

**TWENTIETH DAY - FEBRUARY 6, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 6, 2008

**PRAYER**

The prayer was offered by Senator Kruse.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Gay and Johnson who were excused; and Senators Ashford, Carlson, Chambers, Christensen, Fulton, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 716.** Placed on General File.

**LEGISLATIVE BILL 848.** Placed on General File.

**LEGISLATIVE BILL 852.** Placed on General File.

**LEGISLATIVE BILL 907.** Placed on General File.

**LEGISLATIVE BILL 1011.** Placed on General File.

**LEGISLATIVE BILL 717.** Placed on General File with amendment.  
AM1776

- 1 1. Insert the following new section:
- 2 Sec. 11. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

**LEGISLATIVE BILL 779.** Placed on General File with amendment.  
AM1615

- 1 1. On page 3, line 3, after "file" insert "with the
- 2 director".

**LEGISLATIVE BILL 918.** Placed on General File with amendment.  
AM1775

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Ann Frohman - Director - Department of Insurance

Aye: 8 Senators Carlson, Christensen, Gay, Hansen, Langemeier, Pahls, Pankonin, Pirsch. Nay: 0. Absent: 0.

(Signed) Rich Pahls, Chairperson

#### ANNOUNCEMENT

Senator Hansen designates LB1022 as his priority bill.

#### MESSAGES FROM THE GOVERNOR

February 1, 2008

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Oil and Gas Conservation Commission:

James Gohl, 37475 Road 716, Culbertson, NE 69024

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 1, 2008

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Commission for the Deaf and Hard of Hearing:

Mary Ann Burke, 1206 Willow Avenue, Bellevue, NE 68005  
Dr. David Rutledge, 8423 Echo Circle, Lincoln, NE 68520-1117

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Dillard Delts, 1502 Grandview Ave. #18, Papillion, NE 68046

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**MOTIONS - Approve Appointments**

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 498:

Environmental Quality Council  
Leigh Hoyt  
John Kinter

Voting in the affirmative, 33:

Adams	Fischer	Karpisek	Nelson	Stuthman
Avery	Flood	Kopplin	Pahls	Synowiecki
Burling	Friend	Kruse	Pankonin	Wallman
Dierks	Hansen	Lathrop	Pirsch	White
Dubas	Harms	Louden	Raikes	Wightman
Engel	Howard	McDonald	Rogert	
Erdman	Janssen	McGill	Schimek	

Voting in the negative, 0.

Present and not voting, 8:

Aguilar	Heidemann	Langemeier	Pedersen
Cornett	Hudkins	Nantkes	Preister

Excused and not voting, 8:

Ashford	Chambers	Fulton	Johnson
Carlson	Christensen	Gay	Lautenbaugh

The appointments were confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Senator Janssen moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 501:

Property Assessment and Taxation

Ruth A. Sorensen - Property Tax Administrator

Voting in the affirmative, 33:

Avery	Flood	Karpisek	Nelson	Stuthman
Burling	Friend	Kopplin	Pankonin	Synowiecki
Dierks	Hansen	Langemeier	Pedersen	Wallman
Dubas	Harms	Lathrop	Pirsch	White
Engel	Heidemann	Louden	Raikes	Wightman
Erdman	Howard	McDonald	Rogert	
Fischer	Janssen	Nantkes	Schimek	

Voting in the negative, 0.

Present and not voting, 8:

Adams	Cornett	Kruse	Pahls
Aguilar	Hudkins	McGill	Preister

Excused and not voting, 8:

Ashford	Chambers	Fulton	Johnson
Carlson	Christensen	Gay	Lautenbaugh

The appointment was confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Senator Janssen moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 501:

Tax Equalization and Review Commission

Rob Hotz

Voting in the affirmative, 36:

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

Voting in the negative, 0.

Present and not voting, 5:

Adams	Aguilar	Hudkins	McGill	Schimek
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Excused and not voting, 8:

Ashford	Chambers	Fulton	Johnson
Carlson	Christensen	Gay	Lautenbaugh

The appointment was confirmed with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Senator Janssen moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 501:

Tax Equalization and Review Commission  
Nancy J. Salmon

Voting in the affirmative, 36:

Aguilar	Flood	Kopplin	Pahls	Synowiecki
Avery	Friend	Kruse	Pankonin	Wallman
Cornett	Hansen	Langemeier	Pedersen	White
Dierks	Heidemann	Lathrop	Pirsch	Wightman
Dubas	Howard	Louden	Raikes	
Engel	Hudkins	McDonald	Rogert	
Erdman	Janssen	McGill	Schimek	
Fischer	Karpisek	Nelson	Stuthman	

Voting in the negative, 0.

Present and not voting, 6:

Adams	Fulton	Nantkes
Burling	Harms	Preister

Excused and not voting, 7:

Ashford	Chambers	Gay	Lautenbaugh
Carlson	Christensen	Johnson	

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Janssen moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 502:

Tax Equalization and Review Commission  
William R. Wickersham

Voting in the affirmative, 36:

Adams	Cornett	Heidemann	Louden	Raikes
Aguilar	Dubas	Howard	McGill	Rogert
Ashford	Engel	Hudkins	Nantkes	Schimek
Avery	Fischer	Janssen	Nelson	Stuthman
Burling	Flood	Karpisek	Pahls	
Carlson	Fulton	Kopplin	Pankonin	
Chambers	Hansen	Kruse	Pedersen	
Christensen	Harms	Lathrop	Pirsch	

Voting in the negative, 1:

Erdman

Present and not voting, 10:

Dierks	Langemeier	McDonald	Synowiecki	White
Friend	Lautenbaugh	Preister	Wallman	Wightman

Excused and not voting, 2:

Gay	Johnson
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The appointment was confirmed with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

## ANNOUNCEMENT

The Chair announced today is Senator Wallman's birthday.

## COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 782.** Placed on Select File with amendment.  
ER8155

1. On page 1, line 6, strike "and"; and in line 9 after
- 2 "2007" insert "; and to declare an emergency".

**LEGISLATIVE BILL 823.** Placed on Select File with amendment.  
ER8154

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. Section 86-501, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:  
5 86-501 Sections 86-501 to 86-530 and section 6 of this  
6 act shall be known and may be cited as the Information Technology  
7 Infrastructure Act.

8 Sec. 2. Section 86-506, Revised Statutes Cumulative  
9 Supplement, 2006, is amended to read:

10 86-506 Enterprise project means an endeavor undertaken  
11 over a fixed period of time using information technology, which  
12 would have a significant effect on a core business function ~~and or~~  
13 affects multiple government programs, agencies, or institutions.  
14 Enterprise project includes all aspects of planning, design,  
15 implementation, project management, and training relating to the  
16 endeavor.

17 Sec. 3. Section 86-516, Revised Statutes Cumulative  
18 Supplement, 2006, is amended to read:

19 86-516 The commission shall:

20 (1) Annually by July 1, adopt policies and procedures  
21 used to develop, review, and annually update a statewide technology  
22 plan;

23 (2) Create an information technology clearinghouse to  
1 identify and share best practices and new developments, as well as  
2 identify existing problems and deficiencies;

3 (3) Review and adopt policies to provide incentives for  
4 investments in information technology infrastructure services;

5 (4) Determine a broad strategy and objectives for  
6 developing and sustaining information technology development in  
7 Nebraska, including long-range funding strategies, research and  
8 development investment, support and maintenance requirements, and  
9 system usage and assessment guidelines;

10 (5) Adopt guidelines regarding project planning and  
11 management, ~~information sharing~~, and administrative and technical  
12 review procedures involving state-owned or state-supported  
13 technology and infrastructure. Governmental entities, state  
14 agencies, and political subdivisions shall submit all projects  
15 which ~~directly utilize state appropriated use any combination~~  
16 of general funds, federal funds, or cash funds for information  
17 technology purposes to the process established by sections 86-512  
18 to 86-524. ~~Governmental entities and political subdivisions~~  
19 ~~may submit other projects involving information technology to~~  
20 ~~the commission for comment, review, and recommendations;~~ The  
21 commission may adopt policies that establish the format and minimum  
22 requirements for project submissions. The commission may monitor  
23 the progress of any such project and may require progress reports;

- 24 (6) Adopt minimum technical standards, guidelines, and  
 25 architectures upon recommendation by the technical panel;
- 26 (7) Establish ad hoc technical advisory groups to study  
 27 and make recommendations on specific topics, including workgroups  
 1 to establish, coordinate, and prioritize needs for education, local  
 2 communities, and state agencies;
- 3 (8) By November 15 of each even-numbered year, make  
 4 recommendations on technology investments to the Governor and the  
 5 Legislature, including a prioritized list of projects, reviewed  
 6 by the technical panel, ~~for which new or additional funding is~~  
 7 ~~requested; pursuant to section 86-521;~~
- 8 (9) Approve grants from the Community Technology Fund and  
 9 Government Technology Collaboration Fund;
- 10 (10) Adopt schedules and procedures for reporting needs,  
 11 priorities, and recommended projects; ~~and~~
- 12 (11) Assist the Chief Information Officer in developing  
 13 and maintaining Network Nebraska pursuant to section 86-5,100; and  
 14 -
- 15 (12) Determine the format that state agencies, boards,  
 16 and commissions shall use to report their information technology  
 17 plans under section 6 of this act. The commission shall include an  
 18 analysis of such plans in the statewide technology plan.
- 19 Sec. 4. Section 86-520, Revised Statutes Cumulative  
 20 Supplement, 2006, is amended to read:
- 21 86-520 The Chief Information Officer shall:
- 22 (1) Maintain, in cooperation with the Department of  
 23 Administrative Services, an inventory of noneducation state  
 24 government technology assets, including hardware, applications, and  
 25 data bases;
- 26 (2) Recommend policies and guidelines for acceptable and  
 27 cost-effective use of information technology in noneducation state  
 1 government;
- 2 (3) Advise the Governor and Legislature on policy issues  
 3 affecting noneducation state government related to information  
 4 technology;
- 5 (4) Coordinate efforts among other noneducation state  
 6 government technology agencies and coordinating bodies;
- 7 (5) Implement a strategic, tactical, and project planning  
 8 process for noneducation state government information technology  
 9 that is linked to the budget process;
- 10 (6) Assist the budget division of the Department  
 11 of Administrative Services and Legislative Fiscal Analyst in  
 12 evaluating technology-related budget requests;
- 13 (7) Work with each governmental department and  
 14 noneducation state agency to evaluate and act upon opportunities  
 15 to more efficiently and effectively deliver government services  
 16 through the use of information technology;
- 17 (8) Recommend to the Governor and Legislature methods for  
 18 improving the organization and management of data by noneducation

19 agencies to achieve the goals of making information sharable and  
 20 reusable, eliminating redundancy of data and programs, improving  
 21 the quality and usefulness of data, and improving access to data,  
 22 and implement such recommendations as the Governor or Legislature  
 23 may direct;

24 (9) Monitor the status of major noneducation state  
 25 government technology projects;

26 (10) Establish and maintain Network Nebraska pursuant to  
 27 section 86-5,100;

1 (11) Bid for telecomputing and distance education  
 2 equipment pursuant to section 79-1233;

3 (12) Apply in aggregate for reimbursements from the  
 4 federal Universal Service Fund pursuant to section 254 of the  
 5 Telecommunications Act of 1996, 47 U.S.C. 254, as such section  
 6 existed on January 1, 2006, on behalf of school districts  
 7 requesting to be included in such aggregated application;

8 (13) Administer such funds as may be appropriated to the  
 9 Chief Information Officer by the Legislature; ~~and~~

10 (14) Monitor the status of information technology  
 11 projects that are enterprise projects;

12 (15) Collect information from state agencies, boards, and  
 13 commissions as provided in section 6 of this act; and

14 ~~(14)-(16)~~ Complete other tasks as assigned by the  
 15 Governor.

16 Sec. 5. Section 86-521, Revised Statutes Cumulative  
 17 Supplement, 2006, is amended to read:

18 86-521 (1) A technical panel is created. The technical  
 19 panel shall be comprised of one representative from the Nebraska  
 20 Educational Telecommunications Commission, one representative  
 21 from the office of Chief Information Officer, one representative  
 22 from the University of Nebraska Computing Services Network, ~~one~~  
 23 ~~representative from the project sector,~~ and such other members as  
 24 specified by the Nebraska Information Technology Commission.

25 (2) The technical panel shall review any technology  
 26 ~~project or request for additional funding recommended~~ presented  
 27 to the Nebraska Information Technology Commission including any  
 1 recommendations by working groups established under sections 86-512  
 2 to 86-524. Upon the conclusion of the review of a technology  
 3 project or request for additional funding, the technical panel  
 4 shall provide its analysis to the commission. The technical panel  
 5 may recommend technical standards and guidelines to be considered  
 6 for adoption by the commission.

7 Sec. 6. On or before September 15 of each even-numbered  
 8 year, all state agencies, boards, and commissions shall report  
 9 to the Chief Information Officer, in a format determined by  
 10 the commission, an information technology plan that includes an  
 11 accounting of all technology assets, including planned acquisitions  
 12 and upgrades.

13 Sec. 7. Section 86-526, Revised Statutes Cumulative

14 Supplement, 2006, is amended to read:

15 86-526 ~~To authorize enterprise projects and provide~~  
 16 ~~funding, it is the intent of the Legislature that:~~

17 ~~(1) A program be created with the goals of:~~

18 ~~(a) Improving the efficiency of and reducing the cost of~~  
 19 ~~state government and its various agencies;~~

20 ~~(b) Improving the technical capabilities and productivity~~  
 21 ~~of state employees and students, faculty, and administrators in~~  
 22 ~~state educational institutions;~~

23 ~~(c) Addressing enterprise wide information technology~~  
 24 ~~issues; and~~

25 ~~(d) Clearly identifying and providing accountability~~  
 26 ~~for the costs and benefits of information technology in state~~  
 27 ~~government; and~~

1 ~~(2) A fund be created to provide resources for periodic~~  
 2 ~~investments in the information technology infrastructure.~~

3 The commission shall determine which proposed information  
 4 technology projects are enterprise projects. The commission shall  
 5 create policies and procedures for the designation of such  
 6 projects. The commission shall evaluate designated enterprise  
 7 project plans as authorized in section 86-528.

8 Sec. 8. Section 86-527, Revised Statutes Cumulative  
 9 Supplement, 2006, is amended to read:

10 86-527 The Information Technology Infrastructure Fund is  
 11 hereby created. The fund shall contain revenue from the special  
 12 privilege tax as provided in section 77-2602, gifts, grants,  
 13 and such other money as is appropriated or transferred by the  
 14 Legislature. The fund shall be used to attain the ~~goals listed~~  
 15 ~~in section 86-526 and the goals and priorities identified in~~  
 16 the statewide technology plan. The fund shall be administered by  
 17 the office of Chief Information Officer. Expenditures shall be  
 18 made from the fund to finance the operations of the Information  
 19 Technology Infrastructure Act in accordance with the appropriations  
 20 made by the Legislature. Transfers from the fund to the General  
 21 Fund may be made at the direction of the Legislature. Any money  
 22 in the Information Technology Infrastructure Fund available for  
 23 investment shall be invested by the state investment officer  
 24 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 25 State Funds Investment Act.

26 Sec. 9. Section 86-528, Revised Statutes Cumulative  
 27 Supplement, 2006, is amended to read:

1 86-528 (1) The Legislature may allocate money from the  
 2 Information Technology Infrastructure Fund for enterprise projects.  
 3 The Legislature may recognize multiple-year commitments for large  
 4 projects, subject to available appropriations, including remaining  
 5 obligations for the century date change project managed by the  
 6 department.

7 (2) No contract or expenditure for the implementation  
 8 of an enterprise project may be initiated unless the commission

9 has approved a project plan. The project plan shall include,  
 10 but not be limited to, the objectives, scope, and justification  
 11 of the project; detailed specifications and analyses that guide  
 12 the project from beginning to conclusion; technical requirements;  
 13 and project management. The commission may request clarification,  
 14 require changes, or provide conditional approval of a project  
 15 plan. In its review, the commission shall determine whether  
 16 the objectives, scope, timeframe, and budget of the project are  
 17 consistent with the proposal authorized by the Legislature in its  
 18 allocation from the fund.

19 (3) The commission may also evaluate whether the project  
 20 plan is consistent with the statewide technology plan and the  
 21 commission's technical standards and guidelines.

22 ~~(4) Pursuant to section 86-520, the Chief Information~~  
 23 ~~Officer shall report the status of enterprise projects to the~~  
 24 ~~commission, Governor, and Legislature. In addition, the Chief~~  
 25 ~~Information Officer shall provide the Legislature a semiannual~~  
 26 ~~progress report for enterprise projects funded through the fund.~~

27 Sec. 10. Section 86-529, Revised Statutes Cumulative  
 1 Supplement, 2006, is amended to read:

2 86-529 To implement enterprise projects pursuant to  
 3 sections 86-525 to 86-530, the commission shall:

4 (1) Develop procedures and issue guidelines regarding  
 5 the review, approval, and monitoring of enterprise projects; ~~that~~  
 6 ~~benefit from the Information Technology Infrastructure Fund; and~~

7 (2) ~~Monitor~~ Coordinate with the Chief Information Officer  
 8 ~~to monitor~~ the status of enterprise projects, implemented under  
 9 ~~the Information Technology Infrastructure Act,~~ including a complete  
 10 accounting of all project costs by fund source.

11 Sec. 11. Section 86-530, Revised Statutes Cumulative  
 12 Supplement, 2006, is amended to read:

13 86-530 The ~~commission~~ Chief Information Officer shall  
 14 report annually to the Governor and the Appropriations Committee  
 15 of the Legislature ~~concerning its activities pursuant to the~~  
 16 ~~Information Technology Infrastructure Act.~~ on the status of  
 17 enterprise projects.

18 Sec. 12. Original sections 86-501, 86-506, 86-516,  
 19 86-520, 86-521, 86-526, 86-527, 86-528, 86-529, and 86-530, Revised  
 20 Statutes Cumulative Supplement, 2006, are repealed.

21 2. On page 1, line 2, after "sections" insert "86-501,";  
 22 and in line 10 after the semicolon insert "to require reporting  
 23 of information technology plans by state agencies, boards, and  
 24 commissions;".

**LEGISLATIVE BILL 624.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**

## Education

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

John F. Lund - Board of Educational Lands and Funds

Aye: 7 Senators Adams, Ashford, Avery, Burling, Howard, Kopplin, Raikes. Nay: 0. Absent: 1 Senator Johnson.

(Signed) Ron Raikes, Chairperson

Judiciary

**LEGISLATIVE BILL 952.** Placed on General File.

(Signed) Brad Ashford, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Burke, Mary Ann - Commission for the Deaf and Hard of Hearing - Health and Human Services

Delts, Dillard - Commission for the Deaf and Hard of Hearing - Health and Human Services

Gohl, James - Oil and Gas Conservation Commission - Natural Resources

Rutledge, David - Commission for the Deaf and Hard of Hearing - Health and Human Services

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

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR235 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR235.

**WITHDRAW - Amendment to LB39**

Senator Erdman withdrew his amendment, FA164, found on page 469, to LB39.

**MOTION - Return LB39 to Select File**

Senator Erdman moved to return LB39 to Select File for his specific amendment, AM1764, found on page 502.

Senator Erdman withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 39.**

A BILL FOR AN ACT relating to petition circulators; to amend sections 32-628, 32-629, 32-630, 32-1303, 32-1404, 49-1455, and 49-1478, Reissue Revised Statutes of Nebraska; to require circulators of certain petitions to be electors; to prohibit paying petition circulators based on the number of signatures gathered; to change campaign reporting requirements related to petition circulators; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 31:

Adams	Cornett	Karpisek	Pankonin	Wallman
Aguilar	Dubas	Kopplin	Pedersen	White
Ashford	Engel	Lathrop	Preister	Wightman
Avery	Harms	McDonald	Raikes	
Burling	Howard	McGill	Rogert	
Carlson	Hudkins	Nantkes	Schimek	
Chambers	Janssen	Pahls	Synowiecki	

Voting in the negative, 14:

Christensen	Fischer	Fulton	Langemeier	Nelson
Dierks	Flood	Hansen	Lautenbaugh	Pirsch
Erdman	Friend	Heidemann	Louden	

Present and not voting, 1:

Stuthman

Excused and not voting, 3:

Gay                      Johnson                      Kruse

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

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LB39.

### **COMMITTEE REPORT**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 853.** Placed on General File with amendment.  
AM1780

- 1     1. Strike sections 1 to 4 and 22 to 38.
- 2     2. Renumber the remaining sections and correct internal
- 3     references and the repealer accordingly.

(Signed) Rich Pahls, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 726A.** Introduced by Louden, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 726, One Hundredth Legislature, Second Session, 2008.

### **SELECT FILE**

**LEGISLATIVE BILL 586.** ER8143, found on page 359, was adopted.

Senator Lathrop withdrew his amendment, AM1705, found on page 449.

Senator Lathrop renewed his amendment, AM1742, found on page 466.

The Lathrop amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**ANNOUNCEMENT**

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 6, 2008, summarizing the recommended appropriations for the following biennium.

**SELECT FILE**

**LEGISLATIVE BILL 619.** ER8144, found on page 360, was adopted.

Senator Pirsch renewed his amendment, AM1652, found on page 466.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 620.** ER8145, found on page 361, was adopted.

Senator Pirsch renewed his amendment, AM1715, found on page 466.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 386.** ER8148, found on page 389, was adopted.

Senator Langemeier withdrew his amendments, AM1618 and AM1620, found on page 357.

Senator Langemeier renewed his amendment, AM1691, found on page 506.

The Langemeier amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 123.** ER8152, found on page 431, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 179.** ER8151, found on page 432, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 179A.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 280.** Title read. Considered.

Senator Stuthman moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 280A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 500.** Title read. Considered.

Committee AM809, found on page 1073, First Session, 2007, lost with 0 ayes, 22 nays, 18 present and not voting, and 9 excused and not voting.

Senator Cornett withdrew her amendment, AM1670, found on page 404.

Senator Cornett renewed her amendment, AM1693, found on page 446.

The Cornett amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 623.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

**COMMITTEE REPORTS**

## Transportation and Telecommunications

**LEGISLATIVE BILL 837.** Placed on General File with amendment. AM1767

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. Section 74-1334, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 74-1334 (1) Wherever any railroad track crosses any
- 6 public road in a cut, on a curve or side hill, in timber lands,
- 7 near buildings, or near any obstruction of view from the road,
- 8 the Department of Roads shall direct such precautions to be taken
- 9 as it deems necessary for the safety of the traveling public.

10 Each railroad carrier shall also provide and maintain such gates,  
 11 crossings, signs, signals, alarm bells, and warning personnel as  
 12 the department directs. The department may direct the placement of  
 13 special signs where the physical conditions of any crossing warrant  
 14 such action.

15 (2) Any Except as provided in subsection (3) of this  
 16 section, any public railroad crossing without gates, signals, alarm  
 17 bells, or warning personnel located within one-quarter mile from  
 18 a public railroad crossing with gates, signals, alarm bells, or  
 19 warning personnel shall be closed unless it is the only railroad  
 20 crossing which provides access to property.

21 (3) An interested party may object to an action taken  
 22 under subsection (2) of this section only if a written request is  
 23 submitted to the Department of Roads by a professional engineer  
 1 licensed to practice in the State of Nebraska. The engineer  
 2 shall state in writing that the engineer is familiar with the  
 3 requirements in this section and with all relevant aspects of  
 4 the railroad crossing. The engineer shall also provide a detailed  
 5 explanation of why subsection (2) of this section should not apply  
 6 to the railroad crossing in question and a statement that the  
 7 railroad crossing corridor has been examined by the engineer and  
 8 the engineer believes that the railroad crossing will be safe as  
 9 designed. Such a written request shall exempt a railroad crossing  
 10 from being closed under subsection (2) of this section.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Douglas Rolfsmeier - Motor Vehicle Industry Licensing Board  
 Sid Dillon - Motor Vehicle Industry Licensing Board  
 Fred Stone - Motor Vehicle Industry Licensing Board

Aye: 8 Senators Aguilar, Fischer, Hudkins, Lautenbaugh, Louden, Pedersen, Schimek, Stuthman. Nay: 0. Absent: 0.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Randy Peters - Board of Public Roads Classifications and Standards  
 James Bauer - Board of Public Roads Classifications and Standards  
 Darold Tagge - Board of Public Roads Classifications and Standards  
 Henry Thieman - Board of Public Roads Classifications and Standards  
 Richard Pierce - Board of Public Roads Classifications and Standards  
 Edward Wootton - Board of Public Roads Classifications and Standards  
 Roger Figard - Board of Public Roads Classifications and Standards

Aye: 8 Senators Aguilar, Fischer, Hudkins, Lautenbaugh, Louden, Pedersen, Schimek, Stuthman. Nay: 0. Absent: 0.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Richard Ruby - Board of Public Roads Classifications and Standards

Aye: 7 Senators Aguilar, Fischer, Lautenbaugh, Louden, Pedersen, Schimek, Stuthman. Nay: 1 Senator Hudkins. Absent: 0.

(Signed) Deb Fischer, Chairperson

### PRESENTED TO THE GOVERNOR

Presented to the Governor on February 6, 2008, at 10:41 a.m. was the following: LB39.

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

### AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB1011:  
AM1772

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 76-2217.02, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 76-2217.02 Trainee real property appraiser means a person
- 5 who holds a valid credential as a trainee real property appraiser
- 6 issued under the Real Property Appraiser Act and who, under the
- 7 direct supervision of a certified residential or certified general
- 8 real property appraiser, assists the appraiser in any phase of
- 9 appraisal activity but does not include nonprofessional employees
- 10 such as clerical employees.
- 11 2. On page 4, strike beginning with "also" in line 1
- 12 through "and" in line 7, show the old matter as stricken, and
- 13 insert "signs an appraisal report as a credentialed real property
- 14 appraiser shall be subject to the act and the Uniform Standards
- 15 of Professional Appraisal Practice. Any salaried employee of the
- 16 entities listed in subdivisions (a) through (d) of this subdivision
- 17 who does not sign an appraisal report as a credentialed real
- 18 property appraiser".
- 19 3. On page 13, line 9, strike "an appraiser trainee"
- 20 and insert "a trainee real property appraiser"; in lines 10 and
- 21 16, strike "appraiser trainee" and insert "trainee real property

- 22 appraiser"; strike beginning with "that" in line 11 through "in"  
23 in line 12 and insert "of credentialing as a trainee real property  
1 appraiser by"; and in line 22 strike "and" and show as stricken and  
2 after the second "appraiser" insert ", and trainee real property  
3 appraiser".  
4 4. On page 39, line 7, strike "and" and show as stricken;  
5 in line 12 strike "two", show as stricken, and insert "one" and  
6 strike the period, show as stricken, and insert "; and"; and after  
7 line 12 insert the following new subdivision:  
8 "(6) A pocket card fee of no more than fifty dollars  
9 for a licensed real property appraiser, certified residential real  
10 property appraiser, or certified general real property appraiser  
11 holding a temporary credential under the act.".  
12 5. Renumber the remaining sections and correct the  
13 repealer accordingly.

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

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB500. No objections. So ordered.

Senator Synowiecki asked unanimous consent to add his name as cointroducer to LB770. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were home school educators and students from across the state.

### **ADJOURNMENT**

At 11:53 a.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Thursday, February 7, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

