

EIGHTY-SIXTH DAY - MAY 23, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****EIGHTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 23, 2007

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Cornett, Dubas, Engel, Flood, Mines, Nantkes, Pedersen, Rogert, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 221, 334e, 482e, 482Ae, 504, 516e, 516Ae, 542e, and 299.

(Signed) Vickie D. McDonald

MOTIONS - Approve Appointments

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1697:

Commission for the Deaf and Hard of Hearing
Maureen Larsen
Raymond Meester
David Rutledge

Voting in the affirmative, 26:

Adams	Erdman	Janssen	McGill	Wallman
Aguilar	Fulton	Johnson	Nelson	White
Burling	Hansen	Karpisek	Pankonin	
Carlson	Harms	Langemeier	Pirsch	
Christensen	Heidemann	Lathrop	Schimek	
Dierks	Hudkins	Louden	Stuthman	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Fischer	Howard	McDonald	Raikes
Avery	Friend	Kopplin	Pahls	Synowiecki
Chambers	Gay	Kruse	Preister	

Excused and not voting, 9:

Cornett	Engel	Mines	Pedersen	Wightman
Dubas	Flood	Nantkes	Rogert	

The appointments were confirmed with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1697:

Office of Juvenile Services
Terri Nutzman

Voting in the affirmative, 28:

Adams	Cornett	Harms	Louden	Pirsch
Aguilar	Dierks	Hudkins	McDonald	Schimek
Burling	Erdman	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Mines	White
Chambers	Fulton	Langemeier	Nelson	
Christensen	Hansen	Lathrop	Pankonin	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Gay	Karpisek	Pahls	Synowiecki
Avery	Heidemann	Kopplin	Preister	Wallman
Fischer	Howard	Kruse	Raikes	

Excused and not voting, 7:

Dubas	Flood	Pedersen	Wightman
Engel	Nantkes	Rogert	

The appointment was confirmed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1698:

Finance and Support for Health and Human Services System
Vivianne M. Chaumont

Voting in the affirmative, 29:

Adams	Dierks	Harms	Louden	Pirsch
Aguilar	Erdman	Heidemann	McDonald	Raikes
Burling	Friend	Hudkins	McGill	Stuthman
Carlson	Fulton	Johnson	Mines	Synowiecki
Christensen	Gay	Langemeier	Pahls	Wallman
Cornett	Hansen	Lathrop	Pedersen	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Fischer	Karpisek	Nelson	Schimek
Avery	Howard	Kopplin	Pankonin	White
Chambers	Janssen	Kruse	Preister	

Excused and not voting, 6:

Dubas	Flood	Rogert
Engel	Nantkes	Wightman

The appointment was confirmed with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Lathrop moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1702:

Community Corrections Council
Lloyd Lee Kimzey Jr.

Voting in the affirmative, 30:

Adams	Engel	Heidemann	Louden	Pedersen
Aguilar	Erdman	Johnson	McDonald	Pirsch
Burling	Friend	Karpisek	McGill	Rogert
Carlson	Gay	Kopplin	Mines	Stuthman
Christensen	Hansen	Langemeier	Nelson	Synowiecki
Dierks	Harms	Lathrop	Pankonin	Wallman

Voting in the negative, 0.

Present and not voting, 15:

Ashford	Cornett	Howard	Kruse	Raikes
Avery	Fischer	Hudkins	Pahls	Schimek
Chambers	Fulton	Janssen	Preister	White

Excused and not voting, 4:

Dubas	Flood	Nantkes	Wightman
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The appointment was confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 247A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 351. Senator Synowiecki renewed his amendment, AM1382, found on page 1664 and considered on page 1737.

The Synowiecki amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 351A. Title read. Considered.

Senator Stuthman withdrew his amendment, AM1438, found on page 1742.

Senator Stuthman offered the following amendment:
AM1457

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. The General Fund appropriation for FY2007-08
- 3 to the Department of Health and Human Services, for Program 347,
- 4 is hereby reduced by \$585,846. The General Fund appropriation for
- 5 FY2008-09 to the Department of Health and Human Services, for
- 6 Program 347, is hereby reduced by \$250,933.

7 The federal fund appropriation for FY2007-08 to the
8 Department of Health and Human Services, for Program 347, is hereby
9 reduced by \$495,441. The federal fund appropriation for FY2008-09
10 to the Department of Health and Human Services, for Program 347, is
11 hereby reduced by \$312,172.
12 The reductions made pursuant to this section are to
13 aid in carrying out the provisions of Legislative Bill 351, One
14 Hundredth Legislature, First Session, 2007.

The Stuthman amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 265. ER8119, printed separately and referred to on page 1725, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 358. ER8113, found on page 1642, was adopted.

Senator Hudkins renewed her amendment, AM1370, found on page 1693.

The Hudkins amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 551. ER8112, found on page 1629, was adopted.

Senator Flood withdrew his amendment, FA108, found on page 1608.

Senator Flood renewed his amendment, AM1456, printed separately and referred to on page 1752.

PRESIDENT SHEEHY PRESIDING

Senator Flood offered the following amendment to his amendment:

FA131

Amend AM1456 On page 3, line 18, reinstate "publicly owned" and on line 21 after "any" insert "publicly owned".

The Flood amendment was adopted with 32 ayes, 1 nay, and 16 present and not voting.

The Flood amendment, AM1456, as amended, was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Pending.

LEGISLATIVE BILL 554. ER8115, printed separately and referred to on page 1688, was adopted.

Senator Flood offered the following amendment:
AM1453

(Amendments to E & R amendments, AM8115)

- 1 1. On page 6, line 17, strike "in consideration of the"
- 2 and insert "that takes into account".
- 3 2. On page 7, line 15, after "unresolved" insert
- 4 "parental".
- 5 3. On page 8, line 5, strike "parents" and insert
- 6 "children".
- 7 4. On page 11, strike beginning with "the" in line 14
- 8 through "(e)" in line 15; in line 17 strike "(f)" and insert "(e)";
- 9 in line 21 strike "(g)" and insert "(f)"; and in line 24 strike
- 10 "(h)" and insert "(g)".
- 11 5. On page 12, line 6, after "regarding" insert
- 12 "parenting plans".
- 13 6. On page 13, strike beginning with "child" in line
- 14 6 through "abuse" in line 7 and insert "conditions identified in
- 15 subsection (1) of section 20 of this act"; in line 8 strike the
- 16 second "by"; and strike beginning with the first comma in line 9
- 17 through line 13 and insert an underscored period.
- 18 7. On page 17, line 16, strike "Provisions" and insert
- 19 "Arrangements".
- 20 8. On page 19, strike beginning with "an" in line
- 21 8 through "plan" in line 16 and insert "a child information
- 22 affidavit. The child information affidavit".
- 1 9. On page 20, line 18, strike beginning with
- 2 "incorporating" through "plan"; and strike beginning with "to" in
- 3 line 20 through "another" in line 21.
- 4 10. On page 21, strike beginning with "order" in line
- 5 13 through "plan" in line 14 and insert "parenting order"; strike
- 6 beginning with the first "to" in line 16 through the comma in line
- 7 17 and insert "for parties to file a child information affidavit";
- 8 in line 20 strike "proposed" and insert "included"; in line 21
- 9 strike "plan" and insert "order"; in line 22 before "Every" insert
- 10 "(1)"; and in lines 22 and 24 after "a" insert "final".
- 11 11. On page 22, lines 2, 8, 13, 17, 21, and 24 change the
- 12 numbers 1 through 6 to a through f.
- 13 12. On page 23, line 5, strike "(7)" and insert "(g)";
- 14 and after line 7 insert:
- 15 "(2) The State Court Administrator's office shall create
- 16 a form for parties to file a final child information affidavit

17 setting forth the elements identified in this section.".

18 13. On page 27, lines 14 and 15, strike "or parenting
19 plan".

20 14. On page 29, strike beginning with the third "a" in
21 line 3 through the first "entity" in line 4 and insert "an entity
22 providing domestic violence services"; and in line 21 strike "may"
23 and insert "shall".

24 15. On page 33, line 3, after "of" insert "child abuse
25 or neglect"; and in line 11 after the period insert "When public
26 records such as current or expired protection orders, criminal
27 domestic violence cases, and child abuse or neglect proceedings are
1 provided to a mediator, such records shall be considered during
2 the individual initial screening session to determine appropriate
3 dispute resolution methods.".

4 16. On page 34, line 5, after the period insert "Prior
5 to the commencement of mediation, the mediator shall notify the
6 parties that evidence of child abuse or neglect shall be reported
7 to the authorized child neglect and abuse reporting agency."; and
8 strike beginning with the period in line 25 through line 27.

9 17. On page 35, line 1, strike beginning with "to"
10 through "agency".

11 18. On page 42, line 17, after the second comma insert
12 "medical support".

13 19. On page 43, line 2, after "action" insert "under
14 Chapter 42".

15 20. On page 50, line 16, strike the new matter and
16 reinstate the stricken matter.

17 21. On page 51, lines 10, 11, 14, 20, 21, 26, and 27,
18 strike the new matter and reinstate the stricken matter; and in
19 line 15 reinstate the stricken matter.

20 22. On page 52, line 1, strike the new matter.

21 23. On page 63, lines 22 through 27, strike the new
22 matter and insert ". For purposes of this section, a person who
23 has been incarcerated for a period of one year or more in a county
24 or city jail or a federal or state correctional facility shall
25 be considered to have an involuntary reduction of income unless
26 (i) the incarceration is a result of a conviction for criminal
27 nonsupport pursuant to section 28-706 or a conviction for a
1 violation of any federal law or law of another state substantially
2 similar to section 28-706 or (ii) the incarcerated individual has
3 a documented record of willfully failing or neglecting to provide
4 proper support which he or she knew or reasonably should have known
5 he or she was legally obligated to provide when he or she had
6 sufficient resources to provide such support".

7 24. On page 64, lines 1 and 2, strike the new matter; in
8 line 16 before "The" insert "(1)" and reinstate the stricken matter
9 and strike the new matter; in line 17 strike the new matter and
10 after "of" insert "(a) the child that are"; in line 18 strike "(2)"
11 and insert "(b)"; in lines 20 through 22 reinstate the stricken

12 matter; and in lines 22 through 27 strike the new matter and insert
13 the following new subsections:

14 "(2) In cases in which any medical expenses associated
15 with the birth of the child and the mother of such child during
16 the period of her pregnancy, confinement, and recovery are paid by
17 the medical assistance program, the county attorney or authorized
18 attorney, as defined in section 43-1704, may petition the court for
19 a judgment for all or a portion of the reasonable medical expenses
20 paid by the medical assistance program. Any medical expenses
21 associated with the birth of such child and the mother of such
22 child during the period of her pregnancy, confinement, and recovery
23 that are approved and paid by the medical assistance program shall
24 be presumed to be medically reasonable. If the father challenges
25 any such expenses as not medically reasonable, he has the burden of
26 proving that such expenses were not medically reasonable.

27 (3) A civil proceeding to recover medical expenses
1 pursuant to this section may be instituted within four years
2 after the child's birth. Summons shall issue and be served as in
3 other civil proceedings, except that such summons may be directed
4 to the sheriff of any county in the state and may be served in any
5 county."

6 25. On page 65, strike lines 1 through 3.

The Flood amendment was adopted with 32 ayes, 0 nays, and 17 present and not voting.

Senator Flood offered the following amendment:
AM1465

(Amendments to E & R amendments, ER8115)

1 1. On page 34, strike beginning with "Prior" in line 25
2 through line 27 and insert "Prior to the commencement of mediation,
3 the mediator shall notify the parties that, if the mediator has
4 reasonable cause to believe that a child has been subjected to
5 child abuse or neglect or if the mediator observes a child being
6 subjected to conditions or circumstances which reasonably would
7 result in child abuse or neglect, the mediator is obligated
8 under section 28-711 to report such information to the authorized
9 child abuse and neglect reporting agency and shall report such
10 information unless the information has been previously reported;
11 or".

12 2. On page 35, strike line 1.

The Flood amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Wightman offered the following amendment:
AM1466

(Amendments to E & R amendments, ER8115)

- 1 1. Strike section 46 and insert the following new
- 2 sections:
- 3 Sec. 46. Sections 42 and 48 of this act become operative
- 4 on July 1, 2008. The other sections of this act become operative on
- 5 January 1, 2008.
- 6 Sec. 48. Original section 43-512.15, Reissue Revised
- 7 Statutes of Nebraska, is repealed.
- 8 2. On page 70, line 18, strike "43-512.15,".
- 9 3. Renumber the remaining sections accordingly.

The Wightman amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 573. ER8114, found on page 1688, was adopted.

Senator Lathrop renewed his amendment, AM1397, found on page 1720.

The Lathrop amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Lathrop withdrew his amendment, AM1422, found on page 1749.

Senator Kruse reoffered his amendment, AM1195, found on page 1371 and considered on page 1643.

Senator Kruse offered the following amendment to his amendment:
FA130

Amend AM1195 On page 2, line 11, following "ceremony," add "or in his or her permanent place of residence."

Pending.

COMMITTEE REPORT Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 247A.

(Signed) Amanda McGill, Chairperson

VISITORS

Visitors to the Chamber were 40 fourth-grade students from Florence Elementary, Omaha; Ryan Pitkin from Callaway; Senator Harms' wife, Pat, from Scottsbluff and grandsons, John and Nate Harms, from Gering; 51 fourth-grade students and sponsors from Loveland Elementary, Omaha,

Senator Ashford's son, Tom Ashford, and Senator Johnson's granddaughter, Nicole Fleming; and 41 third-grade students and teachers from Prescott Elementary, Lincoln.

RECESS

At 11:59 a.m., on a motion by Senator Janssen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senators Christensen, Cornett, and Mines who were excused until they arrive.

MOTION - Override Line-Item Vetoes on LB 321

Senator Rogert offered the following motion:

To override the Governor's line-item vetoes contained in the following sections of LB 321:

- 1) Section 15, the Supreme Court, Program 52—Operations, for the veto of employee salary increases in FY2007-08 only, General Fund and Salary Limit.
- 2) Section 16, the Supreme Court, Program 67—Probation Services, for the veto of employee salary increases in FY2007-08 only, General Fund and Salary Limit.
- 3) Section 18, the Supreme Court, Program 420—Specialized Court Operations, for the veto of General funds for Prostitution Diversion Court in FY2007-08 only.
- 4) Section 19, the Supreme Court, Program 435—Probation Community Corrections, for the veto of employee salary increases in FY2007-08 only, General Fund and Salary Limit.
- 5) Section 107, Health and Human Services, Program 514—Health Aid, for a veto reducing the provider rate increase from 3% to 2%, in FY2007-08 only, General Fund and associated earmarks, for aids, family planning, screening programs and renal.
- 6) Section 111, Health and Human Services, Program 348—Medical Assistance, for a veto reducing provider rate increases from 3% to 2.5%, in FY2007-08 only, General Fund and associated earmarks, for nursing homes.

7) Section 116, Health and Human Services, Program 316—Predisposition Detention Costs, for a veto reducing provider rates from 3% to 2%, in FY2007-08 only, General Fund, county juvenile detention centers.

8) Section 117, Health and Human Services, Program 347—Public Assistance, for a veto reducing provider rates from 3% to 2%, in FY2007-08 only, General Fund and associated earmarks, for child welfare, state disabled medical, medically handicapped children's program, Title XX and adoption assistance.

9) Section 119, Health and Human Services, Program 38—Behavioral Health Aid, for a veto reducing provider rates from 3% to 2%, for behavioral health and for Heartland Family Service, in FY2007-08 only, General Fund and associated earmarks.

10) Section 123, Health and Human Services, Program 424—Developmental Disability Aid, in FY2007-08 only, General Fund and associated earmarks, for a veto reducing provider rate increases from 3% to 2%, developmental disability.

SENATOR FRIEND PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Rogert moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Rogert requested a roll call vote, in reverse order, on his motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 20:

Aguilar	Dubas	Kruse	Nantkes	Synowiecki
Ashford	Howard	Lathrop	Pedersen	Wallman
Avery	Karpisek	McDonald	Preister	White
Chambers	Kopplin	McGill	Rogert	Wightman

Voting in the negative, 26:

Adams	Engel	Gay	Langemeier	Raikes
Burling	Erdman	Hansen	Louden	Stuthman
Carlson	Fischer	Harms	Mines	
Christensen	Flood	Heidemann	Nelson	
Cornett	Friend	Janssen	Pahls	
Dierks	Fulton	Johnson	Pirsch	

Present and not voting, 2:

Pankonin Schimek

Excused and not voting, 1:

Hudkins

Having failed to receive a constitutional three-fifths majority voting in the affirmative, those portions of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 646. Placed on Select File - ER8120.

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

LEGISLATIVE BILL 530. Placed on Select File.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS **Revenue**

LEGISLATIVE BILL 10. Indefinitely postponed.

LEGISLATIVE BILL 32. Indefinitely postponed.

LEGISLATIVE BILL 183. Indefinitely postponed.

LEGISLATIVE BILL 282. Indefinitely postponed.

LEGISLATIVE BILL 354. Indefinitely postponed.

LEGISLATIVE BILL 355. Indefinitely postponed.

LEGISLATIVE BILL 362. Indefinitely postponed.

LEGISLATIVE BILL 409. Indefinitely postponed.

LEGISLATIVE BILL 416. Indefinitely postponed.

LEGISLATIVE BILL 429. Indefinitely postponed.

LEGISLATIVE BILL 431. Indefinitely postponed.

LEGISLATIVE BILL 507. Indefinitely postponed.

LEGISLATIVE BILL 512. Indefinitely postponed.

LEGISLATIVE BILL 531. Indefinitely postponed.

LEGISLATIVE BILL 565. Indefinitely postponed.
LEGISLATIVE BILL 582. Indefinitely postponed.
LEGISLATIVE BILL 628. Indefinitely postponed.
LEGISLATIVE BILL 640. Indefinitely postponed.
LEGISLATIVE BILL 683. Indefinitely postponed.
LEGISLATIVE BILL 684. Indefinitely postponed.
LEGISLATIVE BILL 698. Indefinitely postponed.
LEGISLATIVE BILL 703. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

MOTION - Override Line-Item Veto on LB 321

Senator McDonald offered the following motion:

To override the Governor's line-item veto contained in LB 321, Section 184, Program 781, for funding for the Area Health Education Centers.

Senator McDonald moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator McDonald requested a roll call vote on her motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 14:

Aguilar	Dubas	Lathrop	Preister	Wallman
Chambers	Howard	McDonald	Rogert	White
Dierks	Karpisek	McGill	Schimek	

Voting in the negative, 18:

Adams	Engel	Fulton	Langemeier	Raikes
Burling	Erdman	Hansen	Mines	Stuthman
Carlson	Fischer	Heidemann	Nantkes	
Christensen	Friend	Hudkins	Nelson	

Present and not voting, 16:

Ashford	Gay	Kopplin	Pankonin
Avery	Harms	Kruse	Pirsch
Cornett	Janssen	Louden	Synowiecki
Flood	Johnson	Pahls	Wightman

Excused and not voting, 1:

Pedersen

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Vetoes on LB 321

Senator Aguilar offered the following motion:

To override the Governor's line-item vetoes contained in the following sections of LB 321:

PURPOSE: To override the Governor's line-item vetoes of Supreme Court and Probation employee salary increases. The total amount is \$732,695 General Funds and \$667,267 Salary Limit in both FY 2007-08 and FY 2008-09.

- 1) Section 15, the Supreme Court, Program 52—Operations, for the veto of employee salary increases, in the amount of \$353,290 General Funds and \$314,974 Salary Limit in both FY 2007-08 and FY 2008-09.
- 2) Section 16, the Supreme Court, Program 67—Probation Services, for the veto of employee salary increases, in the amount of \$341,153 General Funds and \$296,269 Salary Limit in both FY 2007-08 and FY 2008-09.
- 3) Section 17, the Supreme Court, Program 235—State Probation Contractual Services, for the veto of employee salary increases, in the amount of \$2,822 Salary Limit in both FY 2007-08 and FY 2008-09.
- 4) Section 18, the Supreme Court, Program 420—Specialized Court Operations, for the veto of employee salary increases, in the amount of \$11,813 Salary Limit in both FY 2007-08 and FY 2008-09.
- 5) Section 19, the Supreme Court, Program 435—Probation Community Corrections, for the veto of employee salary increases, in the amount of \$38,252 General Funds and \$33,220 Salary Limit in both FY 2007-08 and FY 2008-09.
- 6) Section 20, the Supreme Court, Program 570—Court Automation, for the veto of employee salary increases, in the amount of \$8,169 Salary Limit in both FY 2007-08 and FY 2008-09.

Senator Aguilar moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 20:

Aguilar	Karpisek	McDonald	Pankonin	Synowiecki
Ashford	Kopplin	McGill	Preister	Wallman
Chambers	Kruse	Nantkes	Rogert	White
Dubas	Lathrop	Nelson	Schimek	Wightman

Voting in the negative, 20:

Adams	Engel	Fulton	Hudkins	Mines
Burling	Erdman	Hansen	Janssen	Pahls
Carlson	Flood	Harms	Langemeier	Raikes
Christensen	Friend	Heidemann	Louden	Stuthman

Present and not voting, 8:

Avery	Dierks	Gay	Johnson
Cornett	Fischer	Howard	Pirsch

Excused and not voting, 1:

Pedersen

Having failed to receive a constitutional three-fifths majority voting in the affirmative, those portions of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Vetoes on LB 321

Senator Kruse offered the following motion:

To override the Governor's line-item vetoes contained in the following sections of LB 321:

- 1) Section 107, Health and Human Services, Program 514—Health Aid, for a veto reducing the provider rate increase from 3% to 2%, in FY2008-09 only, General Fund and associated earmarks, for aids, family planning, screening programs and renal.
- 2) Section 111, Health and Human Services, Program 348—Medical Assistance, for a veto reducing provider rate increases from 3% to 2.5%, in FY2008-09 only, General Fund and associated earmarks, for nursing homes.
- 3) Section 116, Health and Human Services, Program 316—Predisposition Detention Costs, for a veto reducing provider rates from 3% to 2%, in FY2008-09 only, General Fund, county juvenile detention centers.

4) Section 117, Health and Human Services, Program 347—Public Assistance, for a veto reducing provider rates from 3% to 2%, in FY2008-09 only, General Fund and associated earmarks, for child welfare, state disabled medical, medically handicapped children's program, Title XX and adoption assistance.

5) Section 119, Health and Human Services, Program 38—Behavioral Health Aid, for a veto reducing provider rates from 3% to 2%, for behavioral health and for Heartland Family Service, in FY2008-09 only, General Fund and associated earmarks.

6) Section 123, Health and Human Services, Program 424—Developmental Disability Aid, in FY2008-09 only, General Fund and associated earmarks, for a veto reducing provider rate increases from 3% to 2%, developmental disability.

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

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 18:

Aguilar	Kopplin	McGill	Rogert	White
Avery	Kruse	Nantkes	Schimek	Wightman
Chambers	Lathrop	Pankonin	Synowiecki	
Karpisek	McDonald	Preister	Wallman	

Voting in the negative, 21:

Adams	Cornett	Friend	Heidemann	Stuthman
Ashford	Engel	Fulton	Louden	
Burling	Erdman	Gay	Mines	
Carlson	Fischer	Hansen	Nelson	
Christensen	Flood	Harms	Raikes	

Present and not voting, 9:

Dierks	Howard	Janssen	Langemeier	Pirsch
Dubas	Hudkins	Johnson	Pahls	

Excused and not voting, 1:

Pedersen

Having failed to receive a constitutional three-fifths majority voting in the affirmative, those portions of the bill failed to pass notwithstanding the

line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB 321

Senator Rogert renewed his motion, found on page 1747, to override the Governor's line-item veto contained in the following section of LB 321:

Section 49, Department of Education, Program 158--Education Aid, for the vetoes reducing the increase in Special Education aid.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Rogert moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 21:

Adams	Dierks	Kopplin	Pankonin	White
Aguilar	Dubas	Lathrop	Preister	
Avery	Howard	McDonald	Rogert	
Chambers	Hudkins	McGill	Schimek	
Christensen	Karpisek	Pahls	Wallman	

Voting in the negative, 19:

Ashford	Erdman	Hansen	Johnson	Nelson
Burling	Flood	Harms	Kruse	Raikes
Carlson	Friend	Heidemann	Louden	Stuthman
Engel	Fulton	Janssen	Mines	

Present and not voting, 7:

Cornett	Gay	Nantkes	Synowiecki
Fischer	Langemeier	Pirsch	

Excused and not voting, 2:

Pedersen	Wightman
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB 321

Senator Chambers offered the following motion:

To override the Governor's line-item veto and all related earmarks in the following section of LB 321: Section 113, Department of Health and Human Services, Program 571 Community Based Aging Services for aid to the Eastern Nebraska Office on Aging.

SENATOR ERDMAN PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 26:

Adams	Dierks	Karpisek	Pankonin	Wallman
Aguilar	Dubas	Kopplin	Pirsch	White
Ashford	Gay	Lathrop	Preister	
Avery	Howard	McDonald	Raikes	
Chambers	Hudkins	McGill	Rogert	
Cornett	Janssen	Pahls	Schimek	

Voting in the negative, 9:

Burling	Christensen	Erdman	Heidemann	Stuthman
Carlson	Engel	Friend	Nelson	

Present and not voting, 13:

Fischer	Hansen	Kruse	Mines	Wightman
Flood	Harms	Langemeier	Nantkes	
Fulton	Johnson	Louden	Synowiecki	

Excused and not voting, 1:

Pedersen

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 351. Placed on Select File - ER8122.
(Amendment is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 351A. Placed on Select File - ER8121.
ER8121

- 1 1. On page 1, line 1, strike "an appropriation" and
- 2 insert "appropriations".

(Signed) Amanda McGill, Chairperson

MOTION - Override Line-Item Veto on LB 321

Senator Synowiecki offered the following motion:
To override the Governor's line-item veto contained in the following section of LB 321:

- 1) Section 18, the Supreme Court, Program 420--Specialized Court Operations, for the veto of General funds for Prostitution Diversion Court.

Senator White moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Synowiecki moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Synowiecki requested a roll call vote, in reverse order, on his motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 27:

Aguilar	Hansen	Kruse	Nelson	Wallman
Ashford	Harms	Lathrop	Pankonin	White
Avery	Howard	McDonald	Preister	Wightman
Chambers	Johnson	McGill	Rogert	
Dierks	Karpisek	Mines	Schimek	
Dubas	Kopplin	Nantkes	Synowiecki	

Voting in the negative, 7:

Adams	Erdman	Louden	Stuthman
Carlson	Fulton	Raikes	

Present and not voting, 12:

Burling	Fischer	Heidemann	Langemeier
Christensen	Friend	Hudkins	Pahls
Engel	Gay	Janssen	Pirsch

Excused and not voting, 3:

Cornett	Flood	Pedersen
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

PRESIDENT SHEEHY PRESIDING

SELECT FILE

LEGISLATIVE BILL 573. Senator Kruse renewed his amendment, FA130, found in this day's Journal, to his amendment, AM1195.

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

Senator White requested a roll call vote on the Kruse amendment.

Voting in the affirmative, 25:

Adams	Friend	Johnson	McGill	Schimek
Carlson	Fulton	Karpisek	Mines	Stuthman
Dierks	Hansen	Kopplin	Pahls	Synowiecki
Engel	Harms	Langemeier	Raikes	White
Flood	Janssen	Lathrop	Rogert	Wightman

Voting in the negative, 8:

Aguilar	Burling	Kruse	Pankonin
Ashford	Hudkins	Nelson	Preister

Present and not voting, 11:

Avery	Fischer	Howard	Pirsch
Chambers	Gay	Louden	Wallman
Christensen	Heidemann	Nantkes	

Excused and not voting, 5:

Cornett Dubas Erdman McDonald Pedersen

The Kruse amendment was adopted with 25 ayes, 8 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Kruse amendment, AM1195, found on page 1371 and considered on page 1643 and in this day's Journal, as amended, was renewed.

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

Advanced to E & R for engrossment.

LEGISLATIVE BILL 551. Senator Avery offered the following amendment:

AM1476

(Amendments to AM1456)

- 1 1. On page 2, line 23, after "any" insert "publicly
- 2 owned".
- 3 2. On page 3, lines 20 and 22, before "sports" insert
- 4 "publicly owned".

The Avery amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Senator Ashford offered the following amendment:

AM1472

(Amendments to AM1456)

- 1 1. On page 9, strike lines 10 to 27 and insert the
- 2 following new subdivisions:
- 3 "(b) Ten percent of such funds appropriated to a city
- 4 of the metropolitan class under this subsection shall be equally
- 5 distributed to areas with a high concentration of poverty to
- 6 showcase important historical aspects of such areas.
- 7 (c) Each area with a high concentration of poverty that
- 8 has been distributed funds under subdivision (b) of this subsection
- 9 shall establish a development fund and form a committee which
- 10 shall identify and research potential projects and make final
- 11 determinations on the use of state sales tax revenue received for
- 12 such projects.
- 13 (d) A committee formed in subdivision (c) of this
- 14 subsection shall include the following three members:
- 15 (i) The member of the city council whose district
- 16 includes a majority of the census tracts which each contain a

17 percentage of families below the poverty line of greater than
 18 thirty percent, as determined by the most recent federal decennial
 19 census, within the area with a high concentration of poverty;
 20 (ii) The commissioner of the county whose district
 21 includes a majority of the census tracts which each contain a
 22 percentage of families below the poverty line of greater than
 1 thirty percent, as determined by the most recent federal decennial
 2 census, within the area with a high concentration of poverty; and
 3 (iii) A resident of the area with a high concentration of
 4 poverty, appointed by the other two members of the committee.
 5 (e) A committee formed in subdivision (c) of this
 6 subsection shall solicit project ideas from the public and shall
 7 hold a public hearing in the area with a high concentration
 8 of poverty. Notice of a proposed hearing shall be provided in
 9 accordance with the procedures for notice of a public hearing
 10 pursuant to section 18-2115. The committee shall research potential
 11 projects in its area and make the final determination regarding the
 12 annual distribution of funding to such projects.
 13 (f) For purposes of this subsection, an area with a high
 14 concentration of poverty means an area within the corporate limits
 15 of a city of the metropolitan class consisting of one or more
 16 contiguous census tracts, as determined by the most recent federal
 17 decennial census, which contain a percentage of families below the
 18 poverty line of greater than thirty percent, and all census tracts
 19 contiguous to such tract or tracts, as determined by the most
 20 recent federal decennial census."
 21 2. On page 10, strike lines 1 to 21.

The Ashford amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 551A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 554A. Senator Flood offered the following amendment:
 AM1471

- 1 1. On page 2, strike beginning with "(1)" in line 9
- 2 through "(2)" in line 10; and in line 16 strike "\$33,841 for
- 3 FY2007-08 or".

The Flood amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 142. ER8116, found on page 1688, was adopted.

Senator Friend renewed his amendment, AM1431, found on page 1720.

The Friend amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Fischer renewed the Pedersen amendment, AM1206, found on page 1748.

Senator Fischer withdrew the Pedersen amendment.

Senator Chambers offered the following amendment:

FA133

Amend ER8116 P. 3, line 9, strike "uses" and insert "and intentionally utilizes".

The Chambers amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment:

FA134

Amend ER8116 Page 3, line 26, strike beginning with "signs" through line 27; on page 4 strike lines 1-7, and insert "by electronic means writings, sounds, visual images or data of any nature to another electronic communication device."

The Chambers amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Lathrop offered the following amendment:

FA135

Amend ER8116 P. 3, line 18 after offers add "or solicits"

The Lathrop amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 1CA. ER8117, found on page 1690, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 653. ER8118, printed separately and referred to on page 1701, was adopted.

Senator Kopplin asked unanimous consent to withdraw his amendment, AM1444, found on page 1742, and replace it with his substitute amendment, AM1478. No objections. So ordered.

AM1478

(Amendments to E & R amendments, ER8118)

- 1 1. On page 3, line 27; and on page 5, line 7, strike "and
- 2 the world".

Senator Kopplin withdrew his amendment.

Senator Kopplin withdrew his amendment, AM1445, found on page 1742.

Senator Howard offered the following amendment:

AM1464

(Amendments to E & R amendments, ER8118)

- 1 1. On page 9, line 14, after "for" insert
- 2 "developmentally appropriate".

The Howard amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Kopplin offered the following amendment:

AM1468

(Amendments to E & R amendments, ER8118)

- 1 1. On page 9, strike beginning with "Educational" in line
- 2 11 through "community" in line 12 and insert "Each educational
- 3 service unit and the school districts comprising the educational
- 4 service unit".

Senator Kopplin withdrew his amendment.

Senator Raikes offered the following amendment:

AM1475

(Amendments to E & R amendments, ER8118)

- 1 1. On page 4, line 19, after the period insert "The
- 2 assessment and reporting system shall measure student knowledge
- 3 of subject matter materials covered by measurable academic content
- 4 standards selected by the state board.".
- 5 2. On page 5, strike line 7 and insert "schools
- 6 elsewhere."; and in line 21 after "levels" insert "and standards".
- 7 3. On page 6, line 3, after "levels" insert "and
- 8 standards"; in line 5 strike "or adopt"; and in line 24 strike
- 9 "annually".
- 10 4. On page 8, strike lines 15 and 16 and insert "for each
- 11 subject area every five years. The state board shall review and
- 12 update the standards in reading by July 1, 2009, the standards in
- 13 mathematics by July 1, 2010, and the standards in all"; in line
- 14 17 strike "should" and insert "shall"; and in line 19 strike "
- 15 educational service units, and learning communities".
- 16 5. On page 9, strike "Educational" in line 11 through
- 17 "community" in line 12 and insert "For each learning community, any
- 18 educational service units that have member school districts that

19 are part of such learning community"; in line 13 before "plan"
 20 insert "joint"; in line 15 strike "standards and assessment plan
 21 should" and insert "joint plan shall"; and in lines 16 and 24
 22 strike "should" and insert "shall".

- 1 6. On page 9, line 18; and on page 10, line 17, strike
- 2 "high-needs education".

The Raikes amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 653A. Senator Raikes offered the following amendment:

AM1448

- 1 1. On page 2, line 1, strike "\$70,000" and insert
- 2 "\$395,000"; and in line 2 strike "\$170,000" and insert "\$545,000".

The Raikes amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 265 and 358.

ST9050

Enrollment and Review Change to LB 265

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

1. In the E & R amendments, ER8119:
 - a. On page 17, line 4, the first comma has been struck and shown as stricken; and
 - b. On page 30, line 23, "and" has been struck.

(Signed) Amanda McGill, Chairperson

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB 97:

AM1485

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 Section 1. Section 69-2441, Revised Statutes Cumulative

4 Supplement, 2006, is amended to read:

5 69-2441 (1)(a) A permitholder may carry a concealed
6 handgun anywhere in Nebraska, except any: Police, sheriff, or
7 Nebraska State Patrol station or office; detention facility,
8 prison, or jail; courtroom or building which contains a courtroom;
9 polling place during a bona fide election; meeting of the governing
10 body of a county, public school district, municipality, or
11 other political subdivision; meeting of the Legislature or a
12 committee of the Legislature; financial institution; professional,
13 or semiprofessional, or collegiate athletic event; school, school
14 grounds, school owned vehicle, or school sponsored activity or
15 athletic event; building, grounds, vehicle, or sponsored activity
16 or athletic event of any public, private, denominational, or
17 parochial school or private or public university, college, or
18 community college; place of worship; emergency room or trauma
19 center; political rally or fundraiser; establishment having a
20 license issued under the Nebraska Liquor Control Act that derives
21 over one-half of its total income from the sale of alcoholic
22 liquor; place where the possession or carrying of a firearm
23 is prohibited by state or federal law; a place or premises

1 where the person, persons, entity, or entities in control of the
2 property or employer in control of the property has prohibited
3 permitholders from carrying concealed handguns into or onto the
4 place or premises; or into or onto any other place or premises
5 where handguns are prohibited by law or rule or regulation.

6 (b) A financial institution may authorize its security
7 personnel to carry concealed handguns in the financial institution
8 while on duty so long as each member of the security personnel, as
9 authorized, is in compliance with the Concealed Handgun Permit Act
10 and possesses a permit to carry a concealed handgun issued pursuant
11 to the act.

12 (2) If a person, persons, entity, or entities in control
13 of the property or an employer in control of the property prohibits
14 a permitholder from carrying a concealed handgun into or onto the
15 place or premises and such place or premises are open to the
16 public, a permitholder does not violate this section unless the
17 person, persons, entity, or entities in control of the property
18 or employer in control of the property has posted conspicuous
19 notice that carrying a concealed handgun is prohibited in or
20 on the place or premises or has made a request, directly or
21 through an authorized representative or management personnel, that
22 the permitholder remove the concealed handgun from the place or
23 premises. A permitholder carrying a concealed handgun in a vehicle
24 into or onto any place or premises does not violate this section
25 so long as the handgun is not removed from the vehicle while the
26 vehicle is in or on the place or premises. An employer may prohibit
27 employees or other persons who are permitholders from carrying
1 concealed handguns in vehicles owned by the employer.

2 (3) A permitholder shall not carry a concealed handgun
 3 while he or she is consuming alcohol or while the permitholder
 4 has remaining in his or her blood, urine, or breath any previously
 5 consumed alcohol or any controlled substance as defined in section
 6 28-401. A permitholder does not violate this subsection if the
 7 controlled substance in his or her blood, urine, or breath was
 8 lawfully obtained and was taken in therapeutically prescribed
 9 amounts.

10 Sec. 2. Section 69-2443, Revised Statutes Cumulative
 11 Supplement, 2006, is amended to read:

12 69-2443 (1) A permitholder who violates subsection (1)
 13 or (2) of section 69-2440 or section 69-2441 or 69-2442 is guilty
 14 of a Class III misdemeanor for the first violation and a Class I
 15 misdemeanor for any second or subsequent violation.

16 (2) A permitholder who violates subsection (3) of section
 17 69-2440 is guilty of a Class I misdemeanor.

18 ~~(3) A permitholder who violates this section shall also~~
 19 ~~be subject to revocation of his or her permit under section~~
 20 ~~69-2439.~~

21 (3) A permitholder convicted of a violation described in
 22 subsection (1) or (2) of this section may also have his or her
 23 permit revoked.

24 Sec. 3. Original sections 69-2441 and 69-2443, Revised
 25 Statutes Cumulative Supplement, 2006, are repealed.

UNANIMOUS CONSENT - Add Cointroducers

Senator Lathrop asked unanimous consent to add his name as cointroducer to LB 573. No objections. So ordered.

Senator Ashford asked unanimous consent to add his name as cointroducer to LR 169. No objections. So ordered.

VISITORS

Visitors to the Chamber were 26 fourth-grade students and teacher from Washington Elementary, Omaha; Ray and Chris Slater from Lawrence and Senator Carlson's wife, Margo; and Lisa Epp from Henderson, Angie Peirce from David City, Ardith Hoins from Davenport, and Julie Pribyl from Wilbur.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

ADJOURNMENT

At 9:04 p.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Thursday, May 24, 2007.

Patrick J. O'Donnell
Clerk of the Legislature