

EIGHTY-THIRD DAY - MAY 18, 2007

LEGISLATIVE JOURNAL

**ONE HUNDREDTH LEGISLATURE
FIRST SESSION**

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 18, 2007

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Christensen and Gay who were excused; and Senators Ashford, Carlson, Dubas, Hudkins, and Mines who were excused until they arrive.

REPORTS

The following reports were received by the Legislature:

Agriculture, Department of
Code of Federal Regulations

Roads, Department of
Board of Public Roads Classifications and Standards Minutes for March
2007

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 17, 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

Protexter, Bill
Wild Escape Theme Parks

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 339.

A BILL FOR AN ACT relating to claims against the state; to amend sections 25-213 and 81-8,294, Reissue Revised Statutes of Nebraska; to provide for a limitation of actions and its tolling under the State Miscellaneous Claims Act 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, 41:

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

Voting in the negative, 0.

Excused and not voting, 8:

Aguilar	Carlson	Dubas	Hudkins
Ashford	Christensen	Gay	Mines

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

LEGISLATIVE BILL 578.

A BILL FOR AN ACT relating to 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.

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, 40:

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

Voting in the negative, 0.

Present and not voting, 3:

Kruse	Lathrop	White
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Excused and not voting, 6:

Aguilar	Carlson	Gay
Ashford	Christensen	Hudkins

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 588 with 36 ayes, 2 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 588.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121, Reissue Revised Statutes of Nebraska, and sections 48-120 and 48-1,110, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the hospital fee schedule, payment of providers, and disability compensation; to provide powers and duties for the Nebraska Workers' Compensation Court; to define terms; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Aguilar	Carlson	Gay
Ashford	Christensen	Hudkins

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 588A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 588, 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, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Aguilar	Carlson	Gay
Ashford	Christensen	Hudkins

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 674 with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 674.

A BILL FOR AN ACT relating to consumer protection; to adopt the Credit Report Protection Act; to prohibit certain uses of social security numbers; to provide a penalty; and to provide operative dates.

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

Voting in the negative, 0.

Excused and not voting, 5:

Aguilar	Ashford	Christensen	Gay	Hudkins
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 305.

A BILL FOR AN ACT relating to revenue and taxation; to amend section

77-27,132, Revised Statutes Cumulative Supplement, 2006; to change distribution of certain sales tax proceeds; to provide an operative date; and to repeal the original section.

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, 40:

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

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Cornett	Nelson	Preister
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Excused and not voting, 5:

Aguilar	Ashford	Christensen	Gay	Hudkins
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 305A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, One Hundredth Legislature, First Session, 2007.

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

Voting in the affirmative, 41:

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

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Avery Preister

Excused and not voting, 5:

Aguilar Ashford Christensen Gay Hudkins

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 339, 578, 588, 588A, 674, 305, and 305A.

SENATOR LANGEMEIER PRESIDING

MOTION - Return LB 221 to Select File

Senator Lathrop moved to return LB 221 to Select File for his specific amendment, AM1326, found on page 1626.

The Lathrop motion to return prevailed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 221. The Lathrop specific amendment, AM1326, found on page 1626, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

ANNOUNCEMENT

The Chair announced today is Senator Engel's birthday.

SELECT FILE

LEGISLATIVE BILL 247. ER8097, found on page 1370, was adopted.

Senator Johnson renewed his amendment, AM1221, printed separately and referred to on page 1444.

The Johnson amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Schimek asked unanimous consent to withdraw her amendment, AM1304, found on page 1580, and replace it with her substitute amendment, AM1345, found on page 1648. No objections. So ordered.

The Schimek amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Nantkes renewed her amendment, AM1303, found on page 1581.

The Nantkes amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Stuthman renewed his amendment, AM1353, printed separately and referred to on page 1654.

Senator Stuthman withdrew his amendment.

Senator Johnson renewed his amendment, AM1352, found on page 1656.

The Johnson amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Johnson renewed his amendment, AM1367, printed separately and referred to on page 1659.

The Johnson amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Johnson offered the following amendment:
(Amendment, AM1391, is on file and available in the Clerk's Office, Room 2014.)

SENATOR FRIEND PRESIDING

The Johnson amendment was adopted with 28 ayes, 0 nays, 17 present and

not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 653. Senator Raikes renewed his amendment, AM1379, found on page 1662, to the committee amendment, AM1319, found on page 1617 and considered on page 1662.

Senator Langemeier moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Raikes amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

2007 Resolutions calling for an Interim Study

- LR 15 Interim study to examine the impact of a waiver filed by Union Pacific before the Federal Railroad Administration on public safety
Business and Labor
- LR 67 Interim study to examine issues relating to public and private highway and rail crossings
Transportation and Telecommunications
- LR 74 Interim study to analyze the fiscal impact of making K-12 public school teachers employees of the State of Nebraska
Appropriations
- LR 76 Interim study to examine the rural economic development potential of wind energy development
Agriculture
- LR 77 Interim study to examine the issue of electronic waste recycling
Natural Resources
- LR 78 Interim study to examine issues relating to the Open Meetings Act
Government, Military and Veterans Affairs

- LR 79 Interim study to examine net-metering and draft legislation which creates a net-metering program in Nebraska
Natural Resources
- LR 80 Interim study to examine the need for cost-benefit analyses to be conducted on services contracts entered into by the State of Nebraska
Government, Military and Veterans Affairs
- LR 85 Interim study to direct the Health and Human Services Committee to study the availability of autism treatment programs in the state
Health and Human Services
- LR 86 Interim study to examine the method used to verify proof of automobile liability insurance and to examine ways to increase compliance
Transportation and Telecommunications
- LR 89 Interim study to examine how discarded televisions and their components could be recycled rather than discarded in landfills
Natural Resources
- LR 90 Interim study to examine the requirements to license, register, purchase plates, verify proof of insurance, tax, and assess fees on motor vehicles
Transportation and Telecommunications
- LR 91 Interim study to examine if more can be done through legislation to protect citizens from the crime of identity theft
Judiciary
- LR 93 Interim study to examine the impact on production agriculture resulting from judicial decisions ruling Initiative 300 unconstitutional
Agriculture
- LR 94 Interim study to examine issues relating to the rapid urbanization of the Papillion Creek Watershed
Natural Resources/Urban Affairs
- LR 97 Interim study to direct the Judiciary Committee to review the North Carolina statewide guardian ad litem system
Judiciary
- LR 98 Interim study to evaluate how child support disregards/pass-throughs impact the economic self sufficiency of participants in Temporary Assistance for Needy Families programs
Health and Human Services

- LR 99 Interim study to examine policies relating to the incarceration of persons with mental illness in Nebraska's correctional facilities, including juvenile facilities
Judiciary
- LR 100 Interim study to determine whether the insurance laws should be amended to allow property and casualty insurance producers to charge fees for services they perform
Banking, Commerce and Insurance
- LR 101 Interim study to review the actuarial assumptions used to perform the annual actuarial valuation for the retirement systems administered by the Public Employees Retirement Board
Nebraska Retirement Systems
- LR 102 Interim study to examine the employee retirement systems administered by the Public Employees Retirement Board
Nebraska Retirement Systems
- LR 104 Interim study to examine ways for the State of Nebraska to respectfully honor its citizens who have served their country and died in combat
Government, Military and Veterans Affairs
- LR 105 Interim study to examine uranium mining with respect to water consumption in, expansion in, and contracts with the State of Nebraska
Natural Resources
- LR 106 Interim study to examine the effects of vegetation on river-flow in river basins in Nebraska
Natural Resources/Agriculture
- LR 107 Interim study to examine the effects of the elimination of state park entry permit fees on the state park system
Natural Resources
- LR 108 Interim study to examine issues relating to the laws governing the generation of electric power using renewable energy
Natural Resources
- LR 109 Interim study to examine issues relating to the Comprehensive Health Insurance Pool
Banking, Commerce and Insurance
- LR 110 Interim study to examine whether amendments should be recommended to the Small Employer Health Insurance Availability Act

Banking, Commerce and Insurance

- LR 111 Interim study to examine issues relating to the Burial Pre-Need Sale Act
Banking, Commerce and Insurance
- LR 112 Interim study to determine the need for additional financial assistance to address staffing issues and treatment of inmate substance abuse and mental health needs within the Dept. of Correctional Services
Judiciary
- LR 113 Interim study to examine issues relating to urban storm water runoff
Natural Resources
- LR 114 Interim study to examine the burden of proof and standard of review of valuation cases appealed to the Tax Equalization and Review Commission
Revenue
- LR 115 Interim study to examine an income-based method of placing a value on agricultural and horticultural land
Revenue
- LR 116 Interim study to examine residential, business, and agricultural tax burdens in Nebraska
Revenue
- LR 117 Interim study to analyze the municipal county process
Government, Military and Veterans Affairs
- LR 119 Interim study to review the availability of cost estimates in health care pricing and possible legislation to provide good faith estimates of costs by health care providers and insurers to a consumer upon request
Health and Human Services/Banking, Commerce and Insurance
- LR 120 Interim study to examine the cost of public employee health plans at all levels of government
Government, Military and Veterans Affairs
- LR 121 Interim study to examine the feasibility of the adoption of juvenile certification legislation to provide that the juvenile court have original jurisdiction for juveniles who have committed crimes
Judiciary

- LR 122 Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee
Government, Military and Veterans Affairs
- LR 124 Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee
Transportation and Telecommunications
- LR 126 Interim study to examine high ability learner programs and the effectiveness of the program format and funding level
Education
- LR 127 Interim study to review the state funds under the responsibility of the state investment officer
Nebraska Retirement Systems
- LR 128 Interim study to examine administrative processes and laws which would permit the establishment of a parent and child relationship in the event of a gestational surrogacy
Health and Human Services
- LR 129 Interim study to examine the Base Realignment and Closure process and realignment of United States Department of Defense installations and possible responses required by the state
Government, Military and Veterans Affairs
- LR 130 Interim study to examine requirements necessary to implement an effective statewide comprehensive tobacco prevention and cessation program
Health and Human Services
- LR 132 Interim study of funding and distribution of transit aid related to the local operating subsidy of transit vehicles
Transportation and Telecommunications
- LR 133 Interim study to review issues under the jurisdiction of the Agriculture Committee
Agriculture
- LR 134 Interim study to examine agricultural development as an element of economic development
Agriculture
- LR 135 Interim study to catalog programs of agricultural research and public sources of funding for agricultural research and to examine critical research priorities
Agriculture

- LR 136 Interim study to examine means of stimulating expansion of the biodiesel fuel industry
Agriculture
- LR 137 Interim study to examine the feasibility of redesigning the livestock friendly county program
Agriculture
- LR 138 Interim study to examine means of fully cash funding the duties of the Department of Agriculture under the Noxious Weed Control Act
Agriculture
- LR 139 Interim study to examine constraints to expanded deployment of systems for recovery of energy and other useful byproducts from animal wastes associated with confined livestock operations
Agriculture
- LR 140 Interim study of federal grant funds being used by the Department of Agriculture and the Bureau of Animal Industry
Agriculture
- LR 141 Interim study to examine the inability of agricultural equipment dealers to serve consumer demand for certain tractor models not permitted for sale in Nebraska
Agriculture
- LR 142 Interim study to undertake a review of the Nebraska Industrial Development Corporation Act
Urban Affairs
- LR 143 Interim study to review issues raised by LR 2CA which proposed to broaden authority for cities and counties to use tax increment financing
Urban Affairs
- LR 144 Interim study to examine issues relating to dangerous dogs
Judiciary
- LR 145 Interim study to examine the Income Withholding for Child Support Act
Judiciary
- LR 146 Interim study to examine the issue of creating a voluntary registry for interior designers
Government, Military and Veterans Affairs
- LR 147 Interim study of the Nebraska liquor law pertaining to transportation of liquor into the state

General Affairs

- LR 148 Interim study to examine Nebraska's cemetery statutes
General Affairs
- LR 149 Interim study of recent federal lawsuits dealing with the right of states under the 21st Amendment to the U.S. Constitution to regulate alcohol
General Affairs
- LR 150 Interim study to review the manner in which Nebraska's first class cities provide fire protection and emergency response services
Urban Affairs
- LR 151 Interim study to examine the statutory authority for representation on and the size of certain city governing bodies
Urban Affairs
- LR 152 Interim study to examine issues under the jurisdiction of the Urban Affairs Committee
Urban Affairs
- LR 153 Interim study to examine procedures used by the State Board of Health when disciplining medical professionals or allowing medical professionals to practice in the state
Judiciary/ Health and Human Services
- LR 155 Interim study to examine recommendations to provide the workforce necessary to provide quality in-home services
Health and Human Services
- LR 156 Interim study relating to people with developmental disabilities and proposed changes to the methodology used for payment of service providers
Health and Human Services
- LR 157 Interim study of the foster care system
Health and Human Services
- LR 158 Interim study to examine development of voluntary emergency medical personnel to assist in responding to natural disasters
Health and Human Services
- LR 159 Interim study to examine the public policies under the Nebraska Workers' Compensation Act
Business and Labor

- LR 160 Interim study to examine the results of the law enforcement retirement study
Nebraska Retirement Systems
- LR 161 Interim study to examine the manner in which agencies of state government are providing public notice of their intent to adopt, amend, or repeal a rule or regulation under the Administrative Procedure Act
Government, Military and Veterans Affairs
- LR 162 Interim study to examine the overall impact of the area agency on aging programs on the health of the citizens
Health and Human Services
- LR 163 Interim study to examine ways to increase the pool of potential foster parents
Health and Human Services
- LR 164 Interim study to examine traditional benefits under Temporary Assistance for Needy Families (TANF) programs and their effectiveness
Health and Human Services
- LR 165 Interim study to examine the service needs of victims of domestic violence, sexual assault, and stalking and identify cost-effective system enhancements for prevention and intervention
Health and Human Services
- LR 166 Interim study to examine the need for increased and uniform insurance coverage for cochlear implant surgeries and auditory rehabilitation services
Banking, Commerce and Insurance
- LR 167 Interim study to evaluate the scope of state resources that should be devoted to the University of Nebraska Medical Center College of Nursing
Appropriations
- LR 168 Interim study to examine issues relating to Nebraska's emergency protective custody procedures
Health and Human Services
- LR 169 Interim study to examine public school funding in Nebraska
Education/Revenue
- LR 170 Interim study to examine issues relating to the gardasil vaccine that is used to prevent certain deadly strains of human papillomavirus
Health and Human Services

- LR 171 Interim study to examine research funding alternatives for updating the student information systems at the University of Nebraska
Appropriations
- LR 172 Interim study to examine the Nebraska state college system's existing student information system
Appropriations
- LR 173 Interim study to review the adequacy of funding for the Nebraska College of Technical Agriculture at Curtis
Appropriations
- LR 174 Interim study to examine coordination between natural resources districts, state agencies, and state and federal government with respect to surface water flows during times of great need
Natural Resources
- LR 175 Interim study to examine every major river and stream in Nebraska with respect to stream flow
Natural Resources
- LR 176 Interim study to examine and identify areas of historical surplus of surface water
Natural Resources
- LR 177 Interim study to examine the ground water model development as set forth from the Final Settlement Stipulation of the Republican River Compact regarding inputs and accounting
Natural Resources
- LR 178 Interim study to examine the nature and consistency of local firearm regulation
Judiciary
- LR 179 Interim study to consider alternatives available to the Department of Motor Vehicles in implementing the REAL ID Act of 2005
Transportation and Telecommunications
- LR 180 Interim study to examine laws relating to titling, registration, and operation of off-road vehicles
Transportation and Telecommunications
- LR 181 Interim study to examine the current municipal-provided wireless Internet services and their overall success
Transportation and Telecommunications

- LR 182 Interim study to examine retirement benefits provided to public employees
Nebraska Retirement Systems
- LR 183 Interim study to examine security matters at the Nebraska State Capitol
Executive Board of the Legislative Council
- LR 184 Interim study to examine the legislative appropriations process
Appropriations
- LR 185 Interim study to examine the film industry in Nebraska as it relates to economic development and employment
Business and Labor
- LR 186 Interim study to examine laws regarding the authority for metropolitan class cities to collect occupation taxes
Urban Affairs
- LR 187 Interim study to examine ways to maximize rural economic development benefits of agricultural land and commodities
Agriculture
- LR 188 Interim study of the duties of Nebraska's Carbon Sequestration Advisory Committee
Agriculture
- LR 189 Interim study to examine exempting car washes from sales tax
Revenue
- LR 190 Interim study to examine legalizing the sale of all liquor on Sundays
General Affairs
- LR 191 Interim study to examine the effect of lowering the property tax lid on cities of the second class and villages
Revenue
- LR 192 Interim study to examine the practice of mail solicitations by issuers of bank credit cards
Banking, Commerce and Insurance
- LR 193 Interim study to review matters under the jurisdiction of the Education Committee
Education
- LR 194 Interim study to examine policy changes that would encourage more Nebraskans to avail themselves of opportunities for higher education in the state

Education

- LR 195 Interim study to examine and provide recommendations relating to the state's operation of facilities that provide twenty-four-hour care to the citizens of Nebraska
Health and Human Services
- LR 196 Interim study to review the findings of the Nebraska Juvenile Correctional Facilities Master Plan Update
Health and Human Services
- LR 197 Interim study of the workers' compensation program to examine issues relating to the vocational rehabilitation program
Business and Labor
- LR 198 Interim study to examine information collected from flow meters installed to measure ground water use and surface water use
Natural Resources
- LR 199 Interim study to examine the existing first degree sexual assault and statutory rape statute
Judiciary
- LR 200 Interim study to examine the guardian ad litem statutes and proposals for reform of the juvenile legal services system
Judiciary
- LR 201 Interim study to examine policies with regard to non-English speaking families in the Nebraska child welfare system
Health and Human Services
- LR 202 Interim study to harmonize Nebraska's state children's health insurance program to changes allowed by the federal State Children's Health Insurance program
Health and Human Services
- LR 203 Interim study to examine statewide behavioral health services
Health and Human Services
- LR 204 Interim study to prepare additional legislation relating to the Uniform Credentialing Act
Health and Human Services
- LR 205 Interim study to provide development of additional recommendations relating to implementation of the Nebraska Behavioral Health Services Act
Health and Human Services

- LR 206 Interim study to provide additional recommendations relating to the Welfare Reform Act and public assistance programs
Health and Human Services
- LR 207 Interim study to provide additional recommendations relating to implementation of the Medicaid Reform Plan and Medical Assistance Act
Health and Human Services
- LR 208 Interim study to provide additional recommendations relating to the reorganization of the Nebraska Health and Human Services System
Health and Human Services
- LR 210 Interim study to examine issues under the jurisdiction of the Natural Resources Committee
Natural Resources

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

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 18, 2007, at 9:50 a.m. were the following: LBs 339, 578, 588, 588A, 674, 305, and 305A.

(Signed) Dallas Mehling
Clerk of the Legislature's Office

COMMITTEE REPORTS **Enrollment and Review**

Correctly Engrossed

The following bill was correctly engrossed: LB 299.

ST9046

Enrollment and Review Change to LB 299

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

1. In the Hudkins amendment, AM1351, on page 3, line 16, "2, after the last comma" has been struck and "3, after '37-4,111,'" inserted.
2. In the E & R amendments, ER8032, on page 1, lines 2 and 3, "provide for regulation of" has been struck and "prohibit" inserted.
3. On page 1, line 2, "37-614," has been inserted after "37-548, "; and in line 9 "to provide for the revocation and suspension of permits for trapping in the county road right-of-way;" has been inserted after the semicolon.

(Signed) Amanda McGill, Chairperson

GENERAL FILE

LEGISLATIVE BILL 653. Committee AM1319, found on page 1617 and considered on page 1662, as amended, was renewed.

Pending.

VISITORS

Visitors to the Chamber were 55 fourth-grade students and sponsors from Newell Elementary, Grand Island; 65 fourth-grade students from Willa Cather Elementary, Millard; 15 sixth-, seventh-, and eighth-grade students from District 22, Cozad; and 8 third- and fourth-grade students from Key Stone Christian Academy, Norfolk.

RECESS

At 12:00 p.m., on a motion by Senator Cornett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Christensen, Gay, Pedersen, and Stuthman who were excused; and Senators Avery, Burling, Dubas, Heidemann, Hudkins, and Mines who were excused until they arrive.

SENATOR AGUILAR PRESIDING

GENERAL FILE

LEGISLATIVE BILL 653. Committee AM1319, found on page 1617 and considered on page 1662 and in this day's Journal, as amended, was renewed.

Senator Raikes moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The committee amendment, as amended, was adopted with 27 ayes, 4 nays, 11 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 26 ayes, 5 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 265. Title read. Considered.

Committee AM863, printed separately and referred to on page 1073, was considered.

Senator Cornett renewed her amendment, AM1282, found on page 1663, to the committee amendment.

The Cornett amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 475. Title read. Considered.

Committee AM399, found on page 674, was considered.

Pending.

COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 554. Placed on Select File - ER8115.

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

LEGISLATIVE BILL 573. Placed on Select File - ER8114.

ER8114

- 1 1. On page 1, line 1, after "the" insert "Minor"; and
- 2 in line 2 before the period insert "; and to provide an operative
- 3 date".

LEGISLATIVE BILL 142. Placed on Select File - ER8116.

ER8116

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-101, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 28-101 Sections 28-101 to 28-1350 and section 3 of this
- 6 act shall be known and may be cited as the Nebraska Criminal Code.
- 7 Sec. 2. Section 28-1310, Revised Statutes Cumulative

8 Supplement, 2006, is amended to read:

9 28-1310 (1) A person commits the offense of intimidation
10 by ~~telephone call~~ electronic communication device if, with the
11 intent to terrify, intimidate, threaten, or harass, annoy, or
12 offend, the person: he or she:

13 (a) ~~Telephones another anonymously, whether or not~~
14 ~~conversation ensues, and disturbs the peace, quiet, and right of~~
15 ~~privacy of any person at the place where the calls are received; or~~

16 (a) Contacts another person utilizing an electronic
17 communication device and disturbs the peace, quiet, and right
18 of privacy of any person at the place where the communications are
19 received;

20 (b) ~~Telephones~~ Contacts another person using an
21 electronic communication device and uses or transmits any indecent,
22 lewd, lascivious, or obscene language, writing, or sound, or
23 transmits any visual depiction of sexually explicit conduct as
1 defined in section 28-1463.02, or suggests any indecent, lewd, or
2 lascivious act; or

3 (c) ~~Telephones~~ Contacts another person using an
4 electronic communication device and threatens to inflict injury to
5 any person or to the property of any person; or

6 (d) Intentionally fails to disengage the an electronic
7 communication device connection; or

8 (e) ~~Telephones~~ Contacts another person using an
9 electronic communication device and attempts to extort money or
10 other thing of value from any person.

11 (2) ~~The use of indecent, lewd, or obscene language or~~
12 ~~the making of a threat or lewd suggestion shall be prima facie~~
13 ~~evidence of intent to terrify, intimidate, threaten, harass, annoy,~~
14 ~~or offend.~~

15 (2) Intimidation by electronic communication device is a
16 Class I misdemeanor.

17 (3) ~~The offense~~ Intimidation by electronic communication
18 device shall be deemed to have been committed either at the place
19 where the call communication was made initiated or where it was
20 received.

21 (4) ~~Intimidation by telephone call is a Class III~~
22 ~~misdemeanor.~~

23 (4) For purposes of this section, electronic
24 communication device means any device which, in its ordinary and
25 intended use, transmits signs, signals, writings, sounds, visual
26 images, data, or intelligence of any nature, in whole or in
27 part, by a wire, radio, or electromagnetic, photoelectric, or
1 photo-optical system to another electronic communication device.
2 Electronic communication device includes, but is not limited
3 to: Cellular, wireless, and wire-based telephones, including
4 text-messaging capabilities on such telephones; computers as
5 defined in section 28-1343; and personal data assistants that
6 operate in a manner consistent with this definition.

7 Sec. 3. (1) A person commits the offense of enticement by
 8 electronic communication device if he or she is nineteen years of
 9 age or over and knowingly uses an electronic communication device
 10 to contact a child under sixteen years of age or a peace officer
 11 who is believed by such person to be a child under sixteen years of
 12 age and in so doing:

13 (a) Uses or transmits any indecent, lewd, lascivious, or
 14 obscene language, writing, or sound;

15 (b) Transmits or otherwise disseminates any visual
 16 depiction of sexually explicit conduct as defined in section
 17 28-1463.02; or

18 (c) Suggests any indecent, lewd, or lascivious act.

19 (2) Enticement by electronic communication device is a
 20 Class IV felony.

21 (3) Enticement by electronic communication device is
 22 deemed to have been committed either at the place where the
 23 communication was initiated or where it was received.

24 (4) For purposes of this section, electronic
 25 communication device means any device which, in its ordinary and
 26 intended use, transmits signs, signals, writings, sounds, visual
 27 images, data, or intelligence of any nature, in whole or in
 1 part, by a wire, radio, or electromagnetic, photoelectric, or
 2 photo-optical system to another electronic communication device.
 3 Electronic communication device includes, but is not limited
 4 to: Cellular, wireless, and wire-based telephones, including
 5 text-messaging capabilities on such telephones; computers as
 6 defined in section 28-1343; and personal data assistants that
 7 operate in a manner consistent with this definition.

8 Sec. 4. Original sections 28-101 and 28-1310, Revised
 9 Statutes Cumulative Supplement, 2006, are repealed.

10 2. On page 1, strike beginning with "section" in line 1
 11 through line 5 and insert "sections 28-101 and 28-1310, Revised
 12 Statutes Cumulative Supplement, 2006; to change penalty provisions
 13 relating to intimidation by telephone call; to create the offense
 14 of enticement by electronic communication device; to harmonize
 15 provisions; and to repeal the original sections."

LEGISLATIVE RESOLUTION 1CA. Placed on Select File - ER8117.
 ER8117

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

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

7 To amend Article III, section 7:

8 III-7 At the general election to be held in November

9 1964, one-half the members of the Legislature, or as nearly thereto
 10 as may be practicable, shall be elected for a term of four years

11 and the remainder for a term of two years, and thereafter all
12 members shall be elected for a term of four years, with the
13 manner of such election to be determined by the Legislature. When
14 the Legislature is redistricted, the members elected prior to
15 the redistricting shall continue in office, and the law providing
16 for such redistricting shall where necessary specify the newly
17 established district which they shall represent for the balance
18 of their term. Each member shall be nominated and elected in a
19 nonpartisan manner and without any indication on the ballot that
20 he or she is affiliated with or endorsed by any political party
21 or organization. ~~Each~~ Until January 5, 2011, each member of the
22 Legislature shall receive a salary of not to exceed one thousand
23 dollars per month during the term of his or her office. Beginning
1 January 5, 2011, each member of the Legislature shall receive an
2 annual salary during his or her term of office equal to twenty-two
3 thousand dollars. In addition to his or her salary, each member
4 shall receive an amount equal to his or her actual expenses in
5 traveling by the most usual route once to and returning from each
6 regular or special session of the Legislature. Members of the
7 Legislature shall receive no pay nor perquisites other than his or
8 her salary and expenses, and employees of the Legislature shall
9 receive no compensation other than their salary or per diem.

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

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

15 For
16 Against.

Correctly Reengrossed

The following bill was correctly reengrossed: LB 221.

(Signed) Amanda McGill, Chairperson

MESSAGE FROM THE GOVERNOR

May 18, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 367e and 367A were received in my office on
May 16, 2007.

Engrossed Legislative Bills 305 and 305A were received in my office on May 18, 2007.

I signed these bills and delivered them to the Secretary of State on May 18, 2007.

Sincerely,
(Signed) Dave Heineman
Governor

BILL ON FIRST READING

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

LEGISLATIVE BILL 247A. Introduced by Johnson, 37.

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

RESOLUTION

LEGISLATIVE RESOLUTION 211. Introduced by Mines, 18; Ashford, 20; Cornett, 45; Friend, 10; Howard, 9; Kopplin, 3; Kruse, 13; Lathrop, 12; Nelson, 6; Pahls, 31; Pirsch, 4; Preister, 5; Synowiecki, 7; White, 8.

WHEREAS, on Sunday, May 13, 2007, Douglas County Sheriff's Deputy Shad L. Nicks was killed by a drunk driver while off-duty in Sarpy County; and

WHEREAS, Deputy Nicks was employed by the Douglas County Sheriff's Office for just under seven years, having previously served in the Douglas County Department of Corrections; and

WHEREAS, Deputy Nicks is survived by his wife, Becky L. Nicks, and his children, Brandon, Ryan, and Allyson, along with numerous other family members, friends, and colleagues at the Douglas County Sheriff's Office; and

WHEREAS, the impact of Deputy Nicks' death will be deeply felt in his family, in the Douglas County Sheriff's Office, the Nebraska State Lodge of the Fraternal Order of Police, and the entirety of Douglas County.

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

1. That the Legislature expresses its sympathy to the family, friends, and coworkers of Deputy Shad L. Nicks.

2. That a copy of this resolution be sent to Mrs. Becky L. Nicks, with deepest condolences.

Laid over.

AMENDMENT - Print in Journal

Senator Hudkins filed the following amendment to LB 358:
AM1370

(Amendments to AM1034)

- 1 1. On page 13, line 2, after "carriers" insert "and";
- 2 and strike beginning with "except" in line 2 through line 3 and
- 3 show the old matter as stricken.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1510

Wednesday, May 30, 2007

1:15 p.m.

Amber A. Brown - State Personnel Board

(Signed) Ray Aguilar, Chairperson

GENERAL FILE

LEGISLATIVE BILL 475. Committee AM399, found on page 674 and considered in this day's Journal, was renewed.

Senator Chambers offered the following amendment to the committee amendment:

FA116

Amend AM399 In line 2, strike "the Employment Nondiscrimination" and insert "this".

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 212. Introduced by Avery, 28.

WHEREAS, the bioscience industry holds tremendous potential to provide the solutions to some of the world's most pressing problems, including providing new medicines and diagnostics, alternative fuel sources, and improvements in foods and technologies that make manufacturing cleaner and more efficient; and

WHEREAS, the bioscience industry in Nebraska encompasses a wide range, from world-class academic research and emerging biotechnology to device diagnostic companies, global pharmaceuticals, and agribusiness; and

WHEREAS, in 2006, Nebraska was home to 244 bioscience companies, including twelve operational ethanol plants, that provide more than 9,500 jobs; and

WHEREAS, the exponential growth of the bioscience industry is creating new jobs and additional tax revenue for Nebraska and supporting the growth of our economy; and

WHEREAS, the employment rate in the bioscience industry is projected to rise by twenty-two percent over the next decade, providing high-quality job opportunities for Nebraskans.

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

1. That, beginning in 2008, the Legislature designates the third week of February as Biosciences Week in Nebraska.

Laid over.

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 646:
AM1392

(Amendments to Standing Committee amendments, AM752)

- 1 1. On page 15, line 27, reinstate the stricken matter.
- 2 2. On page 16, line 1, reinstate the stricken "than the",
- 3 after the stricken "Thursday" insert "second Monday", and reinstate
- 4 the stricken matter beginning with "before" through "meet".
- 5 3. On page 19, line 13, reinstate the stricken ", on
- 6 the", after the stricken "Thursday" insert "second Monday", and
- 7 reinstate the stricken "before the"; in lines 14 and 18 reinstate
- 8 the stricken matter; and in lines 18 through 22 strike the new
- 9 matter.
- 10 4. On page 22, line 19, after "clerk" insert "No report
- 11 or tabulation of vote totals for such ballots shall be produced or
- 12 generated prior to one hour before the closing of the polls".

Senator Kopplin filed the following amendment to LB 171:
AM1133

(Amendments to Standing Committee amendments, AM522)

- 1 1. On page 1, line 13, after "program" insert "and shall
- 2 employ the personnel necessary to determine the options available
- 3 to the state and issue the report to the Legislature required by
- 4 subdivision (b) of this subsection.".
- 5 2. On page 2, after line 2, insert the following new
- 6 subdivision:
- 7 "(c) The Health and Human Services Committee of the
- 8 Legislature, after receipt and evaluation of the report required in
- 9 subdivision (b) of this subsection, shall issue recommendations to
- 10 the department on any further action necessary by the department to
- 11 meet the requirements of this section.".

Senators Cornett, Flood, and Raikes filed the following amendment to LB 641:
AM1384

(Amendments to AM1258)

- 1 1. Insert the following new section:
- 2 Sec. 47. When property is annexed by a city of the first

3 class located in a county having a contiguous border of at least
4 five miles in the aggregate with a city of the metropolitan class,
5 such property shall be transferred to the school district of such
6 city of the first class within forty-five days after the effective
7 date of the annexation ordinance. The school district to which the
8 property is transferred shall pay to the school district from which
9 the property is transferred an amount equal to ten times the amount
10 of the ad valorem taxes attributable to such real property on the
11 date of transfer, based on the tax levy on such date of the school
12 district from which the property is transferred. Such payment may
13 be made in a lump sum or in increments over a period of ten years.
14 2. Renumber the remaining sections and correct internal
15 references accordingly.

Senators Raikes, Adams, Ashford, Avery, and Johnson filed the following amendment to LB 641:
(Amendment, AM1386, is printed separately and available in the Bill Room, Room 1104.)

VISITORS

Visitors to the Chamber were 70 fourth-grade students and teachers from Holling Heights School, Millard; Lucas Peterson from Crete; and 36 fourth-grade students and sponsors from Jefferson Elementary, Grand Island.

ADJOURNMENT

At 4:37 p.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Monday, May 21, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

