

SEVENTY-NINTH DAY - MAY 10, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****SEVENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 10, 2007

PRAYER

The prayer was offered by Senator Louden.

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 Chambers and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-eighth day was approved.

AMENDMENTS - Print in Journal

Senator Kopplin filed the following amendment to LB 641:
AM1251

(Amendments to Standing Committee amendments, AM1141)

- 1 1. On page 106, line 16, after "located" insert an
- 2 underscored period; and strike beginning with line 17 through the
- 3 period in line 20.
- 4 2. On page 112, lines 23, 24, and 27, reinstate the
- 5 stricken matter.
- 6 3. On page 113, line 1, reinstate the stricken matter;
- 7 and strike lines 2 through 7, show the old matter as stricken, and
- 8 insert "section 79-490".

Senator Kopplin filed the following amendment to LB 641:
AM1247

(Amendments to Standing Committee amendments, AM1141)

- 1 1. Strike section 73.
- 2 2. Renumber the remaining sections accordingly.

Senator Kopplin filed the following amendment to LB 641:
AM1293

- 1 1. In AM1258:
- 2 a. On page 9, line 22, after "located" insert "or for
- 3 which the principal office is located in a county that has a
- 4 contiguous border of at least five miles in the aggregate with
- 5 a city of the metropolitan class"; and strike beginning with the
- 6 period in line 24 through line 27;
- 7 b. On page 10, line 1, strike the new matter; and
- 8 c. On page 12, lines 9 and 26, after "located" insert "or
- 9 of a school district for which the principal office is located in a
- 10 county that has a contiguous border of at least five miles in the
- 11 aggregate with a city of the metropolitan class".

Senator Schimek filed the following amendment to LB 641:
AM1292

- 1 1. In AM1258, on page 69, strike lines 2 through 8
- 2 and insert "council shall be paid a per diem rate for necessary
- 3 expenses related to service on the learning community coordinating
- 4 council. Such per diem rate shall be based on the United States
- 5 General Services Administration domestic per diem rates for the
- 6 City of Omaha, Nebraska.".

Senators Cornett and Gay filed the following amendment to LB 641:
AM1284

(Amendments to AM1258)

- 1 1. Insert the following new sections:
- 2 Sec. 4. Section 79-490, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 79-490 ~~Every~~ (1) The county clerk shall keep in his or
- 5 her office a map of the school districts of the county, which map
- 6 shall be revised as often as the boundary lines or districts are
- 7 changed or new districts formed.
- 8 (2) Except as provided in subsection (3) of this section,
- 9 every change in district boundary lines shall be reported as
- 10 soon as made by the State Committee for the Reorganization of
- 11 School Districts to the county clerk, county assessor, and county
- 12 treasurer. ~~The county clerk shall keep in his or her office a~~
- 13 ~~map of the school districts of the county, which map shall be~~
- 14 ~~revised as often as the boundary lines or districts are changed~~
- 15 ~~or new districts formed.~~ Upon receiving such report from the state
- 16 committee, the county treasurer shall adjust the tax list of the
- 17 county in accordance with the change of district boundaries so
- 18 that the uncollected taxes levied upon property that has been
- 19 transferred to another school district shall when collected be
- 20 placed to the credit of the district to which the property has been
- 21 transferred.
- 22 (3) The changes made to school district boundaries by
- 1 section 40 of this act shall be reported by the Commissioner

2 of Education to the county clerk, county assessor, and county
 3 treasurer of the affected county on the effective date of this
 4 act. Upon receiving such report from the commissioner, the county
 5 treasurer shall adjust the tax list of the county in accordance
 6 with the change of district boundaries so that the uncollected
 7 taxes levied upon property that has been transferred to another
 8 school district shall when collected be placed to the credit of the
 9 districts as provided in section 40 of this act.

10 Sec. 40. (1) On and after the effective date of this act,
 11 the boundaries of the school districts located in a county that
 12 has a contiguous border of at least five miles in the aggregate
 13 with a city of the metropolitan class shall remain as depicted
 14 immediately before the effective date of this act on the map kept
 15 by the county clerk pursuant to section 79-490, except that all
 16 territory bounded on the north by an east-west line extending east
 17 from the intersection of Schramm Road and 60th Street, on the south
 18 by the Platte River, on the west by 60th Street, and on the east
 19 by the Nebraska-Iowa border, belonging to School District No. 46 of
 20 Sarpy County, Nebraska, on the effective date of this act shall be
 21 transferred on such date to School District No. 1 of Sarpy County.

22 (2) Beginning on the date of the transfer described in
 23 subsection (1) of this section and ending five years after such
 24 date, the taxes levied upon property transferred pursuant to such
 25 subdivision shall when collected be placed to the credit of School
 26 District No. 46 of Sarpy County. Beginning five years after the
 27 date of such transfer, the taxes levied upon such property shall be
 1 placed to the credit of School District No. 1 of Sarpy County.

2 2. On page 69, line 14, after "and" insert ", except as
 3 provided in section 40 of this act."

4 3. Amend the repealer, renumber the remaining sections,
 5 and correct internal references accordingly.

Senator Erdman filed the following amendment to LB 641:
 AM1298

(Amendments to AM1258)

1 1. On page 69, strike lines 1 through 8 and insert:
 2 "(4) Members of a learning community coordinating council
 3 shall receive no compensation for their services but shall be
 4 reimbursed for the actual and necessary expenses incurred in the
 5 performance of their duties as provided in sections 81-1174 to
 6 81-1177."

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority

2007 Series AB Single Family Housing Revenue Bonds Notice

Labor, Department of

Significant Modifications to Nebraska's Strategic State Plan for FY 07 & FY 08

Strategic Five-Year State Workforce Investment Plan to Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act for the period of July 1, 2007 through June 20, 2009

Roads, Department of

State Highway Commission Quarterly Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 9, 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

Hall, Kimberle M.

Home & Community Health Agencies, Nebraska Association of
(Withdrawn 05/07/2007)

O'Hara, Lindsay & Associates, Inc.

Kinder Morgan, Inc.
(Withdrawn 05/04/2007)

Pieper, James S.

Metro Student Achievement Steering Committee

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 5.

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.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Kruse

Excused and not voting, 3:

Chambers Cornett Schimek

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

LEGISLATIVE BILL 8.

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.

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

Voting in the negative, 0.

Present and not voting, 3:

Kruse Pedersen Stuthman

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 69.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-5415, 2-5416, 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.

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

Voting in the negative, 0.

Present and not voting, 1:

Kruse

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 132.

A BILL FOR AN ACT relating to husband and wife; to provide for an application to set aside a legal separation decree; to provide a duty for the

Revisor of Statutes; and to state intent.

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:

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

Voting in the negative, 0.

Present and not voting, 2:

Adams Kruse

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 147.

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.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Kruse Nelson

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 152.

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.

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

Voting in the negative, 0.

Present and not voting, 1:

Kruse

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 199.

A BILL FOR AN ACT relating to public bodies; to amend sections 18-2420, 18-2422, 18-2425, 18-2436, and 18-2439, Reissue Revised Statutes of Nebraska, and sections 18-2410, 18-2427, 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.

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

Voting in the negative, 0.

Present and not voting, 1:

Dubas

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 214.

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.

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	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Raikes	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 226. With Emergency.

A BILL FOR AN ACT relating to the Boiler Inspection Act; to amend sections 48-720, 48-722, 48-730, 48-731, and 48-736, Reissue Revised Statutes of Nebraska; to change provisions relating to boiler inspections; to authorize inspections by authorized inspection agencies; to change a penalty; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Howard	Pedersen	Preister
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Excused and not voting, 2:

Chambers	Cornett
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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 227.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1008 and 28-1009, Revised Statutes Cumulative Supplement, 2006; to define and redefine terms; to change penalty provisions for abandoning or cruelly neglecting an animal; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Ashford Engel Nantkes

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 233.

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.

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	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Raikes	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 252.

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.

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

Voting in the negative, 0.

Present and not voting, 2:

Hansen Howard

Excused and not voting, 2:

Chambers Cornett

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 256 with 38 ayes, 2 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 256.

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, 81-1108.43, 83-901, 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.

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	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Raikes	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Cornett

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 5, 8, 69, 132, 147, 152, 199, 214, 226, 227, and 233.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 95 and 96 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 95 and 96.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 277.

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.

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	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Raikes	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 364.

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.

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

Voting in the negative, 0.

Present and not voting, 1:

Hansen

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 382.

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.

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, 32:

Adams	Flood	Karpisek	Nantkes	Stuthman
Aguilar	Fulton	Kopplin	Pahls	Synowiecki
Ashford	Hansen	Lathrop	Pankonin	Wallman
Avery	Harms	Louden	Pirsch	White
Carlson	Hudkins	McDonald	Preister	
Dierks	Janssen	McGill	Rogert	
Engel	Johnson	Mines	Schimek	

Voting in the negative, 6:

Christensen	Gay	Nelson
Erdman	Langemeier	Raikes

Present and not voting, 9:

Burling	Fischer	Heidemann	Kruse	Wightman
Dubas	Friend	Howard	Pedersen	

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 388.

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.

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	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Raikes	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 396. With Emergency.

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; 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, 41:

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

Voting in the negative, 0.

Present and not voting, 6:

Harms	Lathrop	Stuthman
Howard	Schimek	White

Excused and not voting, 2:

Chambers	Cornett
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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 424.

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.

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

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 445.

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.

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

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 449.

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.

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	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Raikes	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Cornett

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

LEGISLATIVE BILL 481. With Emergency.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-101, 71-104.01, and 71-131, Revised Statutes Cumulative

Supplement, 2006; to change provisions relating to criminal background checks and certain licensing examinations as prescribed; 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, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Adams White

Excused and not voting, 2:

Chambers Cornett

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

MOTION - Return LB 504 to Select File

Senator Mines moved to return LB 504 to Select File for his specific amendment, AM1180, found on page 1480.

The Mines motion to return prevailed with 44 ayes, 1 nay, 2 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 504. The Mines specific amendment, AM1180, found on page 1480, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 508. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend section 79-956, Reissue Revised Statutes of Nebraska, and section 24-707, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the payment of death benefits under the Judges Retirement Act and the School Employees Retirement Act; 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	Erdman	Hudkins	McGill	Rogert
Aguilar	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 1:

Cornett

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 561.

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.

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	Erdman	Hudkins	McGill	Rogert
Aguilar	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 1:

Cornett

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

LEGISLATIVE BILL 580.

A BILL FOR AN ACT relating to tobacco; to amend sections 69-2706, 69-2707, 69-2708, 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.

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

Voting in the negative, 0.

Present and not voting, 2:

Ashford Synowiecki

Excused and not voting, 1:

Cornett

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

LEGISLATIVE BILL 664.

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.

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	Erdman	Hudkins	McGill	Rogert
Aguilar	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 1:

Cornett

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

MOTION - Return LB 12 to Select File

Senator Mines moved to return LB 12 to Select File for the Mines et al. specific amendment, AM948, found on page 1101.

The Mines motion to return prevailed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 12. The Mines et al. specific amendment, AM948, found on page 1101, was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 252, 256, 277, 364, 382, 388, 396, 424, 445, 449, 481, 508, 561, 580, and 664.

MOTION - Return LB 674 to Select File

Senator Mines moved to return LB 674 to Select File for the Mines-Lathrop specific amendment, AM1281, found on page 1479.

The Mines motion to return prevailed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 674. The Mines-Lathrop specific amendment, AM1281, found on page 1479, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 218.

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.

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	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
Chambers	Hansen	Langemeier	Pedersen	Wightman
Christensen	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 1:

Dubas

Excused and not voting, 1:

Cornett

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

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 6CA.

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

Section 1. At a special election on May 13, 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 public endowment funds by any city which is authorized by this Constitution to establish a charter, 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, 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 allow the investment of public endowment funds by cities authorized by the Nebraska Constitution to establish a charter.

For

Against.

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

Voting in the affirmative, 42:

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

Voting in the negative, 2:

Chambers Langemeier

Present and not voting, 4:

Louden Pankonin Stuthman Synowiecki

Excused and not voting, 1:

Cornett

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 596. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend section 79-9,113, Reissue Revised Statutes of Nebraska, and sections 79-947.01 and 79-958, Revised Statutes Cumulative Supplement, 2006; to change benefit and contribution provisions for school retirement systems as prescribed; 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	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	

Voting in the negative, 0.

Excused and not voting, 1:

Cornett

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 144. With Emergency.

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.

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

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 1:

Cornett

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 188. With Emergency.

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.

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

Voting in the negative, 0.

Present and not voting, 2:

Avery Janssen

Excused and not voting, 1:

Cornett

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 208.

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.

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

Voting in the negative, 0.

Present and not voting, 1:

Carlson

Excused and not voting, 1:

Cornett

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

LEGISLATIVE BILL 219. With Emergency.

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; 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	Erdman	Hudkins	McGill	Schimek
Aguilar	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	Pedersen	
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Rogert	

Voting in the negative, 0.

Present and not voting, 2:

Ashford Raikes

Excused and not voting, 1:

Cornett

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 289.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3444, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to elections to exceed levy limits; 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	Erdman	Howard	Louden	Pirsch
Aguilar	Fischer	Hudkins	McDonald	Preister
Ashford	Flood	Janssen	McGill	Rogert
Avery	Friend	Johnson	Mines	Schimek
Burling	Fulton	Karpisek	Nantkes	Stuthman
Chambers	Gay	Kopplin	Nelson	Synowiecki
Christensen	Hansen	Kruse	Pahls	Wallman
Dierks	Harms	Langemeier	Pankonin	White
Dubas	Heidemann	Lathrop	Pedersen	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Carlson	Engel	Raikes
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Excused and not voting, 1:

Cornett

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

SENATOR LANGEMEIER PRESIDING

LEGISLATIVE BILL 471. With Emergency.

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; 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, 46:

Adams	Engel	Howard	McDonald	Rogert
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	Pedersen	
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	

Voting in the negative, 0.

Present and not voting, 2:

Raikes	Schimek
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Excused and not voting, 1:

Cornett

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

PRESIDENT SHEEHY PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 368 with 39 ayes, 2 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 368.

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 change taxation provisions as prescribed; to 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, 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	Pedersen	
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 1:

Cornett

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 368A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 368, One Hundredth Legislature, First Session, 2007.

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

Voting in the affirmative, 47:

Adams	Engel	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Schimek
Ashford	Fischer	Janssen	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	Pedersen	
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 1:

Cornett

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 236 with 38 ayes, 5 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 236.

A BILL FOR AN ACT relating to health and human services; 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, 71-1,136.04, 71-1,147, 71-415, and 71-6720, Reissue Revised Statutes of Nebraska, sections 71-107, 71-110, 71-112, 71-162, and 71-168, Revised Statutes Cumulative Supplement, 2006, and sections 71-101, 71-102, and 71-1,142, Revised Statutes Cumulative Supplement, 2006, as amended by sections 296, 297, and 344, respectively, Legislative Bill 296, One Hundredth Legislature, First Session, 2007; to provide for, change, and eliminate provisions relating to the regulation of perfusionists, optometrists, pharmacy technicians, and in-home personal services; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 71-1,135.03, 71-1,135.05, and 71-1,147.34, Reissue Revised Statutes of Nebraska, and section 71-1,147.33, 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	Hudkins	McDonald	Preister
Aguilar	Erdman	Janssen	McGill	Rogert
Ashford	Fischer	Johnson	Mines	Schimek
Avery	Friend	Karpisek	Nantkes	Stuthman
Burling	Gay	Kopplin	Nelson	Synowiecki
Carlson	Hansen	Kruse	Pahls	Wallman
Chambers	Harms	Langemeier	Pankonin	White
Christensen	Heidemann	Lathrop	Pedersen	Wightman
Dubas	Howard	Louden	Pirsch	

Voting in the negative, 1:

Flood

Present and not voting, 3:

Dierks Fulton Raikes

Excused and not voting, 1:

Cornett

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 236A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 236, 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, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Fulton Raikes

Excused and not voting, 2:

Chambers Cornett

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 463 with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 463.

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, 46-1240, 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, 71-161.04, 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, 71-193.19, 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, 71-1,107.17, 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, 71-1,135.03, 71-1,135.04, 71-1,135.05, 71-1,135.06, 71-1,135.07, 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, 71-1,147.46, 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, 71-1346, 71-1356, 71-1357, 71-1361, 71-1363, 71-1373, 71-1708, 71-1709.01, 71-1712, 71-1716.01, 71-1739, 71-1740, 71-1746, 71-1751, 71-1763, 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, 71-6102, 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, 71-6734, 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, 46-1238, 46-1239, 69-2429, 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, 71-1,107.30, 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, 71-1,351, 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, 71-1709.02, 71-1714, 71-1716, 71-1716.02, 71-1716.03, 71-1716.05, 71-1717, 71-1721, 71-1723.03, 71-1723.04, 71-1728, 71-1738, 71-1743, 71-1747, 71-1750, 71-1753, 71-1754, 71-17,113, 71-17,117, 71-17,120, 71-17,131, 71-17,132, 71-17,133, 71-17,136, 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 81-2121, Revised Statutes Cumulative Supplement, 2006, section 71-1,190, Reissue Revised Statutes of Nebraska, as amended by section 1178 of this legislative bill, sections 71-1734, 71-1748, 71-1752, 71-1756, and 71-1765, Reissue Revised Statutes of Nebraska, as amended by sections 17, 20, 22, 24, and 27, respectively, Legislative Bill 185, One Hundredth Legislature, First Session, 2007, sections 46-1235, 71-161.03, 71-193.18, 71-1,107.16, 71-1,135.02, 71-1,136, 71-1,147.45, 71-1340, 71-1341, and 71-6065, Reissue Revised Statutes of Nebraska, as amended by sections 210, 311, 329, 338, 341, 342, 351, 467, 468, and 649, respectively, Legislative Bill 296, One Hundredth Legislature, First Session, 2007, section 71-6728, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 283, One Hundredth Legislature, First Session, 2007, sections 71-1707, 71-1722, 71-1723.01, 71-1723.02, 71-1724, 71-1724.01, 71-1726.01, 71-1729, 71-1730, 71-1731, 71-1735, 71-1749, 71-1755, 71-1757, 71-17,118, 71-17,119, 71-17,121, 71-17,128, 71-17,134, 71-17,135, 71-17,137, 71-17,138, and 71-17,140, Revised Statutes Cumulative Supplement, 2006, as amended by sections 5, 6, 8, 9, 10, 11, 12, 14, 15, 16, 18, 21, 23, 25, 28, 29, 30, 34, 36, 37, 38, 39, and 41, respectively, Legislative Bill 185, One Hundredth Legislature, First Session, 2007, sections 46-1217, 71-101, 71-102, 71-1,104.01, and 71-1,339, Revised Statutes Cumulative Supplement, 2006, as amended by sections 209, 296, 297, 333, and 362, respectively, Legislative Bill 296, One Hundredth Legislature, First Session, 2007, and section 6, Legislative Bill 296, One Hundredth Legislature, First Session, 2007; 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 provide and change penalties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 46-1219.01, 46-1220, 46-1222, 46-1226, 46-1232, 46-1235.02, 46-1236, 46-1237, 46-1237.03, 46-1240.02, 46-1240.03, 46-1240.04, 71-101.01, 71-106, 71-112.01, 71-119, 71-123, 71-132, 71-139.01, 71-140, 71-143, 71-144, 71-160, 71-161.05, 71-161.18, 71-172, 71-174.01, 71-175.01, 71-176.03, 71-179.01, 71-184, 71-186, 71-193.05, 71-193.16, 71-193.21, 71-193.24, 71-1,104.06, 71-1,106, 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, 71-1,136.03, 71-1,136.09, 71-1,144.01, 71-1,147.16, 71-1,147.17, 71-1,151, 71-1,160, 71-1,162, 71-1,186.01, 71-1,191, 71-1,192, 71-1,193, 71-1,195.03, 71-1,203, 71-1,206.11, 71-1,206.12, 71-1,206.17, 71-1,206.19, 71-1,206.28, 71-1,206.31, 71-1,228, 71-1,234, 71-1,242, 71-1,282, 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, 71-1,342, 71-1,349, 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, 71-3,175, 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, 71-1333.02, 71-1333.03, 71-1345, 71-1354, 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, 71-51,100, 71-6057, 71-6061, 71-6064, 71-6066, 71-6067, 71-6109, 71-6110, 71-6111, and 71-6112, Reissue Revised Statutes of Nebraska, sections 46-1233.01, 71-139.02, 71-1,198, 71-1,360, 71-1,389, 71-375, 71-376, 71-377, 71-397, 71-3,145, 71-3,179, 71-1721.07, 71-17,130, and 71-17,141, Revised Statutes Cumulative Supplement, 2006, section 71-1764, Reissue Revised Statutes of Nebraska, as amended by section 26, Legislative Bill 185, One Hundredth Legislature, First Session, 2007, sections 46-1235.01, 46-1237.01, 46-1237.02, 46-1240.05, 71-104, 71-139, 71-141, 71-142, 71-151, 71-161.07, 71-161.12, 71-161.17, 71-161.20, 71-165, 71-172.02, 71-188, 71-193.22, 71-1,107, 71-1,132.53, 71-1,154, 71-1,190.01, 71-1,206.05, 71-1,290, 71-1,341, 71-354, 71-3,173, 71-1333.01, 71-1710, 71-1745, 71-1774, 71-5192, 71-6053, 71-6059, and 71-6068, Reissue Revised Statutes of Nebraska, as amended by sections 211, 212, 213, 214, 298, 301, 302, 303, 305, 313, 314, 318, 319, 320, 323, 325, 331, 334, 340, 355, 356, 357, 360, 363, 365, 367, 466, 484, 486, 487,

603, 647, 648, and 650, respectively, Legislative Bill 296, One Hundredth Legislature, First Session, 2007, sections 71-1723, 71-1726.02, 71-1737, 71-17,122, 71-17,123, 71-17,124, 71-17,129, and 71-17,139, Revised Statutes Cumulative Supplement, 2006, as amended by sections 7, 13, 19, 31, 32, 33, 35, and 40, respectively, Legislative Bill 185, One Hundredth Legislature, First Session, 2007, and sections 71-1,132.05, 71-1,142, 71-1,367, and 71-3,174, Revised Statutes Cumulative Supplement, 2006, as amended by sections 339, 344, 364, and 368, respectively, Legislative Bill 296, One Hundredth Legislature, First Session, 2007.

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

Voting in the affirmative, 47:

Adams	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	
Engel	Howard	McDonald	Raikes	

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

Cornett

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

SPEAKER FLOOD PRESIDING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 564. With Emergency.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-901 and 81-8,235, Reissue Revised Statutes of Nebraska, and sections 13-910 and 81-8,219, Revised Statutes Cumulative Supplement, 2006; to change the Political Subdivisions Tort Claims Act and the State Tort Claims Act with respect to liability for recreational activities; to define terms; to provide for applicability; to require the posting of signs as prescribed; 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	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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	

Voting in the negative, 0.

Excused and not voting, 1:

Cornett

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 435. With Emergency.

A BILL FOR AN ACT relating to the Nebraska State Fairgrounds; to amend sections 2-108 and 2-111, Revised Statutes Cumulative Supplement, 2006; to provide for a study relating to the Nebraska State Fair; to change provisions relating to use of funds; to provide a termination 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	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, 1:

Pedersen

Excused and not voting, 1:

Cornett

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 610.

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.

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
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	

Voting in the negative, 0.

Excused and not voting, 1:

Cornett

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: LB 218, LR 6CA, and LBs 596, 144, 188, 208, 219, 289, 471, 368, 368A, 236, 236A, 463, 564, 435, and 610.

RESOLUTIONS

LEGISLATIVE RESOLUTION 144. Introduced by McDonald, 41.

PURPOSE: To examine issues relating to dangerous dogs in Nebraska. Dangerous dogs have become a serious and widespread threat to the safety and welfare of Nebraskans. Regulation and control of dangerous dogs is a statewide problem which may require legislative intervention to address the significant public health and safety threat posed by dangerous dogs.

The Judiciary Committee of the Legislature shall conduct a review of the provisions of Neb. Rev. Stat. sections 54-601 to 54-624 to determine whether Nebraska laws provide the public with reasonable and adequate protection from dangerous dogs. Issues to be examined include, but are not limited to:

- (1) A review of the definitions in sections 54-601 to 54-624 to determine accuracy and clarity;
- (2) A review of enforcement mechanisms for such statutes to determine the responsibility for and effectiveness of enforcement;
- (3) A review of criminal penalties for owners of dangerous dogs;
- (4) A review of civil liability requirements for injuries, emotional distress, and property loss caused by dangerous dogs;
- (5) A review of the feasibility of liability insurance requirements for owners of dangerous dogs;
- (6) A review of the feasibility of permit and inspection requirements for owners of dangerous dogs; and
- (7) A review of state statutes to determine what, if any, statutory changes are necessary to regulate and control dangerous dogs and preserve public health and safety.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 145. Introduced by McDonald, 41.

PURPOSE: To examine the Income Withholding for Child Support Act as contained in Neb. Rev. Stat. sections 43-1701 to 43-1743. Issues to be examined include, but are not limited to, the history of the garnishment process in Nebraska, allowable fees, Internet access and its effect on the child support payment process, and whether statutory changes to update the act are necessary to utilize modern technology.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 146. Introduced by Aguilar, 35.

PURPOSE: To examine the issue of creating a voluntary registry for interior designers. The purpose of the registry is to provide consumers with information on the responsibilities and services of design professionals. The issues addressed by this interim study will include, but not be limited to, determining which state agency is most appropriate to house and administer the registry.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147. Introduced by McDonald, 41.

PURPOSE: To study Nebraska liquor law pertaining to transportation of liquor into the state. Neb. Rev. Stat. section 53-194.03 makes it unlawful to transport more than nine liters of alcoholic liquor per month into the state.

This study will consider the limitations of this statute and whether exceptions are needed.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 148. Introduced by McDonald, 41.

PURPOSE: To study Nebraska's cemetery statutes and identify unclear and obsolete statutory language in need of clarification or removal.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 149. Introduced by McDonald, 41.

PURPOSE: To study recent federal lawsuits dealing with the right of states, under the 21st Amendment to the United States Constitution, to regulate alcohol.

A United States District Court in the State of Washington held in *Costco Wholesale Corp. v. Hoen*, Slip Copy, 2006 WL 2645183, W.D.Wash. (September 14, 2006), that the State of Washington's alcohol control laws were suspect under federal anti-trust laws and not shielded by the 21st Amendment.

This case followed *Granholm v. Heald*, 544 U.S. 460, 125 S.Ct. 1885 (2005), in which the United States Supreme Court held that states which allow instate wineries to ship their product directly to consumers may not bar out-of-state wineries from doing the same.

This study will include evaluation of these and other legal developments and their effect on Nebraska liquor law.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 150. Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Janssen, 15; Lathrop, 12; McGill, 26; Rogert, 16; White, 8.

PURPOSE: In the course of its consideration of LB 607 (which proposed to provide a requirement for full-time, paid fire personnel in certain cities of the first class), the Urban Affairs Committee of the Legislature learned of the wide variety of arrangements available by statute to first class cities for providing fire protection and emergency response services, including combinations of career and volunteer staffing for those functions.

This study would review the manner in which Nebraska's first class cities provide fire protection and emergency response services. It would focus not only on staffing but also on finance and cost strategies and the mechanisms employed for managing, developing, and administering capital and human assets devoted to such services. The study would attempt to determine the effectiveness of the various mechanisms for providing the services, their efficiency, and public satisfaction with the services provided. To the maximum extent feasible, the committee's study will use existing studies or industry standards to support its conclusions.

The study will seek to engage the opinions and assistance of municipal government representatives and active members of fire department and emergency response agencies in those municipalities.

At its conclusion, the committee will undertake to propose legislation to reform or enhance current statutory authority for fire protection and emergency response services and recommend changes to current law based upon the data developed in the course of the study.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 151. Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Janssen, 15; Lathrop, 12; McGill, 26; Rogert, 16; White, 8.

PURPOSE: This study would investigate (1) the statutory authority for representation on and the size of city governing bodies in metropolitan class, primary class, and first class cities (including charter provisions) and (2) the actual size of the governing bodies in such cities and historical changes relating to the size of governing bodies in such cities.

In addition, the study would seek to determine the optimal size of governing bodies for such cities based upon experience and expressed public wishes and the political and demographic implications in increasing or reducing the size of governing bodies.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 152. Introduced by Urban Affairs Committee Friend, 10, Chairperson; Janssen, 15; Lathrop, 12; McGill, 26; Rogert, 16; White, 8.

PURPOSE: This study shall provide the opportunity for the Urban Affairs Committee of the Legislature to investigate and review matters and issues arising during the interim which are within its jurisdiction and which may be the subject of bills to be introduced in the 2008 legislative session. This study shall provide the opportunity for a careful review of proposed legislation and the drafting of such legislation before time constraints and the pace of legislative activity makes studied review more problematic. This process has, in the past, served to facilitate review of bills during the regular session and has helped the committee avoid the need for committee amendments which slow down the consideration of bills by the Legislature.

The study shall involve:

(1) A review of any legislation considered by the Urban Affairs Committee during the 2007 legislative session which was either killed by the committee, failed to advance to final reading, or was held in committee to determine what further action might be warranted with regard to the particular subjects of the individual bills, including, but not limited to, handicapped parking, municipal consolidation, the formation of new villages, expanded planning and zoning authority for cities of the first and second class, sanitary and improvement districts, municipal annexation, and outdoor advertising signs, displays, and devices;

(2) A review of problems, concerns, or legislation proposed for introduction by senators or other parties for study, technical discussion, or conceptual refinement before the start of the next legislative session; and

(3) The holding of at least one public hearing to provide an opportunity for public comment and discussion with members of the committee and the public on issues within the committee's jurisdiction.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 153. Introduced by Stuthman, 22.

PURPOSE: Discipline of a medical professional should follow procedural due process protections and can lead to the taking of property rights. This study is intended to examine the procedures used by the State Board of Health within the Department of Health and Human Services when disciplining medical professionals or allowing medical professionals to practice in the State of Nebraska. This study is also intended to examine the membership of the State Board of Health. The study shall include these issues:

(1) The need to obtain information regarding applicants wanting to practice medicine in the State of Nebraska;

(2) The need for patients to be able to obtain information relative to a medical professional's history with regard to his or her practice of medicine and other conduct;

(3) Whether the membership of the State Board of Health should be limited to those who do not have a past record of disciplinary action against them;

(4) The need for representation of a victim's advocate on the State Board of Health; and

(5) The need for medical professionals to be held accountable for acts of negligence or other offenses.

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

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

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

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 157. Senator Stuthman renewed his amendment, AM844, found on page 1245 and considered on page 1483, to the committee amendment.

SENATOR FRIEND PRESIDING

Senator Chambers asked unanimous consent to bracket until May 25, 2007.

Senator Stuthman objected.

Senator Chambers offered the following motion:
Bracket until May 25, 2007.

Pending.

COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 578 and 588.

ST9039

Enrollment and Review Change to LB 578

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

1. In the Kruse amendment, AM779:
 - a. Sections 3 and 4 have been renumbered as sections 4 and 5, respectively; and
 - b. On page 9, line 22, "section 53-169.01, Reissue Revised Statutes of Nebraska, and" has been inserted after "Original".
2. In the McDonald amendment, AM892, amendments 2 and 3 have been struck.
3. On page 1, the matter beginning with "the" in line 1 through line 5 and all amendments thereto have been struck and "alcohol and drugs; to amend section 53-169.01, Reissue Revised Statutes of Nebraska, and sections 53-101 and 60-6,197.03, Revised Statutes Cumulative Supplement, 2006; to provide for the rounding of amounts relating to state alcohol excise tax laws; to change provisions relating to prohibited interests in wholesalers and business premises by manufacturers; to change penalty provisions relating to driving under the influence of alcoholic liquor or drugs; to harmonize provisions; and to repeal the original sections." inserted.

ST9038

Enrollment and Review Change to LB 588

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

1. In the E & R amendments, ER8094, on page 18, line 14, "to provide operative dates;" has been inserted after the second semicolon.

LEGISLATIVE BILL 342. Placed on Select File - ER8110.
(Amendment is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 342A. Placed on Select File.

LEGISLATIVE BILL 542. Placed on Select File - ER8108.
ER8108

- 1 1. In the Synowiecki amendment, AM1202:
- 2 a. On page 2, line 16, before "The" insert "(1)"; and in
- 3 line 22 strike "(1)" and insert "(2)"; and

4 b. On page 3, line 27, strike "(2)" and insert "(3)".
 5 2. On page 1, strike beginning with "appropriations" in
 6 line 1 through line 4 and insert "juvenile services; to amend
 7 section 43-407, Reissue Revised Statutes of Nebraska; to create
 8 the Children's Behavioral Health Task Force; to provide powers
 9 and duties; to change provisions relating to treatment programs
 10 and services; to repeal the original section; and to declare an
 11 emergency."

LEGISLATIVE BILL 482. Placed on Select File - ER8107.
 ER8107

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Sections 1 to 5 of this act shall be known and
 4 may be cited as the Autism Treatment Program Act.
 5 Sec. 2. The purposes of the Autism Treatment Program Act
 6 are to (1) create the Autism Treatment Program administered by the
 7 Center for Autism Spectrum Disorders at the University of Nebraska
 8 Medical Center and (2) provide for the development of a waiver or
 9 an amendment to an existing waiver under the medical assistance
 10 program established in section 68-903.
 11 Sec. 3. The Autism Treatment Program is created. The
 12 program shall be administered by the Center for Autism Spectrum
 13 Disorders at the University of Nebraska Medical Center. The program
 14 shall provide or coordinate the provision of statewide intensive
 15 early intervention services based on behavioral principles for
 16 children with a medical diagnosis of an autism spectrum disorder
 17 or an educational verification of autism. The program shall utilize
 18 private funds and funds transferred by the Legislature from the
 19 Nebraska Health Care Cash Fund to the Autism Treatment Program
 20 Cash Fund. Transfers from the Nebraska Health Care Cash Fund in
 21 any fiscal year shall be contingent upon the receipt of private
 22 matching funds for such program, with no less than one dollar of
 23 private funds received for every two dollars transferred from the
 1 Nebraska Health Care Cash Fund.
 2 Sec. 4. The Autism Treatment Program Cash Fund is
 3 created. The fund shall include revenue transferred from the
 4 Nebraska Health Care Cash Fund and revenue received from gifts,
 5 grants, bequests, donations, or other contributions from public or
 6 private sources. The Autism Treatment Program Cash Fund shall be
 7 administered by the Center for Autism Spectrum Disorders at the
 8 University of Nebraska Medical Center for purposes of the Autism
 9 Treatment Program created in section 3 of this act. Any money in
 10 the fund available for investment shall be invested by the state
 11 investment officer pursuant to the Nebraska Capital Expansion Act
 12 and the Nebraska State Funds Investment Act.
 13 Sec. 5. (1) The Department of Health and Human Services
 14 shall apply for a waiver or an amendment to an existing waiver
 15 under the medical assistance program established in section 68-903

16 for the purpose of providing medical assistance for intensive
17 early intervention services based on behavioral principles for
18 children with a medical diagnosis of an autism spectrum disorder
19 or an educational verification of autism. Such waiver shall not be
20 construed to create an entitlement to services provided under such
21 waiver.

22 (2) It is the intent of the Legislature that such
23 waiver (a) require means testing for and cost-sharing by recipient
24 families, (b) limit eligibility only to children for whom such
25 services have been initiated prior to the age of nine years,
26 (c) limit the number of children served according to available
27 funding, (d) require demonstrated progress toward the attainment
1 of treatment goals as a condition for continued receipt of medical
2 assistance benefits for such treatment, (e) be developed in
3 consultation with the Health and Human Services Committee of
4 the Legislature and the federal Centers for Medicare and Medicaid
5 Services and with the input of parents and families of children
6 with autism spectrum disorders and organizations advocating on
7 behalf of such persons, and (f) be submitted to the federal Centers
8 for Medicare and Medicaid Services as soon as practicable, but no
9 later than July 1, 2008.

10 Sec. 6. Section 71-7611, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 71-7611 (1) The Nebraska Health Care Cash Fund is
13 created. The State Treasurer shall transfer ~~fifty two~~fifty-five
14 million dollars annually no later than July 15 from the Nebraska
15 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco
16 Settlement Trust Fund to the Nebraska Health Care Cash Fund.
17 The state investment officer upon consultation with the Nebraska
18 Investment Council shall advise the State Treasurer on the amounts
19 to be transferred from the Nebraska Medicaid Intergovernmental
20 Trust Fund and from the Nebraska Tobacco Settlement Trust
21 Fund under this section in order to sustain such transfers in
22 perpetuity. The state investment officer shall report to the
23 Legislature on or before October 1 of every even-numbered year on
24 the sustainability of such transfers.

25 (2) Any money in the Nebraska Health Care Cash Fund
26 available for investment shall be invested by the state investment
27 officer pursuant to the Nebraska Capital Expansion Act and the
1 Nebraska State Funds Investment Act.

2 (3) One million dollars in the Nebraska Health Care Cash
3 Fund is designated for the Autism Treatment Program Act for five
4 fiscal years beginning in fiscal year 2007-08. The distribution
5 of the one million dollars shall be as follows: (a) First, to
6 the Department of Health and Human Services for costs related to
7 application and implementation of the waiver; (b) second, to the
8 department for other medical costs for children who would not
9 otherwise qualify for medicaid except for the waiver; and (c)
10 third, the balance to the Autism Treatment Program Cash Fund. The

11 State Treasurer shall transfer the balance of the funding to the
 12 Autism Treatment Program Cash Fund based on the estimated costs
 13 of administrative and other medical costs as determined by the
 14 Legislature through the appropriation process. The transfers to
 15 the Autism Treatment Program Cash Fund in any fiscal year shall
 16 be contingent upon the receipt of private matching funds under
 17 the Autism Treatment Program Act, with no less than one dollar of
 18 private funds received for every two dollars transferred from the
 19 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash
 20 Fund.

21 ~~(3) The State Treasurer shall transfer two million~~
 22 ~~dollars from the Nebraska Health Care Cash Fund to the University~~
 23 ~~of Nebraska Medical Center Designated Cash Fund within fifteen days~~
 24 ~~after July 1, 2005.~~

25 ~~(4) The State Treasurer shall transfer two million~~
 26 ~~dollars from the Nebraska Health Care Cash Fund to the University~~
 27 ~~of Nebraska Medical Center Designated Cash Fund within fifteen days~~
 1 ~~after July 1, 2006.~~

2 ~~(5) The State Treasurer shall transfer one million nine~~
 3 ~~hundred thirty nine thousand eight hundred sixty three dollars~~
 4 ~~from the Nebraska Health Care Cash Fund to the Nebraska Capital~~
 5 ~~Construction Fund within five days after July 1, 2005.~~

6 ~~(6) The State Treasurer shall transfer seven hundred~~
 7 ~~thousand dollars from the Nebraska Health Care Cash Fund to the~~
 8 ~~Nebraska Capital Construction Fund within five days after July 1,~~
 9 ~~2005.~~

10 ~~(7)(4)~~ The University of Nebraska and postsecondary
 11 educational institutions having colleges of medicine in Nebraska
 12 and their affiliated research hospitals in Nebraska, as a condition
 13 of receiving any funds appropriated or transferred from the
 14 Nebraska Health Care Cash Fund, shall not discriminate against
 15 any person on the basis of sexual orientation.

16 Sec. 7. This act becomes operative on July 1, 2007.

17 Sec. 8. Original section 71-7611, Revised Statutes
 18 Cumulative Supplement, 2006, is repealed.

19 Sec. 9. Since an emergency exists, this act takes effect
 20 when passed and approved according to law.

21 2. On page 1, strike beginning with "the" in line 1
 22 through line 4 and insert "medical assistance; to amend section
 23 71-7611, Revised Statutes Cumulative Supplement, 2006; to adopt
 24 the Autism Treatment Program Act; to change provisions relating
 25 to the Nebraska Health Care Cash Fund regarding the transfer and
 26 distribution of funds; to provide an operative date; to".

LEGISLATIVE BILL 377. Placed on Select File - ER8109.
 ER8109

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:

3 Section 1. Section 24-201.01, Revised Statutes Cumulative

4 Supplement, 2006, is amended to read:

5 24-201.01 ~~On July 1, 2002, the salary of the Chief~~
6 ~~Justice and judges of the Supreme Court shall be one hundred~~
7 ~~nineteen thousand two hundred seventy six dollars. On July 1, 2005,~~
8 ~~the salary of the Chief Justice and the judges of the Supreme Court~~
9 ~~shall be one hundred twenty two thousand eight hundred fifty four~~
10 ~~dollars. On July 1, 2006, the salary of the Chief Justice and~~
11 ~~the judges of the Supreme Court shall be one hundred twenty-six~~
12 ~~thousand eight hundred forty-six dollars. On July 1, 2007, the~~
13 salary of the Chief Justice and the judges of the Supreme Court
14 shall be one hundred thirty-one thousand two hundred eighty-five
15 dollars and sixty-one cents. On July 1, 2008, the salary of the
16 Chief Justice and the judges of the Supreme Court shall be one
17 hundred thirty-five thousand eight hundred eighty dollars and sixty
18 cents.

19 The Chief Justice and the judges of the Supreme Court
20 shall hold no other public office of profit or trust during their
21 terms of office nor accept any public appointment or employment
22 under the authority of the government of the United States for
23 which they receive compensation for their services. Such salaries
1 shall be payable in equal monthly installments.

2 Sec. 2. Section 24-301.02, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 24-301.02 The State of Nebraska shall be divided into the
5 following twelve district court judicial districts:

6 District No. 1 shall contain the counties of Clay,
7 Nuckolls, Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha,
8 Fillmore, and Richardson;

9 District No. 2 shall contain the counties of Sarpy, Cass,
10 and Otoe;

11 District No. 3 shall contain the county of Lancaster;

12 District No. 4 shall contain the county of Douglas;

13 District No. 5 shall contain the counties of Merrick,

14 Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward,
15 and Saunders;

16 District No. 6 shall contain the counties of Dixon,
17 Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

18 District No. 7 shall contain the counties of Knox,
19 Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

20 District No. 8 shall contain the counties of Cherry,
21 Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield,
22 Wheeler, Valley, Greeley, Sherman, and Howard;

23 District No. 9 shall contain the counties of Buffalo and
24 Hall;

25 District No. 10 shall contain the counties of Adams,
26 Phelps, Kearney, Harlan, Franklin, and Webster;

27 District No. 11 shall contain the counties of Hooker,

1 Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson,
2 Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and

3 Furnas; and

4 District No. 12 shall contain the counties of Sioux,
5 Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner,
6 Kimball, Cheyenne, Grant, and Deuel.

7 In the fourth district there shall be sixteen judges of
8 the district court. In the third district there shall be seven
9 judges of the district court. ~~In the twelfth district there shall~~
10 ~~be five judges of the district court.~~ In the second, fifth, ninth,
11 eleventh, and twelfth and eleventh districts there shall be four
12 judges of the district court. In the first, ~~sixth, and ninth and~~
13 sixth districts there shall be three judges of the district court.
14 In the seventh, eighth, and tenth districts there shall be two
15 judges of the district court.

16 Sec. 3. Section 24-503, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 24-503 For the purpose of serving the county courts in
19 each county, twelve county judge districts are hereby created:

20 District No. 1 shall contain the counties of Saline,
21 Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson;

22 District No. 2 shall contain the counties of Sarpy, Cass,
23 and Otoe;

24 District No. 3 shall contain the county of Lancaster;

25 District No. 4 shall contain the county of Douglas;

26 District No. 5 shall contain the counties of Merrick,
27 Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward,
1 and Saunders;

2 District No. 6 shall contain the counties of Dixon,
3 Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

4 District No. 7 shall contain the counties of Knox,
5 Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

6 District No. 8 shall contain the counties of Cherry,
7 Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield,
8 Wheeler, Valley, Greeley, Sherman, and Howard;

9 District No. 9 shall contain the counties of Buffalo and
10 Hall;

11 District No. 10 shall contain the counties of Fillmore,
12 Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and
13 Nuckolls;

14 District No. 11 shall contain the counties of Hooker,
15 Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson,
16 Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and
17 Furnas; and

18 District No. 12 shall contain the counties of Sioux,
19 Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner,
20 Kimball, Cheyenne, Grant, and Deuel.

21 District 4 shall have twelve county judges. Districts 3;
22 ~~5, and 12~~ and 5 shall have six county judges. ~~District 11~~ Districts
23 11 and 12 shall have five county judges. Districts 2, 6, and 9
24 shall have four county judges. Districts 1, 7, 8, and 10 shall have

25 three county judges.

26 Judge of the county court shall include any person
27 appointed to the office of county judge or municipal judge prior
1 to July 1, 1985, pursuant to Article V, section 21, of the
2 Constitution of Nebraska.

3 Any person serving as a municipal judge in district 3 or
4 4 immediately prior to July 1, 1985, shall be a judge of the county
5 court and shall be empowered to hear only those cases as provided
6 in section 24-517 which the presiding judge of the county court
7 for such district, with the concurrence of the Supreme Court, shall
8 direct.

9 Sec. 4. Section 43-2,119, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 43-2,119 (1) The number of judges of the separate
12 juvenile court in counties which have established a separate
13 juvenile court shall be:

14 (a) Two judges in counties having seventy-five thousand
15 inhabitants but less than two hundred thousand inhabitants;

16 (b) ~~Three-Four~~ judges in counties having at least two
17 hundred thousand inhabitants but less than four hundred thousand
18 inhabitants; and

19 (c) Five judges in counties having four hundred thousand
20 inhabitants or more.

21 (2) The senior judge in point of service as a juvenile
22 court judge shall be the presiding judge. The judges shall rotate
23 the office of presiding judge every three years unless the judges
24 agree to another system.

25 Sec. 5. This act becomes operative on July 1, 2007.

26 Sec. 6. Original section 43-2,119, Reissue Revised
27 Statutes of Nebraska, and sections 24-201.01, 24-301.02, and
1 24-503, Revised Statutes Cumulative Supplement, 2006, are repealed.

2 Sec. 7. Since an emergency exists, this act takes effect
3 when passed and approved according to law.

4 2. On page 1, strike beginning with "24-301.02" in line
5 1 through line 5 and insert "43-2,119, Reissue Revised Statutes of
6 Nebraska, and sections 24-201.01, 24-301.02, and 24-503, Revised
7 Statutes Cumulative Supplement, 2006; to change salary provisions
8 of judges; to reallocate district, county, and separate juvenile
9 court judgeships; to provide an operative date; to repeal the
10 original sections; and to declare an emergency."

LEGISLATIVE BILL 516. Placed on Select File - ER8106.
ER8106

1 1. In the Standing Committee amendments, AM1132:

2 a. On page 1, line 10, strike "(a)"; in line 13 after
3 "including" insert an underscored comma; and in line 20 strike
4 "(b)" and insert "(2)"; and

5 b. On page 2, line 6, strike the comma; and in line 11
6 after "including" insert an underscored comma.

7 2. On page 1, lines 1 and 2, strike "adopt the Corporate
8 Farming Policy Advisory Act" and insert "state intent; to authorize
9 a study with respect to corporate farming and agricultural
10 production; to provide powers and duties for the Executive Board
11 of the Legislative Council, the Agriculture Committee of the
12 Legislature, and the Attorney General".

LEGISLATIVE BILL 516A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 10, 2007, at 10:05 a.m. were the following: LBs 5, 8, 69, 132, 147, 152, 199, 214, 226e, 227, and 233.

Presented to the Governor on May 10, 2007, at 11:00 a.m. were the following: LBs 252, 256, 277, 364, 382, 388, 396e, 424, 445, 449, 481e, 508e, 561, 580, and 664.

Presented to the Governor on May 10, 2007, at 12:35 p.m. were the following: LBs 218, 596e, 144e, 188e, 208, 219e, 289, 471e, 368, 368A, 236, 236A, 463, 564e, 435e, and 610.

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

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on May 10, 2007, at 12:37 p.m. was the following: LR 6CA.

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 377A. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 377, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

RESOLUTIONS**LEGISLATIVE RESOLUTION 154.** Introduced by Heidemann, 1.

WHEREAS, Quentin Fankhauser of Troop 387, Humboldt, 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 advancement of 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, Quentin 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, Quentin Fankhauser 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 Quentin Fankhauser on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Quentin Fankhauser.

Laid over.

LEGISLATIVE RESOLUTION 155. Introduced by Johnson, 37; Aguilar, 35.

PURPOSE: The purpose of this study is to examine and provide recommendations relating to all of the factors necessary to provide the workforce necessary to provide quality in-home services. The Nebraska Long Term Care Plan of 1997 and the Medicaid Reform Plan of 2005 both recognize home- and community-based services as a needed service and an alternative to residential nursing home care. LB 321 (2007) that appropriates funds for state government expenses includes funds for HHS to expand the capacity for in-home services for the aged and disabled and provides funding to develop a rate-setting methodology for all long-term services. This session, the Health and Human Services Committee considered legislative bills that raised critical issues concerning: (a) The workforce necessary to provide in-home services and workers, (b) the ability to screen in-home workers who care for persons in their home, (c) the training needed by in-home workers, (d) the ability of in-home workers to access training

programs, (e) the need to coordinate care and match services to persons who need in-home services, and (f) methods to monitor the quality of services provided. Further, legislative action is necessary and appropriate to address the issues that have been recognized for over a decade in the provision of services and the efficiency of money spent for in-home and community based services.

The Health and Human Services Committee of the Legislature, in cooperation with stakeholders, should study the in-home services industry, including, but not limited to, the following:

- (1) The number of providers needed to meet current and future service needs;
- (2) A system to implement basic provider training programs and provider and consumer communication programs;
- (3) Implementation of a statewide system or registry to be used to coordinate in-home services and consumer needs at the direction of the consumer or a consumer's care coordinator;
- (4) The rate or wage increase necessary for recruitment, retention, and stabilization of the workforce; and
- (5) Implementation of a system of accountability for appropriate levels of quality service provision.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 156. Introduced by Johnson, 37.

PURPOSE: (1) To examine and provide recommendations relating to the waiting list for people with developmental disabilities and to provide recommendations on any proposed changes to the methodology used for the payment of service providers. The waiting list refers to people who have been determined to be eligible for services, have set a date of need, but have not received services because of a lack of funding available. The waiting list has continued to be only partially addressed and communication, coordination, and collaboration are needed to develop an updated strategic plan based on incremental implementation if the intent of Nebraska law is to be met.

(2) Subsection (3) of section 83-1216 provides: "It is the intent of the Legislature that by July 1, 2010, all persons determined to be eligible for services shall receive services in accordance with the Developmental Disabilities Services Act." In 2004, LB 297 amended section 83-1216 to include the establishment of a workgroup to provide a report to the Legislature and the Governor for the development of an objective

assessment process to determine the amount of funding for the provision of services. The report generated by this workgroup was supported by unanimous consent of the workgroup. Further work is needed to develop a plan and additional study is necessary. Such study and recommendations for a plan shall include, but not be limited to, consideration of the following:

(a) A plan for the provision of services to all persons determined to be eligible for services in accordance with the Developmental Disabilities Services Act by 2010; and

(b) The incremental statewide implementation process for the provision of specialized services based upon:

(i) The number of persons who are waiting for services; and

(ii) The need to prevent any future development of lengthy waiting lists for services.

(3) The plan shall be based upon data provided by the Department of Health and Human Services and the State Department of Education to include, but not be limited to, the following:

(a) The historical usage of priority one funding for people with developmental disabilities;

(b) Attrition in specialized services;

(c) The projected and actuarial budgeted funding for students who are exiting high school; and

(d) Other information as needed.

(4) In addition, the Medicaid Reform Council has identified the need to review and revise the methodology used for determining the rates paid to developmental disability providers.

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

To implement the purpose of this resolution, the Department of Health and Human Services shall establish a working group including representatives from the State Department of Education, the Advisory Committee on Developmental Disabilities, the Developmental Disabilities Planning Council, people with developmental disabilities and their families, a statewide developmental disability advocacy organization, developmental disabilities service providers, and other interested parties. The working group shall:

(1) Submit recommendations for a strategic plan to incrementally reduce the number of persons on the waiting list for developmental disabilities to meet the intent of the Legislature;

(2) Consult with the Department of Health and Human Services to review and make recommendations on any revision to the rate methodology; and

(3) Submit the workgroup's recommendations on the strategic plan and revisions to the rate methodology in a report to the Medicaid Reform Council, the Legislature, and the Governor.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 157. Introduced by Johnson, 37.

PURPOSE: The Legislature finds that:

(1) Governor Dave Heineman, former Chief Justice of the Supreme Court John Hendry, and Chief Justice of the Supreme Court Mike Heavican are providing leadership to foster collaboration with the goal of improving Nebraska's child welfare system;

(2) Due to the dedication and hard work of judges, prosecutors, guardians ad litem, defense lawyers, caseworkers, supervisors, and administration, the following improvements in the care of children documented by the review conducted by the Nebraska Foster Care Review Board shall be recognized:

(a) Fewer children are in out-of-home care (5,186 children were in out-of-home care on December 31, 2006, compared to 6,204 on December 31, 2005);

(b) More children's cases have written plans designated to correct problems that led to removal of children from their homes (73.7% of the cases reviewed in 2006 had written plans, compared to 58.3% in 2001);

(c) More case managers from the Department of Health and Human Services are regularly seeing the children (88.9% of the children reviewed in the last half of 2006 had been seen by the worker in the 60 days prior to review, compared to 68.5% in 2001, and 39% in 1999); and

(d) In the last five years, there has been a decrease in the number of children who, after family reunification, return to the foster care system (41.3% of the children in care on December 31, 2001, had prior removals compared to 37.8% of those in care on December 31, 2006);

(3) The following statistics clearly demonstrate that the child welfare system has need for additional improvements:

(a) 5,186 children were in out-of-home foster care in Nebraska on December 31, 2006 (5,052 wards of the Department of Health and Human Services, plus children under the courts, or in an out-of-home placement through a child-placement agency);

(b) 1,961 of the 5,186 children (37.8%) have had at least one prior removal from the home. This is an increase in percentage from December 31, 2005, when 33.5% of the children in care had experienced multiple removals;

(c) 1,881 (36.3%) of the 5,186 children have been moved to six or more different foster placements throughout their lifetime;

(d) 947 (18.3%) of the 5,186 children have been moved to 10 or more different foster placements throughout their lifetime;

(e) 2,484 (49.2%) of the 5,052 wards of the Department of Health and Human Services in care on December 31, 2006, have had four or more caseworker changes;

(f) 1,438 (38.5%) of the 3,728 children reviewed in 2006 had been in foster care for two years or more at the time of their last review and 384 (10.3%) of the 3,728 reviewed children had been in foster care for five years or more;

(g) 195 (5.2%) of the 3,728 reviewed children were in placements that were unsafe (78 children) or inappropriate (117 children). Another 608 (16.3%) of the 3,728 reviewed children were in placements where the appropriateness of the current placement could not be determined due to a lack of documentation;

(h) The foster parents of 211 children reviewed in the last half of 2006 were not provided medical information about the child upon placement in their home;

(i) 425 (10.6%) of the 4,009 wards of the Department of Health and Human Services (excluding youth of the Office of Juvenile Services) that left out-of-home care during 2006 were adopted. Nationally, an average of 20% of social service wards are adopted annually;

(j) There were 1,333 children age birth through five in out-of-home care on December 31, 2006;

(k) 108 (11.4%) of 948 children between the ages of birth through five years in a special study conducted at the end of 2006 were in foster homes that were caring for the child reviewed plus five or more other children. 17 of the 108 children had recognized disabilities;

(l) In a special study conducted at the end of 2006, a Department of Health and Human Services contractor supervised parental visitation for 507 of the 948 children age birth through five. 174 (34.3%) of the 507 children had four or more different persons monitoring their visitation sessions;

(m) In a special study conducted at the end of 2006, a Department of Health and Human Services contractor transported 360 of the 948 children between the ages of birth through five years. Most of this transportation was to parental visitation sessions. 85 (23.6%) of the 360 children had four or more different drivers; and

(n) 142 (54.6%) of the 260 children between the ages of birth through two years reviewed during the last half of 2006 were placed in foster care due to parental substance abuse;

(4) Increases in parental substance abuse has added a new element of complexity to case demands. Methamphetamine is a highly addictive stimulant that victimized the addicted parents and the children within their care. 352 (37.1%) of the 948 children age birth through five in a special study conducted at the end of 2006 entered care due to parental methamphetamine abuse; and

(5) Regardless of the root cause for children coming into foster care, abused and neglected children create additional costs for Nebraska's taxpayers because these children are often in special education, have an increased likelihood of current and future drug and alcohol abuse, are more likely to be homeless, are more likely to enter the prison population, and when they have children of their own may perpetuate the cycle of abuse as adults.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution and work in cooperation with the Legislative Performance Audit Committee's auditor of the foster care system.

2. That the study shall include:

a. An examination of the intake system, including what services could prevent removals from the home of origin;

b. Reasons for the number of children in out-of-home care;

c. Children's number of placement changes and injuries in care;

- d. The number of foster homes and group placements available in each region of the state;
 - e. The number of children cared for in foster homes and group placements;
 - f. Caseworker changes and caseloads;
 - g. Service provision to children, including medical, dental, and mental health services;
 - h. The length of time children spend in foster care and barriers to permanency;
 - i. A review of the care of children between the ages of birth through five years, including the number of placement changes, the effects of contracting for visitation supervision and transportation, the length of time in care, the number of other children in the foster homes, and the recruitment of foster parents; and
 - j. The effectiveness of the current contract system.
3. That the Health and Human Services Committee of the Legislature shall work in cooperation with the Judiciary Committee of the Legislature to address legal barriers to adoption and adherence to twelve-month court reviews as permanency markers.
4. That the committee shall, upon the conclusion of this study, make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 158. Introduced by Johnson, 37.

PURPOSE: To examine and provide recommendations relating to the development and utilization of voluntary emergency medical personnel to assist in responding to natural disasters or in the event of a flu pandemic. The Trust for America's Health reported that Nebraska's ecology would sustain the fifth-highest loss to its economy among the fifty states should a flu pandemic hit the United States.

Nebraska's Department of Health and Human Services has been recognized as a leader in preparation for such an event but concerns still exist about development and utilization of voluntary emergency medical personnel to assist in responding to such events. Such study recommendations shall include, but not be limited to, consideration of the following:

- (1) Training and competency of volunteer physicians and other medical personnel;
- (2) Liability of the voluntary medical personnel including, but not limited to, an assessment of the need to adopt the Uniform Emergency Volunteer Health Practitioners Act, drafted by the National Conference of Commissioners on Uniform State Laws;
- (3) Planning for a sufficient number of emergency personnel to adequately respond to major public emergencies; and
- (4) Coordinating and integrating volunteer medical reserve corps with other related federal and state programs.

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

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

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

Referred to the Executive Board.

WITHDRAW - Cointroducer

Senator Pirsch withdrew his name as cointroducer to LB 674.

VISITORS

Visitors to the Chamber were 8 eleventh- and twelfth-grade students and teacher from Papillion/La Vista High School, Papillion; 22 fourth-grade students from Humboldt-Table Rock School, Humboldt; 25 third-grade students and teacher from Trinity Lutheran, Fremont; 9 fourth- and sixth-grade students from Faith Christian School of Kearney, Kearney; and 45 fourth-grade students and teachers from Montclair Elementary, Omaha.

The Doctor of the Day was Dr. Preston Renshaw from O'Neill.

ADJOURNMENT

At 1:36 p.m., on a motion by Senator Stuthman, the Legislature adjourned until 10:00 a.m., Tuesday, May 15, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

