537.**

A BILL FOR AN ACT relating to motor fuels; to amend section 66-741, Reissue Revised Statutes of Nebraska; to authorize the collection and dissemination of motor fuel tax on land held in trust for a Nebraska-based federally recognized Indian tribe; 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, 34:

Adams	Dubas	Harms	Kruse	Pahls
Aguilar	Erdman	Heidemann	Langemeier	Pirsch
Avery	Fischer	Howard	Lathrop	Preister
Burling	Friend	Janssen	McDonald	Schimek
Carlson	Fulton	Johnson	McGill	Synowiecki
Chambers	Gay	Karpisek	Mines	Wightman
Christensen	Hansen	Kopplin	Nantkes	

Voting in the negative, 4:

Dierks	Flood	Louden	Rogert
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Present and not voting, 6:

Engel	Nelson	Stuthman
Hudkins	Pankonin	Wallman

Excused and not voting, 5:

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 636 with 35 ayes, 3 nays, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 636.**

A BILL FOR AN ACT relating to public entities; to amend section 13-801, Reissue Revised Statutes of Nebraska, and sections 18-2442 and 70-637, Revised Statutes Cumulative Supplement, 2006; to provide bidding requirements for certain entities; to exempt specified contracts with electric utilities or electric utility alliances from certain bidding requirements; 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, 42:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Schimek

Excused and not voting, 5:

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 677.** With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend section 54-2423, Revised Statutes Cumulative Supplement, 2006; to change inspection requirements and late fees under the Livestock Waste Management Act; to repeal the original section; 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, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Fulton            Synowiecki

Excused and not voting, 4:

Ashford            Cornett            Pedersen            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 537, 636, and 677.

### **SELECT FILE**

**LEGISLATIVE BILL 198.** ER8057, found on page 926, was adopted.

Senator Fulton renewed the Fulton-Schimek amendment, AM801, found on page 917.

### **SENATOR LANGEMEIER PRESIDING**

The Fulton-Schimek amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Erdman offered the following amendment:

FA61

Strike the Schimek amendment (AM705).

Senator Erdman withdrew his amendment.



Advanced to E & R for engrossment.

**LEGISLATIVE BILL 338.** ER8058, found on page 970, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 232.** ER8060, found on page 1025, was adopted.

Senator Dubas renewed her amendment, AM884, found on page 1053.

The Dubas amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 502.** ER8061, found on page 1027, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 562.** ER8065, found on page 1077, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 457.** Senator Hansen renewed his amendment, AM898, found on page 1047.

The Hansen amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 415.** ER8063, found on page 1077, was adopted.

Senator Harms renewed his amendment, AM901, found on page 1087.

Senator Chambers offered the following amendment to the Harms amendment:

FA62

Amend AM901 P. 1, in lines 6, 10, 14, 18 strike "offense" and insert "law".

### **SENATOR SCHIMEK PRESIDING**

The Chambers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

The Harms amendment, as amended, was adopted with 27 ayes, 1 nay, 15

present and not voting, and 6 excused and not voting.

Senator Erdman offered the following amendment:

AM946

(Amendments to E & R amendments, ER8063)

- 1 1. Strike sections 1 to 3 and 5.
- 2 2. On page 4, strike lines 20 through 22.
- 3 3. On page 8, lines 3 through 6 and 24 through 27, strike
- 4 the new matter and reinstate the stricken matter.
- 5 4. Renumber the remaining sections and correct the
- 6 repealer section accordingly.

Pending.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 2007, at 9:32 a.m. were the following:  
LBs 537, 636, and 677e.

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

### MESSAGES FROM THE GOVERNOR

April 2, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as a member of the Community Corrections Council:

Lloyd Lee Kimzey Jr., 7996 N. Sandhill Road, North Platte NE 69101

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

April 3, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as a member of the Accountability and Disclosure Commission:

Paul Hosford, 966 South 4th Street, Albion NE 68620

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### **COMMITTEE REPORT** **Natural Resources**

The Natural Resources 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.

John Campbell - Nebraska Environmental Trust Board  
Vincent Kramper - Nebraska Environmental Trust Board  
Sherry Vinton - Nebraska Environmental Trust Board

VOTE: Aye: Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Loudon, Wallman. Nay: None. Absent: None.

(Signed) LeRoy Loudon, Chairperson

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 82A.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 82, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 31A.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 31, One Hundredth Legislature, First Session, 2007.

**SELECT FILE**

**LEGISLATIVE BILL 415.** The Erdman amendment, AM946, found in this day's Journal, was renewed.

The Erdman amendment lost with 10 ayes, 15 nays, 15 present and not voting, and 9 excused and not voting.

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

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

Advanced to E & R for engrossment with 26 ayes, 6 nays, 11 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 415A.** Advanced to E & R for engrossment.

The Chair declared the call raised.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Hosford, Paul - Accountability and Disclosure Commission - Government, Military and Veterans Affairs

Kimzey, Lloyd Lee, Jr. - Community Corrections Council - Judiciary

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

**AMENDMENTS - Print in Journal**

Senator McDonald filed the following amendment to LB 578:  
AM892

(Amendments to AM573)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 53-169.01, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-169.01 No manufacturer of alcoholic liquor holding a
- 5 manufacturer's license under section 53-123.01 and no manufacturer
- 6 of alcoholic liquor outside this state manufacturing alcoholic

7 liquor, except beer, ~~for distribution and sale within this~~  
 8 ~~state~~ shall, directly or indirectly, as owner or part owner,  
 9 or through a subsidiary or affiliate, or by any officer, director,  
 10 or employee thereof, or by stock ownership, interlocking directors,  
 11 trusteeship, loan, mortgage, or lien on any personal or real  
 12 property, or as guarantor, endorser, or surety, be interested in  
 13 the ownership, conduct, operation, or management of any alcoholic  
 14 liquor wholesaler holding an alcoholic liquor wholesale license,  
 15 except beer, under section 53-123.02 unless such interest in the  
 16 licensed wholesaler was acquired or became effective prior to  
 17 January 1, 2007.

18 No manufacturer of alcoholic liquor holding a  
 19 manufacturer's license under section 53-123.01 and no manufacturer  
 20 of alcoholic liquor outside this state manufacturing alcoholic  
 21 liquor, except beer, ~~for distribution and sale within this state~~  
 22 shall be interested directly or indirectly, as lessor or lessee, as  
 1 owner or part owner, or through a subsidiary or affiliate, or by  
 2 any officer, director, or employee thereof, or by stock ownership,  
 3 interlocking directors, or trusteeship in the premises upon which  
 4 the place of business of an alcoholic liquor wholesaler holding  
 5 an alcoholic liquor wholesale license, except beer, under section  
 6 53-123.02 is located, established, conducted, or operated in whole  
 7 or in part unless such interest was acquired or became effective  
 8 prior to April 17, 1947.

9 2. On page 1, line 14, after "Original" insert "section  
 10 53-169.01, Reissue Revised Statutes of Nebraska, and"; and in line  
 11 14 strike "is" and insert "are".

12 3. Renumber the remaining section accordingly.

Senators Mines, Chambers, Erdman, and Fulton filed the following  
 amendment to LB 12:  
 AM948

(Amendments to Final Reading copy)

- 1 1. On page 3, strike lines 9 to 15, show the old matter  
 2 as stricken, and insert the following new subsection:  
 3 "(3)(a) Except as otherwise provided in this subsection,  
 4 the annual license fee shall be determined according to the  
 5 following fee schedule based upon the daily average number of dogs  
 6 or cats housed by the licensee over the previous annual licensure  
 7 period:  
 8 (i) Ten or fewer dogs or cats, one hundred fifty dollars;  
 9 (ii) Eleven to fifty dogs or cats, two hundred dollars;  
 10 and  
 11 (iii) More than fifty dogs or cats, two hundred fifty  
 12 dollars.  
 13 (b) The initial license fee for any person required to  
 14 be licensed pursuant to the act shall be one hundred twenty-five  
 15 dollars.  
 16 (c) The annual license fee for a licensee that does not

17 house dogs or cats shall be one hundred fifty dollars.  
 18 (d) The fees charged under this subsection may be  
 19 increased or decreased by the director after a public hearing  
 20 is held outlining the reason for any proposed change in the fee.  
 21 The maximum fee shall not exceed three hundred fifty dollars."

Senator Christensen filed the following amendment to LB 701:  
 FA64

Amend AM938 On pg 1 line 19 strike 2009 and insert 2010

### **MOTION - Print in Journal**

Senator Mines filed the following motion to LB 395:  
 Bracket LB 395 to May 30, 2007.

### **AMENDMENT - Print in Journal**

Senator Johnson filed the following amendment to LB 395:  
 AM939

(Amendments to Final Reading copy)

- 1 1. Strike sections 16 and 17.
- 2 2. On page 1, line 3, strike "operative dates" and insert
- 3 "an operative date".
- 4 3. On page 3, line 1, strike "21" and insert "19".
- 5 4. On page 5, strike beginning with "sections" in line 9
- 6 through "17" in line 10 and insert "section 15".
- 7 5. On page 9, strike beginning with "Sections" in line 16
- 8 through "this" in line 17 and insert "This"; and strike beginning
- 9 with "Sections" in line 18 through line 19.
- 10 6. Renumber the remaining sections accordingly.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Langemeier asked unanimous consent to add his name as  
 cointroducer to LB 701. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Langemeier's sister and nephew, Amy and Zach Murrell, from Omaha; 40 fourth-grade students and teachers from Golden Hill Elementary, Bellevue; Luo Shuyong Deputy Director, Hunan Provincial People's Congress General Office, China; Sharon and Rachel Vetter from Norfolk; 5 nursing students from Creighton University, Omaha and Minden; 48 fourth-grade students from Park Elementary, Kearney; and members of The Rainbow Center from Columbus.

The Doctor of the Day was Dr. Preston Renshaw from O'Neill.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Senator Synowiecki, the Legislature adjourned until 10:00 a.m., Tuesday, April 10, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature





**SIXTIETH DAY - APRIL 10, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 10, 2007

**PRAYER**

The prayer was offered by Pastor Bob Lawrence, Auburn Church of Christ, Auburn.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Schimek presiding.

The roll was called and all members were present except Senator Ashford who was excused; and Senators McGill and Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-ninth day was approved.

**COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 334.** Placed on Select File - ER8068.  
ER8068

- 1 1. In the Janssen amendment, AM886:
- 2 a. On page 2, line 19, strike the second comma; and in
- 3 line 23 strike the first comma; and
- 4 b. On page 6, line 12, strike "old" and insert "new".
- 5 2. In the Standing Committee amendments, AM775:
- 6 a. Strike section 95;
- 7 b. On page 38, line 5, strike the comma;
- 8 c. On page 39, line 5, strike the comma and show as
- 9 stricken;
- 10 d. On page 41, line 6, strike "department", show as
- 11 stricken, and insert "Department of Revenue";
- 12 e. On page 57, line 19, strike "division", show as
- 13 stricken, and insert "department";
- 14 f. On page 119, line 27, strike "77-5014,"; and
- 15 g. Renumber the remaining sections accordingly.

16 3. On page 1, strike lines 2 through 14 and insert  
 17 "sections 2-257, 23-1611, 35-509, 49-506, 49-617, 57-239, 76-214,  
 18 77-103, 77-105, 77-202.01, 77-202.05, 77-202.09, 77-361, 77-370,  
 19 77-374, 77-377, 77-414, 77-421, 77-603.01, 77-605, 77-607,  
 20 77-683, 77-685, 77-687, 77-689, 77-690, 77-691, 77-701, 77-702,  
 21 77-705, 77-706, 77-709, 77-801.02, 77-803, 77-804, 77-1233.06,  
 22 77-1247, 77-1249.01, 77-1250, 77-1250.02, 77-1250.03, 77-1250.04,  
 23 77-1250.05, 77-1301.01, 77-1334, 77-1339, 77-1346, 77-1374,  
 1 77-1376, 77-1613.01, 77-1735, 77-1736.06, 77-1749, 77-1750,  
 2 77-1763, 77-1766, 77-3902, 77-3903, 77-3904, 77-3905, 77-3906,  
 3 77-3907, 77-3908, 77-4105, 77-5008, 77-5014, 81-101, 81-102,  
 4 and 81-109, Reissue Revised Statutes of Nebraska, sections  
 5 11-201, 23-1601, 60-147, 60-3,189, 60-3,202, 77-202.02, 77-202.03,  
 6 77-202.04, 77-202.12, 77-202.13, 77-366, 77-422, 77-603, 77-612,  
 7 77-684, 77-802.02, 77-1229, 77-1249, 77-1311, 77-1311.02, 77-1327,  
 8 77-1330, 77-1331, 77-1333, 77-1340, 77-1342, 77-1345, 77-1355,  
 9 77-1392, 77-1514, 77-1775, 77-5007, 77-5725, 77-6006, and 81-1401,  
 10 Revised Statutes Cumulative Supplement, 2006, and section 79-1016,  
 11 Revised Statutes Cumulative Supplement, 2006, as affected by  
 12 Referendum 2006, No. 422; to merge the Department of Property  
 13 Assessment and Taxation with the Department of Revenue; to change  
 14 provisions relating to property taxation, distribution of property  
 15 tax proceeds, and the Tax Equalization and Review Commission; to  
 16 harmonize provisions; to provide an operative date; to repeal the  
 17 original sections; to outright repeal sections 77-415, 77-417,  
 18 77-704, 77-708, and 81-109, Reissue Revised Statutes of Nebraska,  
 19 and section 77-703, Revised Statutes Cumulative Supplement, 2006;  
 20 and to declare an emergency."  
 21 4. On page 2, strike lines 1 through 24.

**LEGISLATIVE BILL 219.** Placed on Select File.

**LEGISLATIVE BILL 596.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

## COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 580.** Placed on General File - Com AM851.  
 AM851

1 1. Insert the following new section:  
 2 Sec. 3. Section 69-2708, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 69-2708 (1) Not later than twenty calendar days after  
 5 the end of each calendar quarter, and more frequently if so  
 6 directed by the Tax Commissioner, each stamping agent shall submit  
 7 such information as the Tax Commissioner requires to facilitate  
 8 compliance with sections 69-2704 to 69-2710, including, but not  
 9 limited to, a list by brand family of the total number of  
 10 cigarettes or, in the case of roll-your-own, the equivalent stick

11 count for which the stamping agent affixed stamps during the  
12 previous calendar quarter or otherwise paid the tax due for such  
13 cigarettes. The stamping agent shall maintain, and make available  
14 to the Tax Commissioner, all invoices and documentation of sales  
15 of all nonparticipating manufacturer cigarettes and any other  
16 information relied upon in reporting to the Tax Commissioner for a  
17 period of five years.

18 (2) The Attorney General may require at any time from the  
19 nonparticipating manufacturer proof, from the financial institution  
20 in which such manufacturer has established a qualified escrow fund  
21 for the purpose of compliance with section 69-2703, of the amount  
22 of money in such fund, exclusive of interest, the amounts and dates  
23 of each deposit to such fund, and the amounts and dates of each  
1 withdrawal from such fund.

2 (3) In addition to the information required to be  
3 submitted pursuant to subsection (1) of this section, the Tax  
4 Commissioner or Attorney General may require a stamping agent,  
5 distributor, or tobacco product manufacturer to submit any  
6 additional information, including, but not limited to, samples of  
7 the packaging or labeling of each brand family, as is necessary  
8 to enable the Tax Commissioner or Attorney General to determine  
9 whether a tobacco product manufacturer is in compliance with  
10 sections 69-2704 to 69-2710.

11 (4) To promote compliance with sections 69-2704 to  
12 69-2707, a tobacco product manufacturer subject to the requirements  
13 of subdivision (1)(c) of section 69-2706 shall make the escrow  
14 deposits required by section 69-2703 in quarterly installments  
15 during the year in which the sales covered by such deposits are  
16 made: ~~if (a) it is the first year~~ Through the end of the calendar  
17 year following the year the tobacco product manufacturer is listed  
18 in the directory established pursuant to section 69-2706; (b) if  
19 the tobacco product manufacturer is removed from then subsequently  
20 relisted in the directory, then for all periods following the  
21 relisting through the end of the calendar year following the year  
22 the tobacco product manufacturer is relisted in the directory;  
23 (c) if the tobacco product manufacturer has failed to make a  
24 complete and timely escrow deposit for any calendar year as  
25 required by section 69-2703; or for any quarter as required in  
26 this section; or ~~(e)-(d) if the tobacco product manufacturer has~~  
27 ~~failed to pay any judgment, including any civil penalty ordered~~  
1 under section 69-2703 or 69-2709. The Tax Commissioner may require  
2 production of information sufficient to enable the Tax Commissioner  
3 to determine the adequacy of the amount of the installment  
4 deposit. The Tax Commissioner may adopt and promulgate rules and  
5 regulations implementing how tobacco product manufacturers subject  
6 to the requirements of subdivision (1)(c) of section 69-2706 make  
7 quarterly payments.

8 2. On page 2, strike beginning with "such" in line 13  
9 through line 14, show as stricken, and insert "subsection (4) of

10 section 69-2708."

11 3. On page 3, line 24, strike "and" and show as stricken.

12 4. On page 4, line 15, strike the period, show as

13 stricken, and insert "; and

14 (v) That such nonparticipating manufacturer consents to

15 be sued in the district courts of the State of Nebraska for

16 purposes of the state (A) enforcing any provision of sections

17 69-2703 to 69-2710 and any rules and regulations adopted and

18 promulgated thereunder or (B) bringing a released claim as defined

19 in section 69-2702."

20 5. On page 6, line 4, after "69-2703" insert "or

21 subsection (4) of section 69-2708".

22 6. On page 11, line 3, strike "the General Fund." and

23 insert "be remitted to the State Treasurer for distribution in

24 accordance with Article VII, section 5, of the Constitution of

25 Nebraska."; in line 5 strike "with" and insert "to"; in line 6

26 strike "other" and insert "applicable"; and in line 7 before "and"

27 insert "69-2708,".

1 7. Renumber the remaining sections accordingly.

(Signed) Steve Lathrop, Vice Chairperson

### Health and Human Services

**LEGISLATIVE BILL 399.** Placed on General File - Com AM936.

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

(Signed) Joel Johnson, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 69.** Introduced by Fischer, 43.

WHEREAS, Benjamin Paxton, son of Phil and Kim Paxton, a senior at Valentine High School, has attained the rank of Eagle Scout of the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks: Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle. Throughout his Scouting experience, Ben Paxton has learned, been tested on, and been recognized for various Scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, Ben earned twenty-three merit badges, two more than the required twenty-one merit badges, twelve of which are in required areas, and completed a community service project approved by the troop and the scout council; and

WHEREAS, Ben spent days planning, completing paperwork, and taking pictures for his Eagle Scout community service project; and

WHEREAS, for his Eagle Scout community service project, Ben cleaned and replaced steps on the Nature Conservancy trail; and

WHEREAS, Ben built two new foot bridges on the Nature Conservancy trail; and

WHEREAS, these improved steps and new foot bridges will be usable for people many years in the future.

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

1. That the Legislature congratulates Benjamin Paxton for the exemplary achievement of earning the rank of Eagle Scout.

2. That a copy of this resolution be sent to Benjamin Paxton.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 701.** Title read. Considered.

Committee AM938, printed separately and referred to on page 1086, was considered.

Senator Flood requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM962

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 Sec. 5. Section 2-3202, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 2-3202 For purposes of Chapter 2, article 32, and
- 6 sections 6 to 9 and 15 of this act unless the context otherwise
- 7 requires:
- 8 (1) Commission means the Nebraska Natural Resources
- 9 Commission;
- 10 (2) Natural resources district or district means a
- 11 natural resources district operating pursuant to Chapter 2, article
- 12 32;
- 13 (3) Board means the board of directors of a district;
- 14 (4) Director means a member of the board;
- 15 (5) Other special-purpose districts means rural
- 16 water districts, drainage districts, reclamation districts, and
- 17 irrigation districts;
- 18 (6) Manager means the chief executive hired by a majority
- 19 vote of the board to be the supervising officer of the district;

20 and

21 (7) Department means the Department of Natural Resources.

22 Sec. 6. In order to implement its duties and obligations  
23 under the Nebraska Ground Water Management and Protection Act  
1 and in addition to other powers authorized by law, the board  
2 of a district with jurisdiction that includes a river subject  
3 to an interstate compact among three or more states and that  
4 also includes one or more irrigation districts within the compact  
5 river basin may issue negotiable bonds and refunding bonds of the  
6 district and entitled river flow enhancement bonds, with terms  
7 determined appropriate by the board, payable by (1) funds granted  
8 to such district by the state or federal government for one or more  
9 qualified projects, (2) the occupation tax authorized by section  
10 9 of this act, or (3) the levy authorized by section 2-3231.

11 The district may issue the bonds or refunding bonds directly  
12 or such bonds may be issued to any joint entity as defined in  
13 section 13-803 or to any joint public agency as defined in section  
14 13-2503 in connection with any joint project which is to be owned,  
15 operated, or financed by the joint entity or joint public agency  
16 for the benefit of the district. For the payment of such bonds  
17 or refunding bonds, the district may pledge one or more permitted  
18 payment sources.

19 Sec. 7. The board of a district issuing bonds pursuant to  
20 section 6 of this act may agree to pay fees to fiscal agents in  
21 connection with the placement of bonds of the district. Such bonds  
22 shall be subject to the same terms and conditions as provided by  
23 section 2-3254.07 for improvement area bonds and such other terms  
24 and conditions as the board determines appropriate.

25 Sec. 8. The proceeds of bonds issued pursuant to section  
26 6 of this act shall only be used to pay or refinance the costs  
27 of: (1) Acquisition and ownership of water rights in accordance  
1 with Chapter 46, article 6, pertaining to groundwater, and Chapter  
2 46, article 2, pertaining to surface water, including storage  
3 water rights with respect to a river or any of its tributaries;  
4 (2) acquisition by purchase or lease or the administration and  
5 management, pursuant to mutual agreement, of canals and other  
6 works, including reservoirs, constructed for irrigation from a  
7 river or any of its tributaries; (3) vegetation management,  
8 including but not limited to, the removal of invasive species  
9 in or near a river or any of its tributaries; and (4) the  
10 augmentation of river flows.

11 Sec. 9. (1) The district may levy an occupation tax  
12 upon the activity of irrigation of agricultural lands within  
13 such district on an annual basis, not to exceed ten dollars per  
14 irrigated acre, for the purpose of repaying principal and interest  
15 on any bonds or refunding bonds issued pursuant to section 6 of  
16 this act for one or more projects under section 8 of this act.

17 (2) Acres classified by the county assessor as irrigated  
18 shall be subject to such district's occupation tax unless, on or

19 before July 1, 2007, and on or before March 1 in each subsequent  
20 year, the record owner certifies to the district the nonirrigation  
21 status of such acres.

22 (3) Any such occupation tax shall remain in effect so  
23 long as the district has bonds outstanding which have been issued  
24 stating such occupation tax as an available source for payment.

25 (4) Such occupation taxes shall be collected and  
26 accounted for by the county treasurer at the same time as general  
27 real estate taxes, and such occupation taxes shall be and remain a  
1 perpetual lien against such real estate until paid.

2 (5) Such lien shall be inferior only to general taxes  
3 levied by political subdivisions of the state. When such occupation  
4 taxes have become delinquent and the real property on which the  
5 irrigation took place has not been offered at any tax sale, the  
6 district may proceed in district court in the county in which the  
7 real estate is situated to foreclose in its own name the lien  
8 in the same manner and with like effect as a foreclosure of a  
9 real estate mortgage, except that sections 77-1903 to 77-1917 shall  
10 govern when applicable.

11 Sec. 10. Section 2-3225, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13 2-3225 (1)(a) Each district shall have the power and  
14 authority to levy a tax of not to exceed four and one-half cents  
15 on each one hundred dollars of taxable valuation annually on all of  
16 the taxable property within such district unless a higher levy is  
17 authorized pursuant to section 77-3444.

18 (b) Each district shall also have the power and authority  
19 to levy a tax equal to the dollar amount by which its restricted  
20 funds budgeted to administer and implement ground water management  
21 activities and integrated management activities under the Nebraska  
22 Ground Water Management and Protection Act exceed its restricted  
23 funds budgeted to administer and implement ground water management  
24 activities and integrated management activities for FY2003-04, not  
25 to exceed one cent on each one hundred dollars of taxable valuation  
26 annually on all of the taxable property within the district.

27 (c) In addition to the power and authority granted in  
1 subdivisions (1)(a) and (b) of this section, each district located  
2 in a river basin, subbasin, or reach that has been determined  
3 to be fully appropriated pursuant to section 46-714 or designated  
4 overappropriated pursuant to section 46-713 by the Department of  
5 Natural Resources shall also have the power and authority to  
6 levy a tax equal to the dollar amount by which its restricted  
7 funds budgeted to administer and implement ground water management  
8 activities and integrated management activities under the Nebraska  
9 Ground Water Management and Protection Act exceed its restricted  
10 funds budgeted to administer and implement ground water management  
11 activities and integrated management activities for FY2005-06, not  
12 to exceed three cents on each one hundred dollars of taxable  
13 valuation on all of the taxable property within the district for

14 fiscal year 2006-07 ~~and not to exceed two cents on each one~~  
 15 ~~hundred dollars of taxable valuation annually on all of the taxable~~  
 16 ~~property within the district for fiscal years 2007-08 and 2008-09.~~  
 17 and each fiscal year thereafter through fiscal year 2011-12.

18 (d) In addition to the power and authority granted in  
 19 subdivisions (a) through (c) of this subsection, a district with  
 20 jurisdiction that includes a river subject to an interstate compact  
 21 among three or more states and that also includes one or more  
 22 irrigation districts within the compact river basin may annually  
 23 levy a tax not to exceed ten cents per one hundred dollars of  
 24 taxable valuation of all taxable property in the district for  
 25 the payment of principal and interest on bonds and refunding  
 26 bonds issued pursuant to section 6 of this act. Such levy is  
 27 not includable in the computation of other limitations upon the  
 1 district's tax levy.

2 (2) The proceeds of such tax shall be used, together with  
 3 any other funds which the district may receive from any source, for  
 4 the operation of the district. When adopted by the board, the levy  
 5 shall be certified by the secretary to the county clerk of each  
 6 county which in whole or in part is included within the district.  
 7 Such levy shall be handled by the counties in the same manner  
 8 as other levies, and proceeds shall be remitted to the district  
 9 treasurer. Such levy shall not be considered a part of the general  
 10 county levy and shall not be considered in connection with any  
 11 limitation on levies of such counties.

12 Sec. 11. Section 2-3231, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 2-3231 Each district shall have the power and authority  
 15 to:

16 (1) Contract for the construction, preservation,  
 17 operation, and maintenance of tunnels, reservoirs, regulating or  
 18 reregulating basins, diversion works and canals, dams, drains,  
 19 drainage systems, or other projects for a purpose mentioned in  
 20 section 2-3229, and necessary works incident thereto, and to hold  
 21 the federal government or any agency thereof free from liability  
 22 arising from any construction;

23 (2) Contract with the United States for a water supply  
 24 and water distribution and drainage systems under any Act of  
 25 Congress providing for or permitting such contract;

26 (3) Acquire by purchase, lease, or otherwise mutually  
 27 arrange to administer and manage any project works undertaken by  
 1 the United States or any of its agencies, or by this state or  
 2 any of its agencies; ~~Provided, except that this section shall~~  
 3 ~~not apply to any project being administered or managed by any~~  
 4 ~~public power district, public power and irrigation district, or~~  
 5 ~~metropolitan utilities district; and, ~~reclamation district, or~~~~  
 6 ~~irrigation district; and~~

7 (4) Act as agent of the United States, or any of its  
 8 agencies, or for this state or any of its agencies, in connection



9 with the acquisition, construction, operation, maintenance or  
10 management of any project within its boundaries.

11 Sec. 12. Section 13-808, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13 13-808 (1) Any joint entity may issue such types of bonds  
14 as its governing body may determine subject only to any agreement  
15 with the holders of outstanding bonds, including bonds as to which  
16 the principal and interest are payable exclusively from all or a  
17 portion of the revenue from one or more projects, from one or more  
18 revenue-producing contracts, including securities acquired from any  
19 person, bonds issued by any qualified public agency under the  
20 Public Facilities Construction and Finance Act, or leases made by  
21 the joint entity with any person, including any of those public  
22 agencies which are parties to the agreement creating the joint  
23 entity, or from its revenue generally or which may be additionally  
24 secured by a pledge of any grant, subsidy, or contribution from any  
25 person or a pledge of any income or revenue, funds, or money of the  
26 joint entity from any source whatsoever or a mortgage or security  
27 interest in any real or personal property, commodity, product, or  
1 service or interest therein.

2 (2) Any bonds issued by such joint entity shall be  
3 issued on behalf of those public agencies which are parties to  
4 the agreement creating such joint entity and shall be authorized  
5 to be issued for the specific purpose or purposes for which  
6 the joint entity has been created. Such specific purposes may  
7 include, but shall not be limited to, joint projects authorized by  
8 the Public Facilities Construction and Finance Act; solid waste  
9 collection, management, and disposal; waste recycling; sanitary  
10 sewage treatment and disposal; public safety communications;  
11 correctional facilities; water treatment plants and distribution  
12 systems; drainage systems; flood control projects; fire protection  
13 services; ground water quality management and control; river flow  
14 enhancement; education and postsecondary education; hospital and  
15 other health care services; bridges, roads, and streets; and law  
16 enforcement.

17 (3) As an alternative to issuing bonds for financing  
18 public safety communication projects, any joint entity may enter  
19 into a financing agreement with the Nebraska Investment Finance  
20 Authority for such purpose.

21 (4) Any joint entity formed for purposes of providing or  
22 assisting with the provision of public safety communications may  
23 enter into an agreement with any other joint entity relating to  
24 (a) the operation, maintenance, or management of the property or  
25 facilities of such joint entity or (b) the operation, maintenance,  
26 or management of the property or facilities of such other joint  
27 entity.

1 Sec. 13. Section 13-2530, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3 13-2530 (1) Any joint public agency may issue such types

4 of bonds as its board may determine subject only to any agreement  
5 with the holders of outstanding bonds, including bonds as to which  
6 the principal and interest are payable exclusively from all or  
7 a portion of the revenue from one or more projects, from one  
8 or more revenue-producing contracts, including securities acquired  
9 from any person, bonds issued by any qualified public agency under  
10 the Public Facilities Construction and Finance Act, or leases made  
11 by the joint public agency with any person, including any of  
12 the public agencies which are parties to the agreement creating  
13 the joint public agency, or from its revenue generally or which  
14 may be additionally secured by a pledge of any grant, subsidy,  
15 or contribution from any person or a pledge of any income or  
16 revenue, funds, or money of the joint public agency from any  
17 source whatsoever or a mortgage or security interest in any real  
18 or personal property, commodity, product, or service or interest  
19 therein.

20 (2) Any bonds issued by such joint public agency shall  
21 be issued on behalf of the joint public agency solely for the  
22 specific purpose or purposes for which the joint public agency has  
23 been created. Such specific purposes may include, but shall not  
24 be limited to, joint projects authorized by the Public Facilities  
25 Construction and Finance Act; solid waste collection, management,  
26 and disposal; waste recycling; sanitary sewage treatment and  
27 disposal; public safety communications; correctional facilities;  
1 water treatment plants and distribution systems; drainage systems;  
2 flood control projects; fire protection services; ground water  
3 quality management and control; river flow enhancement; education  
4 and postsecondary education; hospital and other health care  
5 services; bridges, roads, and streets; and law enforcement.

6 (3) As an alternative to issuing bonds for financing  
7 public safety communication projects, any joint public agency may  
8 enter into a financing agreement with the Nebraska Investment  
9 Finance Authority for such purpose.

10 (4) Any joint public agency formed for purposes of  
11 providing or assisting with the provision of public safety  
12 communications may enter into an agreement with any other joint  
13 public agency relating to (a) the operation, maintenance, or  
14 management of the property or facilities of such joint public  
15 agency or (b) the operation, maintenance, or management of the  
16 property or facilities of such other joint public agency.

17 Sec. 31. Section 77-3442, Revised Statutes Cumulative  
18 Supplement, 2006, is amended to read:

19 77-3442 (1) Property tax levies for the support of local  
20 governments for fiscal years beginning on or after July 1, 1998,  
21 shall be limited to the amounts set forth in this section except as  
22 provided in section 77-3444.

23 (2)(a) Except as provided in subdivision (2)(d) of this  
24 section, school districts and multiple-district school systems,  
25 except learning communities and school districts that are members

26 of learning communities, may levy a maximum levy of one dollar and  
27 five cents per one hundred dollars of taxable valuation of property  
1 subject to the levy.

2 (b) Except as provided in subdivision (2)(d) of this  
3 section, for fiscal year 2008-09 and each fiscal year thereafter,  
4 (i) learning communities may levy a maximum levy for the general  
5 fund budgets of member school districts equal to the ratio of the  
6 aggregate difference of one hundred ten percent of the formula  
7 needs as calculated pursuant to section 79-1007.02 minus the amount  
8 of state aid certified pursuant to section 79-1022 and minus the  
9 other actual receipts included in local system formula resources  
10 pursuant to section 79-1018.01 for each member school district for  
11 such school fiscal year divided by each one hundred dollars of  
12 taxable property subject to the levy, except that such levy shall  
13 not exceed one dollar and two cents on each one hundred dollars  
14 of taxable property subject to the levy, and (ii) school districts  
15 that are members of learning communities may levy a maximum levy  
16 of the difference of one dollar and two cents on each one hundred  
17 dollars of taxable property subject to the levy minus the learning  
18 community levy pursuant to this subdivision for purposes of such  
19 school district's general fund budget and special building funds.

20 (c) Excluded from the limitations in subdivisions (a) and  
21 (b) of this subsection are amounts levied to pay for sums agreed to  
22 be paid by a school district to certificated employees in exchange  
23 for a voluntary termination of employment and amounts levied  
24 to pay for special building funds and sinking funds established  
25 for projects commenced prior to April 1, 1996, for construction,  
26 expansion, or alteration of school district buildings. For purposes  
27 of this subsection, commenced means any action taken by the school  
1 board on the record which commits the board to expend district  
2 funds in planning, constructing, or carrying out the project.

3 (d) Federal aid school districts may exceed the maximum  
4 levy prescribed by subdivision (2)(a) or (b) of this section  
5 only to the extent necessary to qualify to receive federal aid  
6 pursuant to Title VIII of Public Law 103-382, as such title existed  
7 on September 1, 2001. For purposes of this subdivision, federal  
8 aid school district means any school district which receives ten  
9 percent or more of the revenue for its general fund budget from  
10 federal government sources pursuant to Title VIII of Public Law  
11 103-382, as such title existed on September 1, 2001.

12 (e) For school fiscal year 2002-03 through school fiscal  
13 year 2007-08, school districts and multiple-district school systems  
14 may, upon a three-fourths majority vote of the school board of  
15 the school district, the board of the unified system, or the  
16 school board of the high school district of the multiple-district  
17 school system that is not a unified system, exceed the maximum  
18 levy prescribed by subdivision (2)(a) of this section in an amount  
19 equal to the net difference between the amount of state aid that  
20 would have been provided under the Tax Equity and Educational

21 Opportunities Support Act without the temporary aid adjustment  
22 factor as defined in section 79-1003 for the ensuing school fiscal  
23 year for the school district or multiple-district school system  
24 and the amount provided with the temporary aid adjustment factor.  
25 The State Department of Education shall certify to the school  
26 districts and multiple-district school systems the amount by which  
27 the maximum levy may be exceeded for the next school fiscal year  
1 pursuant to this subdivision (e) of this subsection on or before  
2 February 15 for school fiscal years 2004-05 through 2007-08.

3 (f) For fiscal year 2008-09 and each fiscal year  
4 thereafter, learning communities may levy a maximum levy of two  
5 cents on each one hundred dollars of taxable property subject to  
6 the levy for special building funds for member school districts.

7 (g) For fiscal year 2008-09 and each fiscal year  
8 thereafter, learning communities may levy a maximum levy of one  
9 cent on each one hundred dollars of taxable property subject to the  
10 levy for the learning community budget and for projects approved by  
11 the learning community coordinating council.

12 (3) Community colleges may levy a maximum levy on each  
13 one hundred dollars of taxable property subject to the levy of  
14 seven cents, plus amounts allowed under subsection (7) of section  
15 85-1536.01, except that any community college whose valuation per  
16 reported aid equivalent student as defined in section 85-1503 was  
17 less than eighty-two percent of the average valuation per statewide  
18 reimbursable reported aid equivalent total as defined in section  
19 85-1503 for all community colleges for fiscal year 1997-98 may levy  
20 up to an additional one-half cent for each of fiscal years 2005-06  
21 and 2006-07 upon a three-fourths majority vote of the board.

22 (4) Natural resources districts may levy a maximum levy  
23 of four and one-half cents per one hundred dollars of taxable  
24 valuation of property subject to the levy. Natural resources  
25 districts shall also have the power and authority to levy a  
26 tax equal to the dollar amount by which their restricted funds  
27 budgeted to administer and implement ground water management  
1 activities and integrated management activities under the Nebraska  
2 Ground Water Management and Protection Act exceed their restricted  
3 funds budgeted to administer and implement ground water management  
4 activities and integrated management activities for FY2003-04,  
5 not to exceed one cent on each one hundred dollars of taxable  
6 valuation annually on all of the taxable property within the  
7 district. In addition, natural resources districts located in a  
8 river basin, subbasin, or reach that has been determined to be  
9 fully appropriated pursuant to section 46-714 or designated as  
10 overappropriated pursuant to section 46-713 by the Department of  
11 Natural Resources shall also have the power and authority to  
12 levy a tax equal to the dollar amount by which their restricted  
13 funds budgeted to administer and implement ground water management  
14 activities and integrated management activities under the Nebraska  
15 Ground Water Management and Protection Act exceed their restricted

16 funds budgeted to administer and implement ground water management  
17 activities and integrated management activities for FY2005-06, not  
18 to exceed three cents on each one hundred dollars of taxable  
19 valuation on all of the taxable property within the district for  
20 fiscal year 2006-07 ~~and not to exceed two cents on each one~~  
21 ~~hundred dollars of taxable valuation annually on all of the taxable~~  
22 ~~property within the district for fiscal years 2007-08 and 2008-09.~~  
23 and each fiscal year thereafter through fiscal year 2011-12.

24 (5) Educational service units may levy a maximum levy of  
25 one and one-half cents per one hundred dollars of taxable valuation  
26 of property subject to the levy.

27 (6)(a) Incorporated cities and villages which are not  
1 within the boundaries of a municipal county may levy a maximum levy  
2 of forty-five cents per one hundred dollars of taxable valuation  
3 of property subject to the levy plus an additional five cents per  
4 one hundred dollars of taxable valuation to provide financing for  
5 the municipality's share of revenue required under an agreement  
6 or agreements executed pursuant to the Interlocal Cooperation Act  
7 or the Joint Public Agency Act. The maximum levy shall include  
8 amounts levied to pay for sums to support a library pursuant  
9 to section 51-201, museum pursuant to section 51-501, visiting  
10 community nurse, home health nurse, or home health agency pursuant  
11 to section 71-1637, or statue, memorial, or monument pursuant to  
12 section 80-202.

13 (b) Incorporated cities and villages which are within the  
14 boundaries of a municipal county may levy a maximum levy of ninety  
15 cents per one hundred dollars of taxable valuation of property  
16 subject to the levy. The maximum levy shall include amounts paid  
17 to a municipal county for county services, amounts levied to pay  
18 for sums to support a library pursuant to section 51-201, a museum  
19 pursuant to section 51-501, a visiting community nurse, home health  
20 nurse, or home health agency pursuant to section 71-1637, or a  
21 statue, memorial, or monument pursuant to section 80-202.

22 (7) Sanitary and improvement districts which have been in  
23 existence for more than five years may levy a maximum levy of forty  
24 cents per one hundred dollars of taxable valuation of property  
25 subject to the levy, and sanitary and improvement districts which  
26 have been in existence for five years or less shall not have  
27 a maximum levy. Unconsolidated sanitary and improvement districts  
1 which have been in existence for more than five years and are  
2 located in a municipal county may levy a maximum of eighty-five  
3 cents per hundred dollars of taxable valuation of property subject  
4 to the levy.

5 (8) Counties may levy or authorize a maximum levy of  
6 fifty cents per one hundred dollars of taxable valuation of  
7 property subject to the levy, except that five cents per one  
8 hundred dollars of taxable valuation of property subject to the  
9 levy may only be levied to provide financing for the county's  
10 share of revenue required under an agreement or agreements executed

11 pursuant to the Interlocal Cooperation Act or the Joint Public  
 12 Agency Act. The maximum levy shall include amounts levied to pay  
 13 for sums to support a library pursuant to section 51-201 or museum  
 14 pursuant to section 51-501. The county may allocate up to fifteen  
 15 cents of its authority to other political subdivisions subject  
 16 to allocation of property tax authority under subsection (1) of  
 17 section 77-3443 and not specifically covered in this section to  
 18 levy taxes as authorized by law which do not collectively exceed  
 19 fifteen cents per one hundred dollars of taxable valuation on any  
 20 parcel or item of taxable property. The county may allocate to  
 21 one or more other political subdivisions subject to allocation  
 22 of property tax authority by the county under subsection (1) of  
 23 section 77-3443 some or all of the county's five cents per one  
 24 hundred dollars of valuation authorized for support of an agreement  
 25 or agreements to be levied by the political subdivision for the  
 26 purpose of supporting that political subdivision's share of revenue  
 27 required under an agreement or agreements executed pursuant to the  
 1 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
 2 allocation by a county would cause another county to exceed its  
 3 levy authority under this section, the second county may exceed the  
 4 levy authority in order to levy the amount allocated.

5 (9) Municipal counties may levy or authorize a maximum  
 6 levy of one dollar per one hundred dollars of taxable valuation  
 7 of property subject to the levy. The municipal county may allocate  
 8 levy authority to any political subdivision or entity subject to  
 9 allocation under section 77-3443.

10 (10) Property tax levies for judgments, except judgments  
 11 or orders from the Commission of Industrial Relations, obtained  
 12 against a political subdivision which require or obligate a  
 13 political subdivision to pay such judgment, to the extent such  
 14 judgment is not paid by liability insurance coverage of a  
 15 political subdivision, for preexisting lease-purchase contracts  
 16 approved prior to July 1, 1998, for bonded indebtedness approved  
 17 according to law and secured by a levy on property, and for  
 18 payments by a public airport to retire interest-free loans from the  
 19 Department of Aeronautics in lieu of bonded indebtedness at a lower  
 20 cost to the public airport are not included in the levy limits  
 21 established by this section.

22 (11) The limitations on tax levies provided in this  
 23 section are to include all other general or special levies  
 24 provided by law. Notwithstanding other provisions of law, the  
 25 only exceptions to the limits in this section are those provided by  
 26 or authorized by sections 77-3442 to 77-3444.

27 (12) Tax levies in excess of the limitations in this  
 1 section shall be considered unauthorized levies under section  
 2 77-1606 unless approved under section 77-3444.

3 (13) For purposes of sections 77-3442 to 77-3444,  
 4 political subdivision means a political subdivision of this state  
 5 and a county agricultural society.

Senator Christensen asked unanimous consent to withdraw his amendment, FA64, found on page 1102, and replace it with his substitute amendment, AM957, to the first committee amendment. No objections. So ordered.  
AM957

(Amendments to Standing Committee amendments, AM938)

- 1 1. Insert the following new section:
- 2 Sec. 7. The authority to issue bonds for qualified
- 3 projects granted in section 6 of this act terminates on January 1,
- 4 2023, except that any bonds already issued and in existence for
- 5 qualified projects shall continue to be authorized for the life of
- 6 the bond and any subsequent refunding of a bond or bonds issued
- 7 solely for the purposes of the original qualified project.
- 8 2. On page 6, line 10, strike "9" and insert "10".
- 9 3. Renumber the remaining sections and correct internal
- 10 references accordingly.

Pending.

### ANNOUNCEMENT

The Chair announced April 7 was Senator Erdman's birthday.

### GENERAL FILE

**LEGISLATIVE BILL 701.** The Christensen amendment, AM957, found in this day's Journal, to the first committee amendment, was renewed.

Pending.

### COMMITTEE REPORTS

#### Enrollment and Review

#### Correctly Engrossed

The following bills were correctly engrossed: LBs 198, 232, 338, 415, 415A, 457, 502, and 562.

ST9021

Enrollment and Review Change to LB 198

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

1. In the Fulton-Schimek amendment, AM801, on page 1, line 1, "line 17, strike 'and';" has been struck; and in line 5 "and" has been struck.
2. In the Schimek-Avery-Fulton amendment, AM705, on page 1, line 7, "(3)" has been struck and "(4)" inserted.

ST9022

## Enrollment and Review Change to LB 457

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

1. In the Hansen amendment, AM898, on page 1, line 10, "phone" has been struck and "telephone" inserted.

2. On page 1, the matter beginning with "43-1314" in line 1 through line 4 has been struck and "43-1318, Reissue Revised Statutes of Nebraska; to require a caregiver information form for foster care proceedings; to provide a duty for the Supreme Court; to harmonize provisions; and to repeal the original section." inserted.

(Signed) Amanda McGill, Chairperson

**MESSAGE FROM THE GOVERNOR**

April 9, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as Administrator of the Office of Juvenile Services:

Terri Nutzman, 3401 South 81st Street, Lincoln NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Nutzman, Terri - Office of Juvenile Services - Judiciary

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



**COMMITTEE REPORTS**  
**Judiciary**

**LEGISLATIVE BILL 377.** Placed on General File - Com AM912.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 674.** Placed on General File - Com AM805.  
AM805

- 1 1. Strike the original section and insert the following  
2 new sections:  
3 Section 1. (1) For purposes of this section:  
4 (a) Employer means a person which employs any individual  
5 within this state as an employee;  
6 (b) Employee means any individual permitted to work by  
7 an employer pursuant to an employment relationship or who has  
8 contracted to sell the goods of an employer and to be compensated  
9 by commission. Services performed by an individual for an employer  
10 shall be deemed to be employment, unless it is shown that (i)  
11 such individual has been and will continue to be free from control  
12 or direction over the performance of such services, both under  
13 his or her contract of service and in fact, (ii) such service  
14 is either outside the usual course of business for which such  
15 service is performed or such service is performed outside of all  
16 the places of business of the enterprise for which such service  
17 is performed, and (iii) such individual is customarily engaged  
18 in an independently established trade, occupation, profession, or  
19 business. This subdivision is not intended to be a codification of  
20 the common law and shall be considered complete as written;  
21 (c) Person means the state or any individual,  
22 partnership, limited liability company, association, joint-stock  
23 company, trust, corporation, political subdivision, or personal  
1 representative of the estate of a deceased individual, or the  
2 receiver, trustee, or successor thereof;  
3 (d) Temporary employee means an employee of a temporary  
4 help firm assigned to work for the clients of such temporary help  
5 firm; and  
6 (e) Temporary help firm means a firm that hires its own  
7 employees and assigns them to clients to support or supplement  
8 the client's work force in work situations such as employee  
9 absences, temporary skill shortages, seasonal workloads, and  
10 special assignments and projects.  
11 (2) Except as otherwise provided in subsection (3) of  
12 this section, an employer shall not:  
13 (a) Publicly post or publicly display in any manner  
14 more than the last four digits of an individual's social security  
15 number, including intentional communication of more than the last  
16 four digits of the social security number or otherwise making more  
17 than the last four digits of the social security number available

18 to the general public or to an individual's coworkers;

19 (b) Require an individual to transmit more than the last  
20 four digits of his or her social security number over the Internet  
21 unless the connection is secure or the information is encrypted;

22 (c) Require an individual to use more than the last four  
23 digits of his or her social security number to access an Internet  
24 web site unless a password, unique personal identification number,  
25 or other authentication device is also required to access the  
26 Internet web site; or

27 (d) Require an individual to use more than the last four  
1 digits of his or her social security number as an employee number  
2 for any type of employment-related activity.

3 (3)(a) Except as otherwise provided in subdivision (b) of  
4 this subsection, an employer shall be permitted to use more than  
5 the last four digits of an employee's social security number only  
6 for:

7 (i) Compliance with state or federal laws, rules, or  
8 regulations;

9 (ii) Internal administrative purposes, including  
10 provision of more than the last four digits of social security  
11 numbers to third parties for such purposes as administration  
12 of personnel benefit provisions for the employer and employment  
13 screening and staffing; and

14 (iii) Commercial transactions freely and voluntarily  
15 entered into by the employee with the employer for the purchase of  
16 goods or services.

17 (b) The following uses for internal administrative  
18 purposes described in subdivision (a)(ii) of this subsection shall  
19 not be permitted:

20 (i) As an identification number for occupational  
21 licensing;

22 (ii) As an identification number for drug-testing  
23 purposes except when required by state or federal law;

24 (iii) As an identification number for company meetings;

25 (iv) In files with unrestricted access within the  
26 company;

27 (v) In files accessible by any temporary employee unless  
1 the temporary employee is bonded or insured under a blanket  
2 corporate surety bond or equivalent commercial insurance; or

3 (vi) For posting any type of company information.

4 (4) An employer who violates this section is guilty of a  
5 Class V misdemeanor.

6 (5) Evidence of a conviction under this section is  
7 admissible in evidence at a civil trial as evidence of the  
8 employer's negligence.

9 Sec. 2. This act becomes operative on September 1, 2008.

(Signed) Steve Lathrop, Vice Chairperson

### VISITORS

Visitors to the Chamber were 28 fourth-grade students and teachers from Battle Creek; 27 fourth-grade students and teachers from Seymour Elementary, Ralston; members of St. Patrick's Catholic Church, Lincoln; 51 tenth-grade students, sponsors, and members of GFWC Nebraska Federation of Women's Clubs from across the state; and Lacy Bryant, Kristina Phillips, and Jessica Jorgensen from Curtis.

### RECESS

At 12:02 p.m., on a motion by Senator McDonald, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

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

### ROLL CALL

The roll was called and all members were present except Senator Ashford who was excused; and Senators Dierks, Engel, Fulton, Harms, Heidemann, Kruse, McDonald, Nantkes, Nelson, Synowiecki, White, and Wightman who were excused until they arrive.

### COMMITTEE REPORT Enrollment and Review

**LEGISLATIVE BILL 564.** Placed on Select File - ER8069.  
ER8069

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 13-910, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 13-910 The Political Subdivisions Tort Claims Act and
- 6 sections 16-727, 16-728, 23-175, 39-809, and 79-610 shall not apply
- 7 to:
- 8 (1) Any claim based upon an act or omission of an
- 9 employee of a political subdivision, exercising due care, in
- 10 the execution of a statute, ordinance, or officially adopted
- 11 resolution, rule, or regulation, whether or not such statute,
- 12 ordinance, resolution, rule, or regulation is valid;
- 13 (2) Any claim based upon the exercise or performance of
- 14 or the failure to exercise or perform a discretionary function or
- 15 duty on the part of the political subdivision or an employee of the
- 16 political subdivision, whether or not the discretion is abused;
- 17 (3) Any claim based upon the failure to make an
- 18 inspection or making an inadequate or negligent inspection of
- 19 any property other than property owned by or leased to such

20 political subdivision to determine whether the property complies  
21 with or violates any statute, ordinance, rule, or regulation or  
22 contains a hazard to public health or safety unless the political  
23 subdivision had reasonable notice of such hazard or the failure  
1 to inspect or inadequate or negligent inspection constitutes a  
2 reckless disregard for public health or safety;

3 (4) Any claim based upon the issuance, denial,  
4 suspension, or revocation of or failure or refusal to issue,  
5 deny, suspend, or revoke any permit, license, certificate, or  
6 order. Nothing in this subdivision shall be construed to limit  
7 a political subdivision's liability for any claim based upon the  
8 negligent execution by an employee of the political subdivision  
9 in the issuance of a certificate of title under the Motor Vehicle  
10 Certificate of Title Act and the State Boat Act;

11 (5) Any claim arising with respect to the assessment or  
12 collection of any tax or fee or the detention of any goods or  
13 merchandise by any law enforcement officer;

14 (6) Any claim caused by the imposition or establishment  
15 of a quarantine by the state or a political subdivision, whether  
16 such quarantine relates to persons or property;

17 (7) Any claim arising out of assault, battery, false  
18 arrest, false imprisonment, malicious prosecution, abuse of  
19 process, libel, slander, misrepresentation, deceit, or interference  
20 with contract rights;

21 (8) Any claim by an employee of the political subdivision  
22 which is covered by the Nebraska Workers' Compensation Act;

23 (9) Any claim arising out of the malfunction,  
24 destruction, or unauthorized removal of any traffic or road sign,  
25 signal, or warning device unless it is not corrected by the  
26 political subdivision responsible within a reasonable time after  
27 actual or constructive notice of such malfunction, destruction, or  
1 removal. Nothing in this subdivision shall give rise to liability  
2 arising from an act or omission of any political subdivision  
3 in placing or removing any traffic or road signs, signals, or  
4 warning devices when such placement or removal is the result of a  
5 discretionary act of the political subdivision;

6 (10) Any claim arising out of snow or ice conditions  
7 or other temporary conditions caused by nature on any highway as  
8 defined in section 60-624, bridge, public thoroughfare, or other  
9 public place due to weather conditions. Nothing in this subdivision  
10 shall be construed to limit a political subdivision's liability  
11 for any claim arising out of the operation of a motor vehicle  
12 by an employee of the political subdivision while acting within  
13 the course and scope of his or her employment by the political  
14 subdivision;

15 (11) Any claim arising out of the plan or design for  
16 the construction of or an improvement to any highway as defined  
17 in such section or bridge, either in original construction or any  
18 improvement thereto, if the plan or design is approved in advance

19 of the construction or improvement by the governing body of the  
20 political subdivision or some other body or employee exercising  
21 discretionary authority to give such approval; ~~or~~

22 (12) Any claim arising out of the alleged insufficiency  
23 or want of repair of any highway as defined in such section,  
24 bridge, or other public thoroughfare. Insufficiency or want of  
25 repair shall be construed to refer to the general or overall  
26 condition and shall not refer to a spot or localized defect. A  
27 political subdivision shall be deemed to waive its immunity for  
1 a claim due to a spot or localized defect only if the political  
2 subdivision has had actual or constructive notice of the defect  
3 within a reasonable time to allow repair prior to the incident  
4 giving rise to the claim; ~~or~~ -

5 (13)(a) Any claim relating to recreational activities for  
6 which no fee is charged (i) resulting from the inherent risk of  
7 the recreational activity, (ii) arising out of a spot or localized  
8 defect of the premises unless the spot or localized defect is  
9 not corrected by the political subdivision leasing, owning, or  
10 in control of the premises within a reasonable time after actual  
11 or constructive notice of the spot or localized defect, or (iii)  
12 arising out of the design of a skatepark or bicycle motocross  
13 park constructed for purposes of skateboarding, inline skating,  
14 bicycling, or scootering that was constructed or reconstructed,  
15 reasonably and in good faith, in accordance with generally  
16 recognized engineering or safety standards or design theories  
17 in existence at the time of the construction or reconstruction.  
18 For purposes of this subdivision, a political subdivision shall be  
19 charged with constructive notice only when the failure to discover  
20 the spot or localized defect of the premises is the result of gross  
21 negligence.

22 (b) For purposes of this subdivision:

23 (i) Recreational activities include, but are not limited  
24 to, whether as a participant or spectator: Hunting, fishing,  
25 swimming, boating, camping, picnicking, hiking, walking, running,  
26 horseback riding, use of trails, nature study, waterskiing, winter  
27 sports, use of playground equipment, biking, roller blading,  
1 skateboarding, golfing, athletic contests; visiting, viewing,  
2 or enjoying entertainment events, festivals, or historical,  
3 archaeological, scenic, or scientific sites; and similar leisure  
4 activities;

5 (ii) Inherent risk of recreational activities means those  
6 risks that are characteristic of, intrinsic to, or an integral part  
7 of the activity;

8 (iii) Gross negligence means the absence of even slight  
9 care in the performance of a duty involving an unreasonable risk of  
10 harm; and

11 (iv) Fee means a fee to participate in or be a spectator  
12 at a recreational activity. A fee shall include payment by the  
13 claimant to any person or organization other than the political

14 subdivision only to the extent the political subdivision retains  
15 control over the premises or the activity. A fee shall not include  
16 payment of a fee or charge for parking or vehicle entry.  
17 (c) This subdivision, and not subdivision (3) of this  
18 section, shall apply to any claim arising from the inspection  
19 or failure to make an inspection or negligent inspection of  
20 premises owned or leased by the political subdivision and used for  
21 recreational activities.

22 Sec. 2. Section 81-8,219, Revised Statutes Cumulative  
23 Supplement, 2006, is amended to read:

24 81-8,219 The State Tort Claims Act shall not apply to:

25 (1) Any claim based upon an act or omission of an  
26 employee of the state, exercising due care, in the execution of a  
27 statute, rule, or regulation, whether or not such statute, rule, or  
1 regulation is valid, or based upon the exercise or performance or  
2 the failure to exercise or perform a discretionary function or duty  
3 on the part of a state agency or an employee of the state, whether  
4 or not the discretion is abused;

5 (2) Any claim arising with respect to the assessment or  
6 collection of any tax or fee, or the detention of any goods or  
7 merchandise by any law enforcement officer;

8 (3) Any claim for damages caused by the imposition or  
9 establishment of a quarantine by the state whether such quarantine  
10 relates to persons or property;

11 (4) Any claim arising out of assault, battery, false  
12 imprisonment, false arrest, malicious prosecution, abuse of  
13 process, libel, slander, misrepresentation, deceit, or interference  
14 with contract rights;

15 (5) Any claim by an employee of the state which is  
16 covered by the Nebraska Workers' Compensation Act;

17 (6) Any claim based on activities of the Nebraska  
18 National Guard when such claim is cognizable under the Federal  
19 Tort Claims Act, 28 U.S.C. 2674, or the National Guard Tort Claims  
20 Act of the United States, 32 U.S.C. 715, or when such claim accrues  
21 as a result of active federal service or state service at the call  
22 of the Governor for quelling riots and civil disturbances;

23 (7) Any claim based upon the failure to make an  
24 inspection or making an inadequate or negligent inspection of  
25 any property other than property owned by or leased to the state  
26 to determine whether the property complies with or violates any  
27 statute, ordinance, rule, or regulation or contains a hazard to  
1 public health or safety unless the state had reasonable notice of  
2 such hazard or the failure to inspect or inadequate or negligent  
3 inspection constitutes a reckless disregard for public health or  
4 safety;

5 (8) Any claim based upon the issuance, denial,  
6 suspension, or revocation of or failure or refusal to issue, deny,  
7 suspend, or revoke any permit, license, certificate, or order.

8 Such claim shall also not be filed against a state employee

9 acting within the scope of his or her office. Nothing in this  
10 subdivision shall be construed to limit the state's liability for  
11 any claim based upon the negligent execution by a state employee  
12 in the issuance of a certificate of title under the Motor Vehicle  
13 Certificate of Title Act and the State Boat Act;

14 (9) Any claim arising out of the malfunction,  
15 destruction, or unauthorized removal of any traffic or road sign,  
16 signal, or warning device unless it is not corrected by the  
17 governmental entity responsible within a reasonable time after  
18 actual or constructive notice of such malfunction, destruction, or  
19 removal. Nothing in this subdivision shall give rise to liability  
20 arising from an act or omission of any governmental entity  
21 in placing or removing any traffic or road signs, signals, or  
22 warning devices when such placement or removal is the result of a  
23 discretionary act of the governmental entity;

24 (10) Any claim arising out of snow or ice conditions  
25 or other temporary conditions caused by nature on any highway as  
26 defined in section 60-624, bridge, public thoroughfare, or other  
27 state-owned public place due to weather conditions. Nothing in this  
1 subdivision shall be construed to limit the state's liability for  
2 any claim arising out of the operation of a motor vehicle by an  
3 employee of the state while acting within the course and scope of  
4 his or her employment by the state;

5 (11) Any claim arising out of the plan or design for  
6 the construction of or an improvement to any highway as defined  
7 in such section or bridge, either in original construction or  
8 any improvement thereto, if the plan or design is approved in  
9 advance of the construction or improvement by the governing body of  
10 the governmental entity or some other body or employee exercising  
11 discretionary authority to give such approval; ~~or~~

12 (12) Any claim arising out of the alleged insufficiency  
13 or want of repair of any highway as defined in such section,  
14 bridge, or other public thoroughfare. Insufficiency or want of  
15 repair shall be construed to refer to the general or overall  
16 condition and shall not refer to a spot or localized defect. The  
17 state shall be deemed to waive its immunity for a claim due to  
18 a spot or localized defect only if the state has had actual or  
19 constructive notice of the defect within a reasonable time to allow  
20 repair prior to the incident giving rise to the claim; ~~or~~ -

21 (13)(a) Any claim relating to recreational activities on  
22 property leased, owned, or controlled by the state for which no fee  
23 is charged (i) resulting from the inherent risk of the recreational  
24 activity, (ii) arising out of a spot or localized defect of the  
25 premises unless the spot or localized defect is not corrected  
26 within a reasonable time after actual or constructive notice of  
27 the spot or localized defect, or (iii) arising out of the design  
1 of a skatepark or bicycle motocross park constructed for purposes  
2 of skateboarding, inline skating, bicycling, or scootering that  
3 was constructed or reconstructed, reasonably and in good faith,

4 in accordance with generally recognized engineering or safety  
5 standards or design theories in existence at the time of the  
6 construction or reconstruction. For purposes of this subdivision,  
7 the state shall be charged with constructive notice only when the  
8 failure to discover the spot or localized defect of the premises is  
9 the result of gross negligence.

10 (b) For purposes of this subdivision:

11 (i) Recreational activities include, but are not limited  
12 to, whether as a participant or spectator: Hunting, fishing,  
13 swimming, boating, camping, picnicking, hiking, walking, running,  
14 horseback riding, use of trails, nature study, waterskiing, winter  
15 sports, use of playground equipment, biking, roller blading,  
16 skateboarding, golfing, athletic contests; visiting, viewing,  
17 or enjoying entertainment events, festivals, or historical,  
18 archaeological, scenic, or scientific sites; and similar leisure  
19 activities;

20 (ii) Inherent risk of recreational activities means those  
21 risks that are characteristic of, intrinsic to, or an integral part  
22 of the activity;

23 (iii) Gross negligence means the absence of even slight  
24 care in the performance of a duty involving an unreasonable risk of  
25 harm; and

26 (iv) Fee means a fee to participate in or be a spectator  
27 at a recreational activity. A fee shall include payment by the  
1 claimant to any person or organization other than the state only  
2 to the extent the state retains control over the premises or the  
3 activity. A fee shall not include payment of a fee or charge for  
4 parking or vehicle entry.

5 (c) This subdivision, and not subdivision (7) of this  
6 section, shall apply to any claim arising from the inspection or  
7 failure to make an inspection or negligent inspection of premises  
8 owned or leased by the state and used for recreational activities.

9 Sec. 3. Original sections 13-910 and 81-8,219, Revised  
10 Statutes Cumulative Supplement, 2006, are repealed.

11 Sec. 4. Since an emergency exists, this act takes effect  
12 when passed and approved according to law.

13 2. On page 1, strike beginning with "recreational" in  
14 line 1 through line 7 and insert "tort claims; to amend sections  
15 13-910 and 81-8,219, Revised Statutes Cumulative Supplement, 2006;  
16 to change the Political Subdivisions Tort Claims Act and the  
17 State Tort Claims Act with respect to liability for recreational  
18 activities; to define terms; to provide for applicability; to  
19 repeal the original sections; and to declare an emergency."

(Signed) Amanda McGill, Chairperson



**GENERAL FILE**

**LEGISLATIVE BILL 701.** The Christensen amendment, AM957, found in this day's Journal, to the first committee amendment, was renewed.

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

Senator Flood moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Christensen amendment was adopted with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Wallman offered the following amendment to the first committee amendment:

AM959

(Amendments to Standing Committee amendments, AM938)

1 1. Insert the following new section:

2 Sec. 10. Prior to the expenditure of any revenue raised  
 3 under sections 6 to 9 of this act, all districts governed by  
 4 section 6 of this act shall enter into an interlocal agreement  
 5 under the Interlocal Cooperation Act to jointly manage and operate  
 6 the project or projects financed by such revenue.

7 2. On page 6, line 10, strike "9" and insert "10".

8 3. Renumber the remaining sections and correct internal  
 9 references accordingly.

**SENATOR FRIEND PRESIDING**

Senator Wallman withdrew his amendment.

The first committee amendment, AM962, found in this day's Journal, as amended, was renewed.

The first committee amendment, as amended, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

The second committee amendment is as follows:

AM963

1 1. Strike the original sections and all amendments

2 thereto and insert the following sections:

3 Sec. 23. (1) The Water Resources Cash Fund is created.

4 The fund shall be administered by the Department of Natural  
 5 Resources. Any money in the fund available for investment shall be  
 6 invested by the state investment officer pursuant to the Nebraska

7 Capital Expansion Act and the Nebraska State Funds Investment Act.

8 (2) The State Treasurer shall credit to the fund such  
9 money as is (a) transferred to the fund by the Legislature, (b)  
10 paid to the state as fees, deposits, payments, and repayments  
11 relating to the fund, both principal and interest, (c) donated as  
12 gifts, bequests, or other contributions to such fund from public or  
13 private entities, (d) made available by any department or agency of  
14 the United States if so directed by such department or agency, and  
15 (e) credited to the fund from the excise taxes imposed by section  
16 66-1345.01 beginning January 1, 2013.

17 (3) The fund shall be expended by the department to  
18 (i) aid management actions taken to reduce consumptive uses of  
19 water in river basins, subbasins, or reaches which are deemed  
20 by the department overappropriated pursuant to section 46-713 or  
21 fully appropriated pursuant to section 46-714 or are bound by  
22 an interstate compact or decree or a formal state contract or  
23 agreement and (ii) the extent funds are not expended on subdivision  
1 (i) of this subsection, the department may conduct a statewide  
2 assessment of short and long-term water management activities and  
3 funding needs to meet statutory requirements in sections 46-713 to  
4 46-718 and 46-739 and any requirements of an interstate compact or  
5 decree or formal state contract or agreement. The fund shall not  
6 be used to pay for administrative expenses or any salaries for the  
7 department or any political subdivision.

8 (4) It is the intent of the Legislature that two million  
9 seven hundred thousand dollars be transferred each fiscal year from  
10 the General Fund to the Water Resources Cash Fund for FY2009-10  
11 through FY2018-19.

12 (5)(a) Expenditures from the Water Resources Cash  
13 Fund may be made to natural resources districts eligible under  
14 subsection (3) of this section for activities to either achieve  
15 a sustainable balance of consumptive water uses or to assure  
16 compliance with an interstate compact or decree or a formal state  
17 contract or agreement and shall require a match of local funding  
18 in an amount equal to or greater than forty percent of the total  
19 cost of carrying out the eligible activity. Any natural resources  
20 district receiving funding from the Water Resources Cash Fund  
21 for fiscal year 2007-08 shall submit a report of its planned  
22 expenditures for the activity to the Legislature by July 15, 2007,  
23 and by November 15, 2007, for funding for any subsequent year. The  
24 report shall include:

25 (i) An explanation of how the planned activity will  
26 assure compliance with an interstate compact or decree or a formal  
27 state contract or agreement as required by section 46-715 and  
1 the controls, rules, and regulations designed to carry out the  
2 activity; and

3 (ii) A schedule of implementation of the activity or its  
4 components.

5 (b) Any natural resources district receiving funding from

6 the Water Resources Cash Fund shall agree as a condition to repay  
7 the fund if the Legislature finds that the district failed to  
8 implement and enforce its controls, rules, and regulations as  
9 required by section 46-715.

10 Sec. 24. Section 61-210, Revised Statutes Cumulative  
11 Supplement, 2006, is amended to read:

12 61-210 The Department of Natural Resources Cash Fund  
13 is created. The State Treasurer shall credit to such fund such  
14 money as is specifically appropriated or reappropriated by the  
15 Legislature. The State Treasurer shall also credit such fund with  
16 payments, if any, accepted for services rendered by the department  
17 and fees collected pursuant to subsection (6) of section 46-606  
18 and section 61-209. The funds made available to the Department  
19 of Natural Resources by the United States, through the Natural  
20 Resources Conservation Service of the Department of Agriculture or  
21 through any other agencies, shall be credited to the fund by the  
22 State Treasurer. Any money in the fund available for investment  
23 shall be invested by the state investment officer pursuant to  
24 the Nebraska Capital Expansion Act and the Nebraska State Funds  
25 Investment Act. The Department of Natural Resources shall allocate  
26 money from the fund to pay costs of the programs or activities  
27 of the department. The Director of Administrative Services, upon  
1 receipt of proper vouchers approved by the department, shall issue  
2 warrants on the fund, and the State Treasurer shall countersign  
3 and pay from, but never in excess of, the amounts to the credit  
4 of the fund. ~~The State Treasurer shall transfer any money in the~~  
5 ~~Department of Water Resources Cash Fund and in the Nebraska Natural~~  
6 ~~Resources Commission Cash Fund on July 1, 2000, to the Department~~  
7 ~~of Natural Resources Cash Fund.~~

8 Sec. 25. Section 66-1345, Revised Statutes Cumulative  
9 Supplement, 2006, is amended to read:

10 66-1345 (1) There is hereby created the Ethanol  
11 Production Incentive Cash Fund which shall be used by the board  
12 to pay the credits created in section 66-1344 to the extent  
13 provided in this section. Any money in the fund available for  
14 investment shall be invested by the state investment officer  
15 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
16 State Funds Investment Act. The State Treasurer shall transfer to  
17 the Ethanol Production Incentive Cash Fund such money as shall be  
18 (a) appropriated to the Ethanol Production Incentive Cash Fund by  
19 the Legislature, (b) given as gifts, bequests, grants, or other  
20 contributions to the Ethanol Production Incentive Cash Fund from  
21 public or private sources, (c) made available due to failure to  
22 fulfill conditional requirements pursuant to investment agreements  
23 entered into prior to April 30, 1992, (d) received as return on  
24 investment of the Ethanol Authority and Development Cash Fund, (e)  
25 credited to the Ethanol Production Incentive Cash Fund from the  
26 excise taxes imposed by section 66-1345.01, and (f) credited to the  
27 Ethanol Production Incentive Cash Fund pursuant to sections 66-489,

1 ~~66-4,134~~, 66-726, 66-1345.04, and 66-1519.

2 (2) The Department of Revenue shall, at the end of each  
3 calendar month, notify the State Treasurer of the amount of motor  
4 fuel tax that was not collected in the preceding calendar month  
5 due to the credits provided in section 66-1344. The State Treasurer  
6 shall transfer from the Ethanol Production Incentive Cash Fund to  
7 the Highway Trust Fund an amount equal to such credits less the  
8 following amounts:

9 (a) For 1993, 1994, and 1995, the amount generated during  
10 the calendar quarter by a one-cent tax on motor fuel pursuant to  
11 sections 66-489 and 66-6,107;

12 (b) For 1996, the amount generated during the calendar  
13 quarter by a three-quarters-cent tax on motor fuel pursuant to such  
14 sections;

15 (c) For 1997, the amount generated during the calendar  
16 quarter by a one-half-cent tax on motor fuel pursuant to such  
17 sections; and

18 (d) For 1998 and each year thereafter, no reduction.

19 For 1993 through 1997, if the amount generated pursuant  
20 to subdivisions (a), (b), and (c) of this subsection and the  
21 amount transferred pursuant to subsection (1) of this section are  
22 not sufficient to fund the credits provided in section 66-1344,  
23 then the credits shall be funded through the Ethanol Production  
24 Incentive Cash Fund but shall not be funded through either the  
25 Highway Cash Fund or the Highway Trust Fund. For 1998 and each year  
26 thereafter, the credits provided in such section shall be funded  
27 through the Ethanol Production Incentive Cash Fund but shall not be  
1 funded through either the Highway Cash Fund or the Highway Trust  
2 Fund.

3 If, during any month, the amount of money in the Ethanol  
4 Production Incentive Cash Fund is not sufficient to reimburse the  
5 Highway Trust Fund for credits earned pursuant to section 66-1344,  
6 the Department of Revenue shall suspend the transfer of credits by  
7 ethanol producers until such time as additional funds are available  
8 in the Ethanol Production Incentive Cash Fund for transfer to the  
9 Highway Trust Fund. Thereafter, the Department of Revenue shall, at  
10 the end of each month, allow transfer of accumulated credits earned  
11 by each ethanol producer on a prorated basis derived by dividing  
12 the amount in the fund by the aggregate amount of accumulated  
13 credits earned by all ethanol producers.

14 (3) The State Treasurer shall transfer from the Ethanol  
15 Production Incentive Cash Fund to the Management Services Expense  
16 Revolving Fund the amount reported under subsection (4) of section  
17 66-1345.02 for each calendar month of the fiscal year as provided  
18 in such subsection.

19 (4) On December 31, 2012, the State Treasurer shall  
20 transfer ~~one half of the unexpended and unobligated funds,~~  
21 including all subsequent investment interest, from the Ethanol  
22 Production Incentive Cash Fund to the ~~Nebraska Corn Development,~~

23 ~~Utilization, and Marketing Fund and Grain Sorghum Development,~~  
24 ~~Utilization, and Marketing Fund in the same proportion as funds~~  
25 ~~were collected pursuant to section 66-1345.01 from corn and grain~~  
26 ~~sorghum. The Department of Agriculture shall assist the State~~  
27 ~~Treasurer in determining the amounts to be transferred to the~~  
1 ~~funds. The remaining one-half of the unexpended and unobligated~~  
2 ~~funds shall be transferred to the General Fund. Water Resources~~  
3 ~~Cash Fund.~~

4 (5) Whenever the unobligated balance in the Ethanol  
5 Production Incentive Cash Fund exceeds twenty million dollars, the  
6 Department of Revenue shall notify the Department of Agriculture at  
7 which time the Department of Agriculture shall suspend collection  
8 of the excise tax levied pursuant to section 66-1345.01. If, after  
9 suspension of the collection of such excise tax, the balance of  
10 the fund falls below ten million dollars, the Department of Revenue  
11 shall notify the Department of Agriculture which shall resume  
12 collection of the excise tax.

13 (6) On or before December 1, 2003, and each December  
14 1 thereafter, the Department of Revenue and the Nebraska Ethanol  
15 Board shall jointly submit a report to the Legislature which shall  
16 project the anticipated revenue and expenditures from the Ethanol  
17 Production Incentive Cash Fund through the termination of the  
18 ethanol production incentive programs pursuant to section 66-1344.  
19 The initial report shall include a projection of the amount  
20 of ethanol production for which the Department of Revenue has  
21 entered agreements to provide ethanol production credits pursuant  
22 to section 66-1344.01 and any additional ethanol production which  
23 the Department of Revenue and the Nebraska Ethanol Board reasonably  
24 anticipate may qualify for credits pursuant to section 66-1344.

25 Sec. 26. Section 66-1345.01, Revised Statutes Cumulative  
26 Supplement, 2006, is amended to read:

27 66-1345.01 An excise tax is levied upon all corn and  
1 grain sorghum sold through commercial channels in Nebraska or  
2 delivered in Nebraska. For any sale or delivery of corn or grain  
3 sorghum occurring on or after July 1, 1995, and before January  
4 1, 2000, the tax is three-fourths cent per bushel for corn and  
5 three-fourths cent per hundredweight for grain sorghum. For any  
6 sale or delivery of corn or grain sorghum occurring on or after  
7 January 1, 2000, and before January 1, 2001, the tax is one-half  
8 cent per bushel for corn and one-half cent per hundredweight for  
9 grain sorghum. For any sale or delivery of corn or grain sorghum  
10 occurring on or after October 1, 2001, and before October 1, 2004,  
11 the tax is one-half cent per bushel for corn and one-half cent per  
12 hundredweight for grain sorghum. For any sale or delivery of corn  
13 or grain sorghum occurring on or after October 1, 2004, and before  
14 October 1, 2005, the tax is three-fourths cent per bushel for  
15 corn and three-fourths cent per hundredweight for grain sorghum.  
16 For any sale or delivery of corn or grain sorghum occurring on  
17 or after October 1, 2005, and before October 1, 2010, the tax is

18 seven-eighths cent per bushel for corn and seven-eighths cent per  
19 hundredweight for grain sorghum. For any sale or delivery of corn  
20 or grain sorghum occurring on or after October 1, 2012, and before  
21 October 1, 2019, the tax is one-half cent per bushel for corn and  
22 one-half cent per hundredweight for grain sorghum. The tax shall  
23 be in addition to any fee imposed pursuant to sections 2-3623 and  
24 2-4012.

25 The excise tax shall be imposed at the time of sale or  
26 delivery and shall be collected by the first purchaser. The tax  
27 shall be collected, administered, and enforced in conjunction with  
1 the fees imposed pursuant to sections 2-3623 and 2-4012. The tax  
2 shall be collected, administered, and enforced by the Department of  
3 Agriculture. No corn or grain sorghum shall be subject to the tax  
4 imposed by this section more than once.

5 In the case of a pledge or mortgage of corn or grain  
6 sorghum as security for a loan under the federal price support  
7 program, the excise tax shall be deducted from the proceeds of such  
8 loan at the time the loan is made. If, within the life of the loan  
9 plus thirty days after the collection of the excise tax for corn  
10 or grain sorghum that is mortgaged as security for a loan under  
11 the federal price support program, the grower of the corn or grain  
12 sorghum so mortgaged decides to purchase the corn or grain sorghum  
13 and use it as feed, the grower shall be entitled to a refund of  
14 the excise tax previously paid. The refund shall be payable by the  
15 department upon the grower's written application for a refund. The  
16 application shall have attached proof of the tax deducted.

17 The excise tax shall be deducted whether the corn or  
18 grain sorghum is stored in this or any other state. The excise  
19 tax shall not apply to the sale of corn or grain sorghum to the  
20 federal government for ultimate use or consumption by the people  
21 of the United States when the State of Nebraska is prohibited from  
22 imposing such tax by the Constitution of the United States and laws  
23 enacted pursuant thereto.

24 Sec. 27. Section 66-1345.02, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 66-1345.02 (1) The first purchaser, at the time of sale  
27 or delivery, shall retain the excise tax as provided in section  
1 66-1345.01 and shall maintain the necessary records of the excise  
2 tax for each sale or delivery of corn or grain sorghum. Records  
3 maintained by the first purchaser shall provide (a) the name and  
4 address of the seller or deliverer, (b) the date of the sale or  
5 delivery, (c) the number of bushels of corn or hundredweight of  
6 grain sorghum sold or delivered, and (d) the amount of excise  
7 tax retained on each sale or delivery. The records shall be open  
8 for inspection and audit by authorized representatives of the  
9 Department of Agriculture during normal business hours observed by  
10 the first purchaser.

11 (2) The first purchaser shall render and have on file  
12 with the department by the last day of each January, April, July,

13 and October on forms prescribed by the department a statement of  
14 the number of bushels of corn and hundredweight of grain sorghum  
15 sold or delivered in Nebraska. At the time the statement is filed,  
16 the first purchaser shall pay and remit to the department the  
17 excise tax.

18 (3) The department shall remit the excise tax collected  
19 to the State Treasurer for credit to the Ethanol Production  
20 Incentive Cash Fund within thirty days after the end of each  
21 quarter through December 31, 2010. Beginning January 1, 2013,  
22 the department shall remit the excise tax collected to the State  
23 Treasurer for credit to the Water Resources Cash Fund within thirty  
24 days after the end of each quarter.

25 (4) The department shall calculate its costs in  
26 collecting and enforcing the excise tax imposed by section  
27 66-1345.01 and shall report such costs to the budget division of  
1 the Department of Administrative Services within thirty days after  
2 the end of the fiscal year. Sufficient funds to cover such costs  
3 shall be transferred from the Ethanol Production Incentive Cash  
4 Fund to the Management Services Expense Revolving Fund at the end  
5 of each calendar month, with such transfers ending December 31,  
6 2010. Beginning January 1, 2013, the department shall calculate its  
7 costs in collecting and enforcing the excise tax imposed by section  
8 66-1345.01 and shall report such costs to the budget division  
9 of the Department of Administrative Services within thirty days  
10 after the end of the fiscal year. Sufficient funds to cover such  
11 costs shall be transferred from the Water Resources Cash Fund to  
12 the Management Services Expense Revolving Fund at the end of each  
13 calendar month. Funds shall be transferred upon the receipt of  
14 a report of costs incurred by the Department of Agriculture for  
15 the previous calendar month by the Department of Administrative  
16 Services.

17 Sec. 28. The State Treasurer shall transfer \$2,700,000  
18 from the General Fund to the Water Resources Cash Fund, on  
19 or before June 30, 2008, on such date as directed by the  
20 budget administrator of the budget division of the Department  
21 of Administrative Services.

22 Sec. 29. The State Treasurer shall transfer \$2,700,000  
23 from the General Fund to the Water Resources Cash Fund, on  
24 or before June 30, 2009, on such date as directed by the  
25 budget administrator of the budget division of the Department  
26 of Administrative Services.

27 Sec. 30. It is the intent of the Legislature that the  
1 Department of Natural Resources may undertake measures in fiscal  
2 year 2006-07 to further facilitate compliance with interstate  
3 compact or decree stipulations.

Senator Chambers offered the following amendment to the second committee amendment:

FA65

Amend AM963 On page 8, line 21, after "is" insert "one and".

Senator Burling moved the previous question. The question is, "Shall the debate now close?"

Senator Flood moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

The motion to cease debate prevailed with 26 ayes, 7 nays, 13 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 30:

Adams	Erdman	Hansen	Kopplin	Pirsch
Aguilar	Fischer	Harms	Louden	Raikes
Avery	Flood	Heidemann	McDonald	Rogert
Carlson	Friend	Hudkins	Nantkes	Schimek
Dubas	Fulton	Johnson	Nelson	White
Engel	Gay	Karpisek	Pankonin	Wightman

Present and not voting, 16:

Burling	Howard	Lathrop	Preister
Chambers	Janssen	McGill	Stuthman
Christensen	Kruse	Mines	Synowiecki
Dierks	Langemeier	Pahls	Wallman

Excused and not voting, 3:

Ashford	Cornett	Pedersen
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The Chambers amendment lost with 0 ayes, 30 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.



**AMENDMENTS - Print in Journal**

Senator Preister filed the following amendment to LB 701:  
AM966

(Amendments to Standing Committee amendments, AM938)

- 1 1. On page 1, line 23, after the period insert "Such
- 2 plans and policies shall include a prohibition on the use of
- 3 chemicals until all other feasible best management practices for
- 4 vegetation management have been considered and exhausted.".
- 5 2. On page 8, line 9, after "tributaries" insert
- 6 "consistent with the plans established in section 2 of this
- 7 act".

Senator Raikes filed the following amendment to LB 603:  
AM940

(Amendments to Standing Committee amendments, AM754)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 13-503, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 13-503 For purposes of the Nebraska Budget Act, unless
- 5 the context otherwise requires:
- 6 (1) Governing body shall mean the governing body of
- 7 any county agricultural society, elected county fair board, joint
- 8 airport authority formed under the Joint Airport Authorities
- 9 Act, city or county airport authority, bridge commission created
- 10 pursuant to section 39-868, cemetery district, city, village,
- 11 municipal county, community college, community redevelopment
- 12 authority, county, drainage or levee district, educational
- 13 service unit, rural or suburban fire protection district,
- 14 historical society, hospital district, irrigation district,
- 15 learning community, natural resources district, nonprofit county
- 16 historical association or society for which a tax is levied under
- 17 subsection (1) of section 23-355.01, public building commission,
- 18 railroad transportation safety district, reclamation district,
- 19 road improvement district, rural water district, school district,
- 20 sanitary and improvement district, township, offstreet parking
- 21 district, transit authority, metropolitan utilities district,
- 22 Educational Service Unit Coordinating Council, and political
- 1 subdivision with the authority to have a property tax request, with
- 2 the authority to levy a toll, or that receives state aid;
- 3 (2) Levying board shall mean any governing body which has
- 4 the power or duty to levy a tax;
- 5 (3) Fiscal year shall mean the twelve-month period used
- 6 by each governing body in determining and carrying on its financial
- 7 and taxing affairs;
- 8 (4) Tax shall mean any general or special tax levied
- 9 against persons, property, or business for public purposes as
- 10 provided by law but shall not include any special assessment;
- 11 (5) Auditor shall mean the Auditor of Public Accounts;

12 (6) Cash reserve shall mean funds required for the period  
13 before revenue would become available for expenditure but shall not  
14 include funds held in any special reserve fund;

15 (7) Public funds shall mean all money, including nontax  
16 money, used in the operation and functions of governing bodies.  
17 For purposes of a county, city, or village which has a lottery  
18 established under the Nebraska County and City Lottery Act, only  
19 those net proceeds which are actually received by the county, city,  
20 or village from a licensed lottery operator shall be considered  
21 public funds, and public funds shall not include amounts awarded as  
22 prizes;

23 (8) Adopted budget statement shall mean a proposed budget  
24 statement which has been adopted or amended and adopted as provided  
25 in section 13-506. Such term shall include additions, if any, to an  
26 adopted budget statement made by a revised budget which has been  
27 adopted as provided in section 13-511;

1 (9) Special reserve fund shall mean any special fund  
2 set aside by the governing body for a particular purpose and not  
3 available for expenditure for any other purpose. Funds created  
4 for (a) the retirement of bonded indebtedness, (b) the funding  
5 of employee pension plans, (c) the purposes of the Political  
6 Subdivisions Self-Funding Benefits Act, (d) the purposes of the  
7 Local Option Municipal Economic Development Act, (e) voter-approved  
8 sinking funds, (f) statutorily authorized sinking funds, or (g) the  
9 distribution of property tax receipts by a learning community to  
10 member school districts shall be considered special reserve funds;

11 (10) Biennial period shall mean the two fiscal years  
12 comprising a biennium commencing in odd-numbered years used by  
13 a city in determining and carrying on its financial and taxing  
14 affairs; and

15 (11) Biennial budget shall mean a budget by a city of  
16 the primary or metropolitan class that adopts a charter provision  
17 providing for a biennial period to determine and carry on the  
18 city's financial and taxing affairs.

19 Sec. 30. Section 84-304, Revised Statutes Cumulative  
20 Supplement, 2006, is amended to read:

21 84-304 It shall be the duty of the Auditor of Public  
22 Accounts:

23 (1) To give information in writing to the Legislature,  
24 whenever required, upon any subject relating to the fiscal affairs  
25 of the state or with regard to any duty of his or her office;

26 (2) To furnish offices for himself or herself and all  
27 fuel, lights, books, blanks, forms, paper, and stationery required  
1 for the proper discharge of the duties of his or her office;

2 (3) To examine or cause to be examined, at such time  
3 as he or she shall determine, books, accounts, vouchers, records,  
4 and expenditures of all state officers, state bureaus, state  
5 boards, state commissioners, the state library, societies and  
6 associations supported by the state, state institutions, state

7 colleges, and the University of Nebraska, except when required to  
8 be performed by other officers or persons. Such examinations shall  
9 be done in accordance with generally accepted government auditing  
10 standards for financial audits and attestation engagements set  
11 forth in Government Auditing Standards (2003 Revision), published  
12 by the Comptroller General of the United States, General Accounting  
13 Office, and except as provided in subdivision (12) of this section,  
14 subdivision (16) of section 50-1205, and section 84-322, shall  
15 not include performance audits, whether conducted pursuant to  
16 attestation engagements or performance audit standards as set forth  
17 in Government Auditing Standards (2003 Revision), published by  
18 the Comptroller General of the United States, General Accounting  
19 Office;

20 (4)(a) To examine or cause to be examined, at the expense  
21 of the political subdivision, when the Auditor of Public Accounts  
22 determines such examination necessary or when requested by the  
23 political subdivision, the books, accounts, vouchers, records,  
24 and expenditures of any agricultural association formed under  
25 Chapter 2, article 20, county agricultural society, joint airport  
26 authority formed under the Joint Airport Authorities Act, city  
27 or county airport authority, bridge commission created pursuant  
1 to section 39-868, cemetery district, development district,  
2 drainage district, health district, local public health department  
3 as defined in section 71-1626, historical society, hospital  
4 authority or district, county hospital, housing agency as defined  
5 in section 71-1575, irrigation district, county or municipal  
6 library, community mental health center, railroad transportation  
7 safety district, rural water district, township, Wyuka Cemetery,  
8 Educational Service Unit Coordinating Council, any entity created  
9 pursuant to the Interlocal Cooperation Act which includes either  
10 the participation of the Educational Service Unit Coordinating  
11 Council or any educational service unit, any village, any political  
12 subdivision with the authority to levy a property tax or a toll, or  
13 any entity created pursuant to the Joint Public Agency Act which  
14 has separately levied a property tax based on legal authority for  
15 a joint public agency to levy such a tax independent of the public  
16 agencies forming such joint public agency.

17 (b) The Auditor of Public Accounts may waive the  
18 audit requirement of subdivision (4)(a) of this section upon  
19 the submission by the political subdivision of a written request  
20 in a form prescribed by the auditor. The auditor shall notify the  
21 political subdivision in writing of the approval or denial of the  
22 request for a waiver;

23 (5) To report promptly to the Governor and the  
24 appropriate standing committee of the Legislature the fiscal  
25 condition shown by such examinations conducted by the auditor,  
26 including any irregularities or misconduct of officers or  
27 employees, any misappropriation or misuse of public funds or  
1 property, and any improper system or method of bookkeeping or

2 condition of accounts. In addition, if, in the normal course of  
3 conducting an audit in accordance with subdivision (3) of this  
4 section, the auditor discovers any potential problems related to  
5 the effectiveness, efficiency, or performance of state programs, he  
6 or she shall immediately report them in writing to the Legislative  
7 Performance Audit Committee which may investigate the issue  
8 further, report it to the appropriate standing committee of the  
9 Legislature, or both;

10 (6)(a) To examine or cause to be examined the books,  
11 accounts, vouchers, records, and expenditures of a fire protection  
12 district. The expense of the examination shall be paid by the  
13 political subdivision.

14 (b) Whenever the expenditures of a fire protection  
15 district are one hundred fifty thousand dollars or less per  
16 fiscal year, the fire protection district shall be audited no more  
17 than once every five years except as directed by the board of  
18 directors of the fire protection district or unless the auditor  
19 receives a verifiable report from a third party indicating any  
20 irregularities or misconduct of officers or employees of the fire  
21 protection district, any misappropriation or misuse of public funds  
22 or property, or any improper system or method of bookkeeping or  
23 condition of accounts of the fire protection district. In the  
24 absence of such a report, the auditor may waive the five-year  
25 audit requirement upon the submission of a written request by the  
26 fire protection district in a form prescribed by the auditor. The  
27 auditor shall notify the fire protection district in writing of  
1 the approval or denial of a request for waiver of the five-year  
2 audit requirement. Upon approval of the request for waiver of the  
3 five-year audit requirement, a new five-year audit period shall  
4 begin.

5 (c) Whenever the expenditures of a fire protection  
6 district exceed one hundred fifty thousand dollars in a fiscal  
7 year, the auditor may waive the audit requirement upon the  
8 submission of a written request by the fire protection district  
9 in a form prescribed by the auditor. The auditor shall notify the  
10 fire protection district in writing of the approval or denial of a  
11 request for waiver. Upon approval of the request for waiver, a new  
12 five-year audit period shall begin for the fire protection district  
13 if its expenditures are one hundred fifty thousand dollars or less  
14 per fiscal year in subsequent years;

15 (7) To appoint two assistant deputies (a) whose entire  
16 time shall be devoted to the service of the state as directed by  
17 the auditor, (b) who shall be certified public accountants with at  
18 least five years' experience, (c) who shall be selected without  
19 regard to party affiliation or to place of residence at the time  
20 of appointment, (d) who shall promptly report in duplicate to the  
21 auditor the fiscal condition shown by each examination, including  
22 any irregularities or misconduct of officers or employees, any  
23 misappropriation or misuse of public funds or property, and any

24 improper system or method of bookkeeping or condition of accounts,  
25 and it shall be the duty of the auditor to file promptly with the  
26 Governor a duplicate of such report, and (e) who shall qualify by  
27 taking an oath which shall be filed in the office of the Secretary  
1 of State;

2 (8) To conduct audits and related activities for state  
3 agencies, political subdivisions of this state, or grantees of  
4 federal funds disbursed by a receiving agency on a contractual  
5 or other basis for reimbursement to assure proper accounting by  
6 all such agencies, political subdivisions, and grantees for funds  
7 appropriated by the Legislature and federal funds disbursed by  
8 any receiving agency. The auditor may contract with any political  
9 subdivision to perform the audit of such political subdivision  
10 required by or provided for in section 23-1608 or 79-1229 or this  
11 section and charge the political subdivision for conducting the  
12 audit. The fees charged by the auditor for conducting audits on a  
13 contractual basis shall be in an amount sufficient to pay the cost  
14 of the audit. The fees remitted to the auditor for such audits and  
15 services shall be deposited in the Auditor of Public Accounts Cash  
16 Fund;

17 (9) To conduct all audits and examinations in a timely  
18 manner and in accordance with the standards for audits of  
19 governmental organizations, programs, activities, and functions  
20 published by the Comptroller General of the United States;

21 (10) To develop a plan for implementing on-line  
22 filing of budgeted and actual financial information by political  
23 subdivisions. Such plan shall describe the technology and staff  
24 resources necessary to implement on-line filing of such information  
25 and the costs of these resources. Such plan shall be presented to  
26 the Clerk of the Legislature on or before January 15, 2003;

27 (11) To develop and maintain an annual budget and actual  
1 financial information reporting system that is accessible on-line  
2 by the public; and

3 (12) When authorized, to conduct joint audits with the  
4 Legislative Performance Audit Committee as described in section  
5 50-1205.

6 2. On page 49, strike lines 25 to 27 and insert the  
7 following:

8 "Sec. 32. Sections 1, 8, 15, 16, 17, 18, 19, 20, 21, 27,  
9 30, 31, 32, 35, and 38 of this act become operative on July 1,  
10 2008. Sections 4, 7, 9, 11, 33, 34, 37, and 39 become".

11 3. On page 50, line 5, after "sections" insert "13-503,";  
12 and in line 6 after the second comma insert "84-304,".

13 4. Renumber the remaining sections accordingly and  
14 correct the internal references accordingly.

Senator Dubas filed the following amendment to LB 701:  
AM975

(Amendments to AM963)

- 1 1. Insert the following new section:
- 2 Sec. 31. Section 77-2704.24, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2704.24 (1) Sales and use taxes shall not be imposed
- 5 on the gross receipts from the sale, lease, or rental of and the
- 6 storage, use, or other consumption in this state of food or food
- 7 ingredients except for prepared food and food sold through vending
- 8 machines.
- 9 (2) For purposes of this section:
- 10 (a) Alcoholic beverages means beverages that are suitable
- 11 for human consumption and contain one-half of one percent or more
- 12 of alcohol by volume;
- 13 (b) Dietary supplement means any product, other than
- 14 tobacco, intended to supplement the diet that contains one or
- 15 more of the following dietary ingredients: (i) A vitamin, (ii) a
- 16 mineral, (iii) an herb or other botanical, (iv) an amino acid,
- 17 (v) a dietary substance for use by humans to supplement the diet
- 18 by increasing the total dietary intake, or (vi) a concentrate,
- 19 metabolite, constituent, extract, or combination of any ingredients
- 20 described in subdivisions (2)(b)(i) through (v) of this section;
- 21 that is intended for ingestion in tablet, capsule, powder, softgel,
- 22 gelcap, or liquid form or, if not intended for ingestion in such a
- 1 form, is not presented as conventional food and is not represented
- 2 for use as a sole item of a meal or of the diet; and that is
- 3 required to be labeled as a dietary supplement, identifiable by the
- 4 supplemental facts box found on the label and as required pursuant
- 5 to 21 C.F.R. 101.36, as such regulation existed on January 1, 2003;
- 6 (c) Food and food ingredients means substances, whether
- 7 in liquid, concentrated, solid, frozen, dried, or dehydrated form,
- 8 that are sold for ingestion or chewing by humans and are consumed
- 9 for their taste or nutritional value. Food and food ingredients
- 10 does not include alcoholic beverages, dietary supplements, ~~or~~
- 11 tobacco, or bottled water;
- 12 (d) Food sold through vending machines means food that is
- 13 dispensed from a machine or other mechanical device that accepts
- 14 payment;
- 15 (e) Prepared food means:
- 16 (i) Food sold with eating utensils provided by the
- 17 seller, including plates, knives, forks, spoons, glasses, cups,
- 18 napkins, or straws. A plate does not include a container or
- 19 packaging used to transport the food; and
- 20 (ii) Two or more food ingredients mixed or combined by
- 21 the seller for sale as a single item and food sold in a heated
- 22 state or heated by the seller, except:
- 23 (A) Food that is only cut, repackaged, or pasteurized by
- 24 the seller;

25 (B) Eggs, fish, meat, poultry, and foods containing these  
26 raw animal foods requiring cooking by the consumer as recommended  
27 by the federal Food and Drug Administration in chapter 3, part  
1 401.11 of its Food Code, as it existed on January 1, 2003, so as to  
prevent food borne illnesses;

3 (C) Food sold by a seller whose proper primary  
4 North American Industry Classification System classification is  
5 manufacturing in sector 311, except subsector 3118, bakeries;

6 (D) Food sold in an unheated state by weight or volume as  
7 a single item; and

8 (E) Bakery items, including bread, rolls, buns, biscuits,  
9 bagels, croissants, pastries, donuts, danish, cakes, tortes, pies,  
10 tarts, muffins, bars, cookies, and tortillas; and

11 (f) Tobacco means cigarettes, cigars, chewing or pipe  
12 tobacco, or any other item that contains tobacco.

13 2. On page 1, line 14, strike "and"; and in line 16  
14 before the period insert ", and (f) collected as state sales tax on  
15 bottled water under the Nebraska Revenue Act of 1967".

16 3. Correct the operative date so that the section added  
17 by this amendment becomes operative on October 1, 2007.

18 4. Renumber the remaining sections and correct internal  
19 references accordingly.

### VISITORS

Visitors to the Chamber were Jonathan and Juanita Trexel from Lincoln and Sheldon and Suzanne Kimber from Commonwealth of Australia; Ben Gorton from Hamilton, New York; and 25 fourth-grade students from Red Cloud.

The Doctor of the Day was Dr. Tuck Smith from Holdrege.

### ADJOURNMENT

At 5:06 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, April 11, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature





**SIXTY-FIRST DAY - APRIL 11, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****SIXTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 11, 2007

**PRAYER**

The prayer was offered by Pastor Charlene Wozny, Zion United Church of Christ, Talmage.

**ROLL CALL**

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

The roll was called and all members were present except Senators Cornett, Dierks, Fulton, Heidemann, Karpisek, Mines, Nantkes, Preister, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixtieth day was approved.

**MESSAGE FROM THE GOVERNOR**

April 11, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 537, 636, and 677e were received in my office on April 5, 2007.

I signed these bills and delivered them to the Secretary of State on April 11, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

**MOTIONS - Approve Appointments**

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 926:

Rural Health Advisory Commission  
 Crystal Johnson  
 Rebecca Schroeder  
 Michael Sitorius  
 Roger Wells

Voting in the affirmative, 35:

Adams	Engel	Harms	Louden	Pirsch
Aguilar	Erdman	Heidemann	McDonald	Rogert
Burling	Fischer	Howard	McGill	Schimek
Carlson	Flood	Hudkins	Nelson	Stuthman
Chambers	Friend	Janssen	Pahls	Synowiecki
Dierks	Gay	Johnson	Pankonin	Wallman
Dubas	Hansen	Kopplin	Pedersen	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Christensen	Langemeier	White
Avery	Kruse	Lathrop	

Excused and not voting, 7:

Cornett	Karpisek	Nantkes	Raikes
Fulton	Mines	Preister	

The appointments were confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**SENATOR FRIEND PRESIDING**

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 926:

Board of Emergency Medical Services  
 Joel E. Cerny  
 Robert K. Olson  
 James E. Smith  
 Jeffrey Strawn  
 Scott C. Wiebe

Voting in the affirmative, 34:

Adams	Dierks	Harms	Louden	Pirsch
Aguilar	Engel	Heidemann	McDonald	Rogert
Ashford	Erdman	Howard	McGill	Stuthman
Avery	Fischer	Hudkins	Nelson	Synowiecki
Burling	Friend	Janssen	Pahls	Wallman
Chambers	Gay	Johnson	Pankonin	White
Christensen	Hansen	Kopplin	Pedersen	

Voting in the negative, 1:

Flood

Present and not voting, 8:

Carlson	Kruse	Lathrop	Schimek
Dubas	Langemeier	Raikes	Wightman

Excused and not voting, 6:

Cornett	Karpisek	Nantkes
Fulton	Mines	Preister

The appointments were confirmed with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 937:

Board of Emergency Medical Services  
Linda L. Jensen  
Leon Sykes

Voting in the affirmative, 34:

Aguilar	Dierks	Harms	Louden	Pirsch
Ashford	Engel	Heidemann	McDonald	Rogert
Avery	Erdman	Howard	McGill	Schimek
Burling	Fischer	Hudkins	Nantkes	Stuthman
Carlson	Flood	Janssen	Nelson	Wallman
Chambers	Friend	Johnson	Pahls	Wightman
Christensen	Gay	Kopplin	Pedersen	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Hansen	Langemeier	Pankonin	Synowiecki
Dubas	Kruse	Lathrop	Raikes	White

Excused and not voting, 5:

Cornett	Fulton	Karpisek	Mines	Preister
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The appointments were confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 938:

Rural Health Advisory Commission

Donald Frey

Kate Hesser

Voting in the affirmative, 38:

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

Voting in the negative, 0.

Present and not voting, 7:

Chambers	Kruse	Lathrop	Wightman
Harms	Langemeier	Synowiecki	

Excused and not voting, 4:

Cornett	Karpisek	Mines	Preister
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The appointments were confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1099:

Nebraska Environmental Trust Board

John Campbell

Vincent Kramper

Sherry Vinton

Voting in the affirmative, 32:

Adams	Dierks	Hansen	McDonald	Pirsch
Aguilar	Engel	Harms	McGill	Rogert
Ashford	Erdman	Heidemann	Nantkes	Stuthman
Avery	Fischer	Howard	Nelson	Wallman
Burling	Friend	Hudkins	Pahls	
Carlson	Fulton	Janssen	Pankonin	
Christensen	Gay	Louden	Pedersen	

Voting in the negative, 0.

Present and not voting, 13:

Chambers	Johnson	Langemeier	Schimek	Wightman
Dubas	Kopplin	Lathrop	Synowiecki	
Flood	Kruse	Raikes	White	

Excused and not voting, 4:

Cornett	Karpisek	Mines	Preister
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The appointments were confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 701.** The second committee amendment, AM963, found on page 1129, was renewed.

Senator Chambers offered the following motion:  
Reconsider the vote taken on FA65.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Dubas withdrew her amendment, AM975, found on page 1142.

Senator Louden offered the following amendment to the second committee amendment:  
AM976

(Amendments to AM963)

- 1 1. On page 8, line 21, strike "one-half" and insert
- 2 "three-fifths".

The Louden amendment was adopted with 30 ayes, 3 nays, 14 present and not voting, and 2 excused and not voting.

Senator Schimek offered the following amendment to the second committee amendment:

FA66

Amend AM963 Insert the following new section: "It is the intent of the Legislature that the Storm Water Management Plan Program receive an annual appropriation of no less than \$2,500,000 General Funds annually."

Senator Schimek withdrew her amendment.

The second committee amendment, as amended, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

The third committee amendment is as follows:

(Amendment, AM964, is on file and available in the Clerk's Office, Room 2014.)

The third committee amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Pending.

### COMMITTEE REPORT Nebraska Retirement Systems

**LEGISLATIVE BILL 508.** Placed on General File - Com AM968.  
AM968

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 24-707, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:  
5 24-707 (1) In the event of the death of a judge prior  
6 to retirement, if such judge shall have had five or more years of  
7 creditable service, the surviving spouse of such judge shall at  
8 his or her option, exercised within twelve months after the date  
9 of death, be immediately entitled to receive those benefits which  
10 the surviving spouse would have been entitled to under subsection  
11 (3) of section 24-710 had the judge elected to have the retirement  
12 annuity paid as a joint and survivor annuity payable as long as  
13 either the judge or the judge's surviving spouse should survive  
14 and had the judge retired (a) on the date of death if his or her  
15 age at death is sixty-five or more or (b) at age sixty-five if  
16 his or her age at death is less than sixty-five. an annuity which  
17 shall be equal to the amount that would have accrued to the member  
18 had he or she elected to have the retirement annuity paid as a  
19 one-hundred-percent joint and survivor annuity payable as long as  
20 either the member or the member's spouse should survive and had  
21 the member retired (a) on the date of death if his or her age at  
22 death is sixty-five years or more or (b) at age sixty-five years

23 if his or her age at death is less than sixty-five years. If such  
1 option is not exercised by such surviving spouse within ~~one hundred~~  
2 ~~twenty days of twelve months after~~ the judge's death, if there is  
3 no surviving spouse, or if the judge has not served for five years,  
4 then the beneficiary, or the estate if the judge has not filed a  
5 statement with the board naming a beneficiary, shall be paid a lump  
6 sum equal to all contributions to the fund made by such judge plus  
7 regular interest.

8 (2) Except as provided in subsection (1) of this section,  
9 in the event of the death of a judge subsequent to retirement,  
10 if such judge has not filed a statement of intent with the  
11 board to elect to receive any other form of annuity which may be  
12 provided for by section 24-710 or elected to make contributions  
13 and receive benefits as provided in section 24-703.03, the amount  
14 of annuities such judge has received under the provisions of the  
15 Judges Retirement Act shall be computed and, if such amount shall  
16 be less than the contributions to the fund made by such judge, plus  
17 regular interest, the difference shall be paid to the beneficiary  
18 or estate.

19 (3) Benefits to which the surviving spouse, beneficiary,  
20 or estate of a judge shall be entitled shall commence immediately  
21 upon the death of such judge.

22 Sec. 2. Section 79-956, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 79-956 (1) If a member dies before retirement, his  
25 or her accumulated contributions shall be paid to his or her  
26 estate, to an alternate payee pursuant to a qualified domestic  
27 relations order as provided in section 42-1107, or to the  
1 person he or she has nominated by designation duly executed  
2 and filed with the retirement board. Except for payment to  
3 an alternative payee pursuant to a qualified domestic relations  
4 order, if no legal representative or beneficiary applies for such  
5 accumulated contributions within five years following the date of  
6 the deceased member's death, the contributions shall be distributed  
7 in accordance with the Uniform Disposition of Unclaimed Property  
8 Act.

9 (2) When the deceased member has not less than twenty  
10 years of creditable service regardless of age or dies on or after  
11 his or her sixty-fifth birthday and leaves a surviving spouse who  
12 has been designated as beneficiary and who, as of the date of the  
13 member's death, is the sole surviving primary beneficiary, such  
14 beneficiary may elect, within ~~one hundred twenty days~~ twelve months  
15 after the death of the member, to receive an annuity which shall  
16 be equal to the amount that would have accrued to the member  
17 had he or she elected to have the retirement annuity paid as a  
18 one-hundred-percent joint and survivor annuity payable as long as  
19 either the member or the member's spouse should survive and had the  
20 member retired (a) on the date of death if his or her age at death  
21 is sixty-five years or more or (b) at age sixty-five years if his

22 or her age at death is less than sixty-five years.

23 (3) When the deceased member who was a school employee on  
 24 or after May 1, 2001, has not less than five years of creditable  
 25 service and less than twenty years of creditable service and dies  
 26 before his or her sixty-fifth birthday and leaves a surviving  
 27 spouse who has been designated in writing as beneficiary and who,  
 1 as of the date of the member's death, is the sole surviving primary  
 2 beneficiary, such beneficiary may elect, within ~~one hundred twenty~~  
 3 ~~days~~ twelve months after the death of the member, to receive  
 4 (a) a refund of the member's contribution account balance with  
 5 interest plus an additional one hundred one percent of the member's  
 6 contribution account balance with interest or (b) an annuity  
 7 payable monthly for the surviving spouse's lifetime which shall be  
 8 equal to the benefit amount that had accrued to the member at the  
 9 date of the member's death, commencing when the member would have  
 10 reached age sixty, or the member's age at death if greater, reduced  
 11 by three percent for each year payments commence before the member  
 12 would have reached age sixty-five, and adjusted for payment in the  
 13 form of a one-hundred-percent joint and survivor annuity.

14 (4) If the requirements of subsection (2) or (3) of  
 15 this section are not met, then the beneficiary or the estate,  
 16 if the member has not filed a statement with the board naming a  
 17 beneficiary, shall be paid a lump sum equal to all contributions  
 18 to the fund made by such member plus regular interest, except that  
 19 commencing on January 1, 2006, an application for benefits under  
 20 subsection (2) or (3) of this section shall be deemed to have  
 21 been timely filed if the application is received by the retirement  
 22 system within twelve months after the date of the death of the  
 23 member.

24 (5) Benefits to which a surviving spouse, beneficiary, or  
 25 estate of a member shall be entitled pursuant to this section shall  
 26 commence immediately upon the death of such member.

27 Sec. 3. Original section 79-956, Reissue Revised Statutes  
 1 of Nebraska, and section 24-707, Revised Statutes Cumulative  
 2 Supplement, 2006, are repealed.

3 Sec. 4. Since an emergency exists, this act takes effect  
 4 when passed and approved according to law.

(Signed) John Synowiecki, Chairperson

## VISITORS

Visitors to the Chamber were Senator Christensen's wife, Kathy, from Imperial; 47 fourth-grade students from Sandoz Elementary, Lexington; 32 twelfth-grade students and teachers from Tri County High School, DeWitt; 26 fourth-grade students and teacher from Grant; 35 eighth-grade students from Lexington; members of Young Adult Transition Program from Papillion; and 33 fourth-grade students and teachers from Fire Ridge Elementary, Elkhorn.



## RECESS

At 11:54 a.m., on a motion by Senator Fulton, the Legislature recessed until 1:30 p.m.

## AFTER RECESS

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

## ROLL CALL

The roll was called and all members were present except Senator Hudkins who was excused; and Senators Cornett, Dubas, Engel, Flood, Fulton, Harms, Heidemann, Kruse, Lathrop, Nantkes, Nelson, Synowiecki, White, and Wightman who were excused until they arrive.

## GENERAL FILE

**LEGISLATIVE BILL 701.** The fourth committee amendment is as follows:  
AM965

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 Section 1. The Riparian Vegetation Management Task Force
- 4 is created. The Governor shall appoint the members of the task
- 5 force. The members shall include one surface water project
- 6 representative from each river basin that has been determined
- 7 to be fully appropriated pursuant to section 46-714 or 46-720
- 8 or designated as overappropriated pursuant to section 46-713
- 9 by the Department of Natural Resources; one representative from
- 10 the Department of Agriculture, the Department of Environmental
- 11 Quality, the Department of Natural Resources, the office of the
- 12 Governor, the office of the State Forester, the Game and Parks
- 13 Commission, and the University of Nebraska; two representatives
- 14 nominated by the Nebraska Association of Resources Districts; two
- 15 representatives nominated by the Nebraska Weed Control Association;
- 16 and one riparian landowner from each of the state's congressional
- 17 districts. In addition to such members, any member of the
- 18 Legislature may serve as a member of the task force at his or
- 19 her option. This section terminates on June 30, 2009.
- 20 Sec. 2. The Riparian Vegetation Management Task Force, in
- 21 consultation with appropriate federal agencies, shall develop and
- 22 prioritize vegetation management goals and objectives and develop
- 23 plans and policies to achieve such goals and objectives. The
- 1 task force shall convene within thirty days after the appointment
- 2 of the members is complete to elect a chairperson and conduct
- 3 such other business as deemed necessary. The efforts of the task
- 4 force shall be initially directed toward river basins designated
- 5 by the Department of Natural Resources as fully appropriated or

6 overappropriated. Task force meetings shall be held in communities  
7 within the Republican and Platte River basins. The task force  
8 shall make preliminary recommendations to the Governor and the  
9 Legislature regarding funding and legislation needed to achieve its  
10 goals on or before December 15, 2007, and each year thereafter,  
11 with a final report due prior to June 30, 2009. It is the  
12 intent of the Legislature that expenses of the task force be paid  
13 from funds appropriated for this legislative bill and shall not  
14 exceed twenty-five thousand dollars per fiscal year. This section  
15 terminates on June 30, 2009.

16 Sec. 3. Section 2-945.01, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 2-945.01 Sections 2-945.01 to 2-966 and sections 1 and 2  
19 of this act shall be known and may be cited as the Noxious Weed  
20 Control Act.

21 Sec. 4. Section 2-958.02, Revised Statutes Cumulative  
22 Supplement, 2006, is amended to read:

23 2-958.02 (1) From funds available in the Noxious Weed and  
24 Invasive Plant Species Assistance Fund, the director may administer  
25 a grant program to assist local control authorities and other weed  
26 management entities in the cost of implementing and maintaining  
27 noxious weed control programs and in addressing special weed  
1 control problems as provided in this section.

2 (2) The director shall receive applications by local  
3 control authorities and weed management entities for assistance  
4 under this ~~subsection~~ section and, in consultation with the  
5 advisory committee created under section 2-965.01, award grants  
6 for any of the following eligible purposes:

7 (a) To conduct applied research to solve locally  
8 significant weed management problems;

9 (b) To demonstrate innovative control methods or land  
10 management practices which have the potential to reduce landowner  
11 costs to control noxious weeds or improve the effectiveness of  
12 noxious weed control;

13 (c) To encourage the formation of weed management  
14 entities;

15 (d) To respond to introductions or infestations of  
16 invasive plants that threaten or potentially threaten the  
17 productivity of cropland and rangeland over a wide area;

18 (e) To respond to introductions and infestations of  
19 invasive plant species that threaten or potentially threaten the  
20 productivity and biodiversity of wildlife and fishery habitats on  
21 public and private lands;

22 (f) To respond to special weed control problems involving  
23 weeds not included in the list of noxious weeds promulgated by  
24 rule and regulation of the director if the director has approved a  
25 petition to bring such weeds under the county control program;

26 (g) To conduct monitoring or surveillance activities  
27 to detect, map, or determine the distribution of invasive plant

1 species and to determine susceptible locations for the introduction  
2 or spread of invasive plant species; and

3 (h) To conduct educational activities.

4 ~~(2)~~ (3) The director shall select and prioritize  
5 applications for assistance under ~~this subsection~~ (2) of this  
6 section based on the following considerations:

7 (a) The seriousness of the noxious weed or invasive plant  
8 problem or potential problem addressed by the project;

9 (b) The ability of the project to provide timely  
10 intervention to save current and future costs of control and  
11 eradication;

12 (c) The likelihood that the project will prevent or  
13 resolve the problem or increase knowledge about resolving similar  
14 problems in the future;

15 (d) The extent to which the project will leverage federal  
16 funds and other nonstate funds;

17 (e) The extent to which the applicant has made progress  
18 in addressing noxious weed or invasive plant problems;

19 (f) The extent to which the project will provide a  
20 comprehensive approach to the control or eradication of noxious  
21 weeds;

22 (g) The extent to which the project will reduce the total  
23 population or area of infestation of a noxious weed;

24 (h) The extent to which the project uses the principles  
25 of integrated vegetation management and sound science; and

26 (i) Such other factors that the director determines to be  
27 relevant.

1 (4) The director shall receive applications for grants  
2 under this subsection and shall award grants to recipients and  
3 programs eligible under this subsection. Priority shall be given  
4 to grant applicants whose proposed programs are consistent with  
5 the policy established in section 2 of this act. Beginning  
6 in fiscal year 2007-08, it is the intent of the Legislature  
7 to appropriate two million dollars annually for the management  
8 of vegetation within the banks of a natural stream or within  
9 one hundred feet of the banks of a channel of any natural  
10 stream. Such funds shall only be used to pay for activities and  
11 equipment as part of vegetation management programs that have  
12 as their primary objective improving conveyance of streamflow  
13 in natural streams. Grants from funds appropriated as provided  
14 in this subsection shall be disbursed only to weed management  
15 entities, including local weed control authorities and natural  
16 resources districts, whose territory includes one or more fully  
17 appropriated or overappropriated river basins as designated by the  
18 Department of Natural Resources with priority for the first year  
19 given to fully appropriated river basins that are the subject  
20 of an interstate compact or decree. The Nebraska Game and Parks  
21 Commission shall assist grant recipients in implementing grant  
22 projects under this subsection, and interlocal agreements under the

23 Interlocal Cooperation Act or the Joint Public Agency Act shall be  
 24 utilized whenever possible in carrying out the grant projects. This  
 25 subsection terminates June 30, 2009.  
 26 ~~(3)~~~~(5)~~ Nothing in this section shall be construed to  
 27 relieve control authorities of their duties and responsibilities  
 1 under the Noxious Weed Control Act or the duty of a person to  
 2 control the spread of noxious weeds on lands owned and controlled  
 3 by him or her.  
 4 ~~(4)~~~~(6)~~ The Department of Agriculture may adopt and  
 5 promulgate necessary rules and regulations to carry out this  
 6 section.  
 7 Sec. 32. If any section in this act or any part of any  
 8 section is declared invalid or unconstitutional, the declaration  
 9 shall not affect the validity or constitutionality of the remaining  
 10 portions.  
 11 Sec. 33. Original sections 2-3231, 46-601.01, 46-609,  
 12 46-644, 46-707, 46-1212, and 66-1345.02, Reissue Revised Statutes  
 13 of Nebraska, and sections 2-945.01, 2-958.02, 2-3202, 2-3225,  
 14 13-808, 13-2530, 46-229.04, 46-602, 46-715, 61-210, 66-1345,  
 15 66-1345.01, and 77-3442, Revised Statutes Cumulative Supplement,  
 16 2006, are repealed.  
 17 Sec. 34. Since an emergency exists, this act takes effect  
 18 when passed and approved according to law.

Senator Preister renewed his amendment, AM966, found on page 1137, to the fourth committee amendment.

Senator Preister withdrew his amendment.

Senator Avery offered the following amendment to the fourth committee amendment:  
 FA67

Amend AM965 On page 1, line 16 strike "and"; in line 17 add "and one representative from the Environmental Trust Fund."

Senator Avery moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Senator Avery requested a roll call vote on his amendment.

Voting in the affirmative, 29:

Adams	Christensen	Hansen	McGill	Schimek
Aguilar	Dierks	Harms	Mines	Synowiecki
Ashford	Dubas	Howard	Pankonin	Wallman
Avery	Engel	Kopplin	Preister	White
Carlson	Flood	Kruse	Raikes	Wightman
Chambers	Gay	Lathrop	Rogert	

Voting in the negative, 8:

Erdman	Heidemann	Langemeier	Nantkes
Fischer	Karpisek	Louden	Stuthman

Present and not voting, 10:

Burling	Friend	Janssen	McDonald	Pahls
Cornett	Fulton	Johnson	Nelson	Pirsch

Excused and not voting, 2:

Hudkins	Pedersen
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The Avery amendment was adopted with 29 ayes, 8 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The fourth committee amendment, as amended, was adopted with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

Senator Christensen withdrew his amendment, AM476, printed separately and referred to on page 675.

Senator Loudon withdrew his amendment, AM872, printed separately and referred to on page 988.

Senator Preister withdrew his amendment, AM914, found on page 1058.

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

Voting in the affirmative, 38:

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

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Johnson	Raikes	Stuthman	Wallman
Preister	Schimek	Synowiecki	White

Excused and not voting, 2:

Hudkins            Pedersen

Advanced to E & R for review with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 701A.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

### COMMITTEE REPORTS

#### Judiciary

**LEGISLATIVE BILL 8.** Placed on General File.

**LEGISLATIVE BILL 107.** Placed on General File.

**LEGISLATIVE BILL 382.** Placed on General File.

(Signed) Brad Ashford, Chairperson

### AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB 343:  
AM981

(Amendments to E & R amendments, ER8062)

- 1     1. On page 1, line 8, after "investment" insert "after
- 2     January 1, 2008, and "; and strike lines 11 through 20 and insert:
- 3     "(2) The credit provided in subsection (1) of this
- 4     section shall be equal to thirty percent of the amount invested
- 5     by the taxpayer in a biodiesel facility. The credit shall be
- 6     taken over at least four taxable years subject to the following
- 7     conditions:
- 8     (a) No more than ten percent of the credit provided for
- 9     in subsection (1) of this section shall be taken in each of the
- 10    first two taxable years the biodiesel facility produces B100 and no
- 11    more than fifty percent of the credit provided for in subsection
- 12    (1) of this section shall be taken in the third taxable year
- 13    the biodiesel facility produces B100. The credit allowed under
- 14    subsection (1) of this section shall not exceed fifty percent of
- 15    the taxpayer's liability in any tax year:".
- 16    2. On page 3, strike lines 1 through 5 and insert:
- 17    "(f) The credit shall be taken only if (i) the biodiesel
- 18    facility produces B100, (ii) the biodiesel facility in which the
- 19    investment was made produces at a rate of at least eighty percent
- 20    of its rated capacity continuously for at least one week during

21 the first taxable year the credit is taken and produces at a  
 22 rate of at least eighty percent of its rated capacity over a  
 1 six-month period during the next two taxable years the credit is  
 2 taken, (iii) all processing takes place at the biodiesel facility  
 3 in which the investment was made and which is located in Nebraska,  
 4 and (iv) at least fifty-one percent of the ownership interest of  
 5 the biodiesel facility is held by Nebraska resident individuals or  
 6 Nebraska entities; and".

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 70.** Introduced by Erdman, 47.

WHEREAS, Nebraska native Constantine "Connie" Lapaseotes was born on October 5, 1936, in Bridgeport, Nebraska. Mr. Lapaseotes graduated from Bridgeport High School in 1954; and

WHEREAS, Mr. Lapaseotes married Chrysoula "Chris" Tzavaras of Platanos, Greece, in Bridgeport on December 1, 1957, and they had three children: Pete, Nick, and Helen; and

WHEREAS, Mr. Lapaseotes was an active supporter of Nebraska farm and ranch economy, was listed as a Top 10 Beet Grower, served as director of the Beetgrowers Association, served as director of Dinklage Feed Yards, Inc., was a former member of the Governor's Ag Council, was a former owner of the Nebraska Potato Shippers and Morrill County Implement in Bridgeport, was on the board of Panhandle Coop, and owned and operated, with his family, the historic Greenwood Ranch and Lapaseotes Feedyard; and

WHEREAS, Mr. Lapaseotes was a lifelong member of the Assumption Orthodox Church in Bayard, was a member of the Leadership 100 group, was on the Morrill County Community Hospital Foundation, was a member of the Oregon Trail Memorial Cemetery Board, was a director of Bridgeport Irrigation District, was a 33rd degree Mason, was a member of Camp Clarke Lodge #285, the Scottish Rite, the Panhandle Shrine Club, and the Tehema Shrine, served on the Nebraska Game and Parks Commission, was on the Board of Directors of Western Bank and National Bank of Commerce, was a former partner of the Bridgeport Inn, and was instrumental in building Prairie Winds Community Center; and

WHEREAS, Mr. Lapaseotes died on March 25, 2007, at the age of seventy.

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

1. That the Legislature extends its condolences to the family of Constantine "Connie" Lapaseotes.

2. That a copy of this resolution be sent to the family of Mr. Lapaseotes.

Laid over.

**LEGISLATIVE RESOLUTION 71.** Introduced by Erdman, 47.

WHEREAS, the Ogallala High School 2006 Boys' Cross Country Team has displayed remarkable ability and teamwork; and

WHEREAS, the Ogallala High School 2006 Boys' Cross Country 5K run team members Jessop Adams, Tanner Fruit, Tyler Tophoj, Nathan Towell, Luke Schmidt, and Rylan Commins achieved remarkable success this season; and

WHEREAS, the Ogallala High School Boys' Cross Country Team won the 2006 Class B Boys' State Cross Country 5K run championship.

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

1. That the Ogallala High School 2006 Boys' Cross Country 5K run team be congratulated for its success.

2. That a copy of this resolution be sent to Ogallala High School and Coach Shane Fruit.

Laid over.

**LEGISLATIVE RESOLUTION 72.** Introduced by Erdman, 47.

WHEREAS, Tyler Gifford is the winner of the 2007 Class D-1 State Wrestling Championship in the 125-pound division; and

WHEREAS, Tyler Gifford, a sophomore at Banner County High School in Harrisburg, Nebraska, defeated Jess Wells of Anselmo-Merna High School, 8-0 in the finals of the 2007 Class D-1 State Wrestling Championship in the 125-pound division held at the Qwest Center in Omaha; and

WHEREAS, Tyler Gifford's record as a sophomore wrestler at Banner County High School is 42-1; and

WHEREAS, Tyler Gifford's overall Banner County High School wrestling record is 80-3.

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

1. That Tyler Gifford be congratulated for this exemplary achievement at the 2007 Class D-1 State Wrestling Championship and that he be commended for his perseverance and dedication to the Banner County High School Wrestling Team.

2. That a copy of this resolution be sent to Tyler Gifford and Coach Gifford.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 368.** Title read. Considered.

**SPEAKER FLOOD PRESIDING**

Pending.



**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 64, 65, 66, and 68 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 64, 65, 66, and 68.

**GENERAL FILE**

**LEGISLATIVE BILL 368.** Committee AM717, found on page 891, was considered.

**SENATOR FRIEND PRESIDING**

The committee amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 368. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 43 fourth-grade students from Bryan Elementary, Lexington.

The Doctor of the Day was Dr. Dennis DeRoin from Louisville.

**ADJOURNMENT**

At 4:48 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Thursday, April 12, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

