

**THIRTY-SIXTH DAY - MARCH 6, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 6, 2008

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

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

The roll was called and all members were present except Senator Engel who was excused; and Senators Ashford, Cornett, Fulton, Heidemann, Hudkins, Karpisek, Loudon, McDonald, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**COMMITTEE REPORTS**

Appropriations

**LEGISLATIVE BILL 587.** Placed on General File.

**LEGISLATIVE BILL 811.** Placed on General File with amendment.  
AM2189

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 13-1210, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 13-1210 (1) The Department of Roads shall annually
- 6 certify the amount of operating costs eligible for funding under
- 7 the public transportation assistance program established under
- 8 section 13-1209.
- 9 (2) The department shall submit an annual report to the
- 10 chairperson of the Appropriations Committee of the Legislature
- 11 on or before December 1 of each year regarding funds requested
- 12 by each applicant for eligible operating costs in the current

13 fiscal year pursuant to subsection (2) of section 13-1209 and  
 14 the total amount of state grants projected to be awarded in  
 15 the current fiscal year pursuant to the public transportation  
 16 assistance program. The report shall separate into two categories  
 17 the requests and grants awarded for handicapped vans, otherwise  
 18 known as paratransit vehicles, and requests and grants awarded for  
 19 handicapped-accessible fixed route bus systems.  
 20 Sec. 2. Original section 13-1210, Revised Statutes  
 21 Cumulative Supplement, 2006, is repealed.

(Signed) Lavon Heidemann, Chairperson

### GENERAL FILE

**LEGISLATIVE RESOLUTION 4CA.** Senator White renewed his amendment, AM2174, found on page 801.

Senator Chambers offered the following amendment to the White amendment:

FA191

Amend AM2174

In line 10 strike "evinces" and insert "comprises"

Pending.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 1014A.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1014, One Hundredth Legislature, Second Session, 2008; and to declare an emergency.

### 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.

Timothy Hodges - Coordinating Commission for Postsecondary Education

Richard Uhing - Coordinating Commission for Postsecondary Education

Mary Lauritzen - Coordinating Commission for Postsecondary Education

Aye: 8 Senators Adams, Ashford, Avery, Burling, Howard, Johnson, Kopplin, Raikes. Nay: 0. Absent: 0.

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.

Michelle Suarez - Board of Trustees of the Nebraska State Colleges

Aye: 8 Senators Adams, Ashford, Avery, Burling, Howard, Johnson, Kopplin, Raikes. Nay: 0. Absent: 0.

(Signed) Ron Raikes, Chairperson

### AMENDMENT - Print in Journal

Senator Synowiecki filed the following amendment to LB797:  
AM2203

1 1. Insert the following new section:  
2 Sec. 3. Section 71-519, Revised Statutes Supplement,  
3 2007, is amended to read:  
4 71-519 ~~(1) AH-(1)(a)~~ Except as provided in subdivision  
5 (b) of this subsection, all infants born in the State of Nebraska  
6 shall be screened for phenylketonuria, primary hypothyroidism,  
7 biotinidase deficiency, galactosemia, hemoglobinopathies,  
8 medium-chain acyl co-a dehydrogenase (MCAD) deficiency, and  
9 such other metabolic diseases as the Department of Health and Human  
10 Services may from time to time specify. Confirmatory tests shall be  
11 performed if a presumptive positive result on the screening test  
12 is obtained.

13 (b) A parent or legal guardian of an infant subject to  
14 the requirements of subdivision (a) of this subsection may request  
15 and shall be granted an exemption from such requirements on behalf  
16 of the infant based on the sincerely held religious beliefs of  
17 such parent or legal guardian. Such request shall be made in  
18 writing on a form developed by the department and filed with the  
19 attending physician or person registering the infant's birth under  
20 subsection (2) of this section. Such request shall be reported  
21 to the department and shall be made part of the infant's medical  
22 record. The department shall make forms available to request and  
23 report such exemption. Such forms shall include a warning and  
1 relevant information relating to the risks associated with the  
2 failure to receive the screening.

3 (2) The attending physician shall collect or cause to  
4 be collected the prescribed blood specimen or specimens and shall  
5 submit or cause to be submitted the same to the laboratory  
6 designated by the department for the performance of such tests  
7 within the period and in the manner prescribed by the department.  
8 If a birth is not attended by a physician and the infant does  
9 not have a physician, the person registering the birth shall  
10 cause such tests to be performed within the period and in the  
11 manner prescribed by the department. The laboratory shall within

12 the period and in the manner prescribed by the department perform  
13 such tests as are prescribed by the department on the specimen  
14 or specimens submitted and report the results of these tests to  
15 the physician, if any, the hospital or other birthing facility or  
16 other submitter, and the department. The laboratory shall report  
17 to the department the results of such tests that are presumptive  
18 positive or confirmed positive within the period and in the manner  
19 prescribed by the department.

20 (3) The hospital or other birthing facility shall record  
21 the collection of specimens for tests for metabolic diseases and  
22 the report of the results of such tests or the absence of such  
23 report. For purposes of tracking, monitoring, and referral, the  
24 hospital or other birthing facility shall provide from its records,  
25 upon the department's request, information about the infant's and  
26 mother's location and contact information, and care and treatment  
27 of the infant.

1 (4)(a) The department shall have authority over the  
2 use, retention, and disposal of blood specimens and all related  
3 information collected in connection with metabolic disease testing  
4 conducted under subsection (1) of this section.

5 (b) The department shall adopt and promulgate rules  
6 and regulations relating to the retention and disposal of such  
7 specimens. The rules and regulations shall: (i) Be consistent with  
8 nationally recognized standards for laboratory accreditation and  
9 shall comply with all applicable provisions of federal law; (ii)  
10 require that the disposal be conducted in the presence of a witness  
11 who may be an individual involved in the disposal or any other  
12 individual; and (iii) provide for maintenance of a written or  
13 electronic record of the disposal, verified by such witness.

14 (c) The department shall adopt and promulgate rules and  
15 regulations relating to the use of such specimens and related  
16 information. Such use shall only be made for public health purposes  
17 and shall comply with all applicable provisions of federal law.  
18 The department may charge a reasonable fee for evaluating proposals  
19 relating to the use of such specimens for public health research  
20 and for preparing and supplying specimens for research proposals  
21 approved by the department.

22 (5) The department shall prepare written materials  
23 explaining the requirements of this section. The department shall  
24 include the following information in the pamphlet:

25 (a) The nature and purpose of the testing program  
26 required under this section, including, but not limited to, a brief  
27 description of each condition or disorder listed in subsection (1)  
1 of this section;

2 (b) The purpose and value of the infant's parent,  
3 guardian, or person in loco parentis retaining a blood specimen  
4 obtained under subsection (6) of this section in a safe place;

5 (c) The department's procedures for retaining and  
6 disposing of blood specimens developed under subsection (4) of this

7 section; and

8 (d) That the blood specimens taken for purposes of  
9 conducting the tests required under subsection (1) of this section  
10 may be used for research pursuant to subsection (4) of this  
11 section.

12 (6) In addition to the requirements of subsection (1)  
13 of this section, the attending physician or person registering  
14 the birth may offer to draw an additional blood specimen from  
15 the infant. If such an offer is made, it shall be made to the  
16 infant's parent, guardian, or person in loco parentis at the  
17 time the blood specimens are drawn for purposes of subsection (1)  
18 of this section. If the infant's parent, guardian, or person in  
19 loco parentis accepts the offer of an additional blood specimen,  
20 the blood specimen shall be preserved in a manner that does not  
21 require special storage conditions or techniques, including, but  
22 not limited to, lamination. The attending physician or person  
23 making the offer shall explain to the parent, guardian, or person  
24 in loco parentis at the time the offer is made that the additional  
25 blood specimen can be used for future identification purposes and  
26 should be kept in a safe place. The attending physician or person  
27 making the offer may charge a fee that is not more than the actual  
1 cost of obtaining and preserving the additional blood specimen.

2 (7) The person responsible for causing the tests to be  
3 performed under subsection (2) of this section shall inform the  
4 parent or legal guardian of the infant of the ~~tests and of the~~  
5 results of the tests and provide, upon any request for further  
6 information, at least a copy of the written materials prepared  
7 under subsection (5) of this section.

8 (8) Dietary and therapeutic management of the infant with  
9 phenylketonuria, primary hypothyroidism, biotinidase deficiency,  
10 galactosemia, hemoglobinopathies, MCAD deficiency, or such other  
11 metabolic diseases as the department may from time to time specify  
12 shall be the responsibility of the child's parent, guardian, or  
13 custodian with the aid of a physician selected by such person.

14 (9) Except for acts of gross negligence or willful or  
15 wanton conduct, any physician, hospital or other birthing facility,  
16 laboratory, or other submitter making reports or notifications  
17 under sections 71-519 to 71-524 shall be immune from criminal or  
18 civil liability of any kind or character based on any statements  
19 contained in such reports or notifications.

20 2. Renumber the remaining sections and correct internal  
21 references accordingly.

22 3. Correct the operative date and repealer sections so  
23 that the section added by this amendment becomes operative three  
24 calendar months after the adjournment of this legislative session.

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 4CA.** The Chambers amendment, FA191, found in this day's Journal, to the White amendment, was renewed.

**SENATOR LANGEMEIER PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Chambers withdrew his amendment.

Senator White renewed his amendment, AM2174, found on page 801 and considered in this day's Journal.

The White amendment was adopted with 26 ayes, 10 nays, 6 present and not voting, and 7 excused and not voting.

Pending.

**COMMITTEE REPORTS**

Agriculture

**LEGISLATIVE BILL 1115.** Placed on General File with amendment. AM2045

- 1 1. On page 4, line 9, after "designee," insert "and the
- 2 Executive Director of the Nebraska FFA, or his or her designee,"
- 3 and strike "an"; and in line 10 strike "member" and insert
- 4 "members".

(Signed) Philip Erdman, Chairperson

Revenue

**LEGISLATIVE BILL 708.** Placed on General File with amendment. AM2197

- 1 1. On page 2, line 5, after "used" insert "and sales
- 2 tax means the taxes imposed by sections 13-319 and 77-2703 and the
- 3 Local Option Revenue Act"; and in lines 9, 12, and 16 before "tax"
- 4 insert "sales".

**LEGISLATIVE BILL 1088.** Placed on General File with amendment. AM2198

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-5905, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 77-5905 (1) If the Department of Revenue determines
- 6 that an application meets the requirements of section 77-5904 and
- 7 that the investment or employment is eligible for the credit and

8 (a) the applicant is actively engaged in the operation of the  
 9 microbusiness or will be actively engaged in the operation upon its  
 10 establishment, (b) the majority of the assets of the microbusiness  
 11 are located in a distressed area or will be upon its establishment,  
 12 (c) the applicant will make new investment or employment in the  
 13 microbusiness, and (d) the new investment or employment will create  
 14 new income or jobs in the distressed area, the department shall  
 15 approve the application and authorize tentative tax credits to the  
 16 applicant within the limits set forth in this section and certify  
 17 the amount of tentative tax credits approved for the applicant.  
 18 Applications for tax credits shall be considered in the order in  
 19 which they are received.

20 (2) The department may approve applications up to the  
 21 adjusted limit for each calendar year beginning January 1,  
 22 2006, through December 31, 2010. After applications totaling the  
 23 adjusted limit have been approved for a calendar year, no further  
 1 applications shall be approved for that year. The adjusted limit  
 2 ~~in a given year~~ is two million dollars plus tentative tax credits  
 3 that were not granted by the end of the preceding year through  
 4 2008, three million dollars plus tentative tax credits that were  
 5 not granted by the end of the preceding year for 2009, and five  
 6 million dollars plus tentative tax credits that were not granted by  
 7 the end of the preceding year for 2010. Tax credits shall not be  
 8 allowed for a taxpayer receiving benefits under the Employment and  
 9 Investment Growth Act, the Nebraska Advantage Act, or the Nebraska  
 10 Advantage Rural Development Act.

11 Sec. 2. Original section 77-5905, Revised Statutes  
 12 Cumulative Supplement, 2006, is repealed.

**LEGISLATIVE BILL 718.** Indefinitely postponed.

**LEGISLATIVE BILL 762.** Indefinitely postponed.

**LEGISLATIVE BILL 949.** Indefinitely postponed.

**LEGISLATIVE BILL 1010.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

### AMENDMENT - Print in Journal

Senator Stuthman filed the following amendment to LB766:  
 AM2167

(Amendments to Standing Committee amendments, AM1865)

1 1. On page 1, line 10, after the first comma insert

2 "catalytic converters."

3 2. On page 3, strike beginning with "delivering" in line

4 5 through "property" in line 6 and insert ", but only if the person  
 5 is delivering copper or catalytic converters".

6 3. On page 4, line 5, after the period insert "Payment

7 for copper and catalytic converters shall be by check and shall be  
 8 mailed to the seller to the address provided by the seller."

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Dubas asked unanimous consent to add her name as cointroducer to LB920. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Lane Carr from Ainsworth; 35 fourth-grade students from Louisville; Ron and D. Maris Schoneberg from Arapahoe and Mark Schoneberg from Hickman; and Mr. Lundrim Aliu from Kosovo, Ms. Maria Cappone from Bulgaria, Ms. Ana Filomena Da Costa Rocha from Portugal, Mr. Irakli Machitidze from Georgia, Ms. Ellis Mathews from United Kingdom, Ms. Heidi Robdrup from Denmark, Mr. Dmitrij Zadojenko from Lithuania, and Pat Walter from Lincoln.

**RECESS**

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

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Sheehy presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Engel and Pirsch who were excused; and Senators Ashford, Christensen, Cornett, Dierks, Flood, Heidemann, Lautenbaugh, and McDonald who were excused until they arrive.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 1049.** Placed on Select File with amendment.  
ER8179

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-101, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 37-101 (1) The Game and Parks Commission shall consist
- 6 of eight members, one from each of the eight districts provided
- 7 for by section 37-102, and shall be appointed by the Governor
- 8 with the consent of a majority of all members of the Legislature.
- 9 Members of the commission shall be legal residents and citizens of
- 10 Nebraska and shall be well informed on wildlife conservation and
- 11 restoration. ~~Until January 1, 2006, at least two members of the~~
- 12 ~~commission shall be actually engaged in agricultural pursuits and~~



13 ~~shall reside on a farm or ranch. On and after January 1, 2006, at~~  
 14 At least three members of the commission shall be actually engaged  
 15 in agricultural pursuits, and at least two of such members shall  
 16 reside on a farm or ranch. Not more than four of the members of  
 17 the commission shall be affiliated with the same political party.  
 18 The political party affiliation of each prospective member shall  
 19 be determined as of the statewide general election prior to his or  
 20 her appointment. When a member ceases to meet the qualifications  
 21 for his or her initial appointment, the office shall be immediately  
 22 vacated.

23 (2) When the term of any member of the commission  
 1 expires, a successor shall be appointed as provided in subsection  
 2 (1) of this section ~~for a term of five years~~ from the same  
 3 district as the member whose term has expired. Members appointed  
 4 prior to January 1, 2009, shall be appointed for five-year terms.  
 5 Members appointed on or after January 1, 2009, shall be appointed  
 6 for four-year terms. Beginning with appointments made for terms  
 7 beginning after January 1, 2008, in districts which contain more  
 8 than one county, the Governor shall not appoint a person from  
 9 the same county as his or her predecessor unless the Governor is  
 10 reappointing the same person. Each member shall serve until the  
 11 appointment and qualification of his or her successor. In case of a  
 12 vacancy occurring prior to the expiration of the term of a member,  
 13 the appointment shall be made only for the remainder of the term.  
 14 An appointment made for the remainder of the term shall not be  
 15 considered a full term.

16 (3) All members of the commission shall be citizens and  
 17 bona fide residents of the district from which they are appointed.  
 18 When a member ceases to be a bona fide resident of the district,  
 19 from which he or she was appointed, the office shall be immediately  
 20 vacated.

21 (4) If the Legislature is not in session when members  
 22 of the commission are appointed by the Governor, they shall take  
 23 office and act as recess appointees until the Legislature next  
 24 thereafter convenes.

25 (5) Members may be removed by the Governor for  
 26 inefficiency, neglect of duty, or misconduct in office, but only  
 27 after delivering to the member a copy of the charges and affording  
 1 an opportunity of being publicly heard in person or by counsel in  
 2 his or her own defense, upon not less than ten days' notice. Such  
 3 hearing shall be held before the Governor. ~~(6)~~ If such member is  
 4 removed, the Governor shall file in the office of the Secretary of  
 5 State a complete statement of all charges made against such member  
 6 and his or her findings thereon, together with a complete record  
 7 of the proceedings. ~~No~~

8 (6) Until January 1, 2009, no person who has served  
 9 a full five-year term shall be eligible for reappointment as a  
 10 member of the commission until at least five years have elapsed  
 11 between any previous term which he or she might have served and the

12 effective date of his or her new appointment. No person who has  
 13 served two full terms after January 1, 2009, shall be eligible for  
 14 reappointment as a member of the commission.

15 Sec. 2. Original section 37-101, Reissue Revised Statutes  
 16 of Nebraska, is repealed.

(Signed) Amanda McGill, Chairperson

**CORRECTED COMMITTEE REPORT**  
**Judiciary**

**LEGISLATIVE BILL 781.** Add amendment.

AM2097

1 1. On page 4, line 1, before "false" insert "knowingly".

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 973.** Title read. Considered.

Committee AM1849, found on page 619, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORT**  
 Business and Labor

**LEGISLATIVE BILL 948.** Placed on General File with amendment.

AM2161

1 1. On page 2, line 8, strike "during or".

2 2. On page 4, line 4, strike ", volunteer" and insert "

3 (1) Employee does not include a career firefighter or

4 law enforcement officer who is acting as a volunteer emergency  
 5 responder;

6 (2) Employer means any person employing ten or more  
 7 employees; and

8 (3) Volunteer".

(Signed) Abbie Cornett, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 261.** Introduced by Fischer, 43.

WHEREAS, Michael Frickel is the winner of the 119-pound Class D 2008 State Championship in wrestling; and

WHEREAS, Michael, a senior at West Holt High School, pinned Aaron Carlson of Sutton in the finals of the 119-pound division of the Class D 2008 State Championship at the Qwest Center in Omaha; and

WHEREAS, Michael's record as a senior wrestler at West Holt High School is 38-4, and he has a career record of 95-29; and

WHEREAS, Michael broke two school records, most pins in a season with 23 and most wins in a season with 38; and

WHEREAS, academically, Michael ranks in the top half of his class.

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

1. That Michael Frickel be congratulated for this exemplary achievement at the Class D 2008 State Championship in wrestling.

2. That a copy of this resolution be sent to Michael Frickel.

Laid over.

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 4CA.** Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 721.** Title read. Considered.

Committee AM2039, found on page 706, was considered.

Senator Aguilar moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Aguilar requested a roll call vote on the committee amendment.

Voting in the affirmative, 25:

Aguilar	Dierks	Janssen	Lathrop	Raikes
Ashford	Dubas	Johnson	McDonald	Rogert
Avery	Flood	Karpisek	McGill	Schimek
Carlson	Howard	Kopplin	Pahls	Wallman
Chambers	Hudkins	Kruse	Pedersen	White

Voting in the negative, 12:

Adams	Fischer	Gay	Lautenbaugh
Burling	Friend	Hansen	Louden
Erdman	Fulton	Langemeier	Stuthman

Present and not voting, 7:

Cornett	Heidemann	Nelson	Synowiecki
Harms	Nantkes	Preister	

Excused and not voting, 5:

Christensen	Engel	Pankonin	Pirsch	Wightman
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The committee amendment was adopted with 25 ayes, 12 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Schimek moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Schimek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Aguilar	Dubas	Johnson	McDonald	Schimek
Avery	Hansen	Karpisek	McGill	Wallman
Carlson	Howard	Kopplin	Pahls	White
Chambers	Hudkins	Kruse	Pedersen	
Dierks	Janssen	Lathrop	Rogert	

Voting in the negative, 14:

Adams	Christensen	Fischer	Gay	Louden
Ashford	Cornett	Friend	Langemeier	Stuthman
Burling	Erdman	Fulton	Lautenbaugh	

Present and not voting, 8:

Flood	Heidemann	Nelson	Raikes
Harms	Nantkes	Preister	Synowiecki

Excused and not voting, 4:

Engel	Pankonin	Pirsch	Wightman
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Failed to advance to Enrollment and Review Initial with 23 ayes, 14 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### AMENDMENTS - Print in Journal

Senator McGill filed the following amendment to LB1014:  
AM2218

1 1. Insert the following sections:  
2 Sec. 24. (1) When sentencing a person convicted of a  
3 misdemeanor crime of domestic violence as defined in 18 U.S.C.  
4 921(a)(33), as such section existed on the operative date of this  
5 section, the court shall provide written or oral notification to  
6 the defendant that it may be a violation of federal law for the  
7 individual: To ship or transport in interstate or foreign commerce,  
8 or possess in or affecting commerce, any firearm or ammunition;  
9 or to receive any firearm or ammunition which has been shipped or  
10 transported in interstate or foreign commerce.

11 (2) The State Court Administrator's Office shall create a  
12 standard notification that provides the information in subsection  
13 (1) of this section and shall provide a copy of such notification  
14 to all judges in this state.

15 Sec. 32. Section 42-925, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 42-925 ~~Any~~ (1) An order issued under subsection (1)  
18 of section 42-924 may be issued ex parte to the respondent if  
19 it reasonably appears from the specific facts included in the  
20 affidavit that the petitioner will be in immediate danger of abuse  
21 before the matter can be heard on notice. If an order is issued ex  
22 parte, the court shall immediately schedule an evidentiary hearing  
23 to be held within thirty days after service of such order, and  
1 the court shall cause notice of the hearing to be given to the  
2 petitioner and the respondent. If the respondent appears at the  
3 hearing and shows cause why such order should not remain in effect,  
4 the court shall rescind the order. If the respondent does not so  
5 appear and show cause, the order shall be affirmed.

6 (2) If an order under subsection (1) of section 42-924  
7 is not issued ex parte, the court shall immediately schedule an  
8 evidentiary hearing to be held within fourteen days after the  
9 filing of the petition, and the court shall cause notice of the  
10 hearing to be given to the petitioner and the respondent. If the  
11 respondent does not appear at the hearing and show cause why such  
12 order should not be issued, the court shall issue such order.

13 (3) An order issued under subsection (1) of section  
14 42-924 shall remain in effect for a period of one year from  
15 the date of issuance, unless vacated by the court prior to such  
16 date. If the order grants temporary custody, such custody shall  
17 not exceed the number of days specified by the court unless the  
18 respondent shows cause why the order should not remain in effect.

19 (4) The court shall also cause the notice created under  
20 section 24 of this act to be served upon the respondent notifying

21 the respondent that it may be unlawful under federal law for a  
 22 person who is subject to a protection order to possess or receive  
 23 any firearm or ammunition.(1) ~~If the specific facts included in~~  
 24 ~~the affidavit do not show that the petitioner will be in immediate~~  
 25 ~~danger of abuse or (2) if the court does not issue an ex parte~~  
 26 ~~order or grants only part of the relief sought, the court or~~  
 27 ~~judge may forthwith cause notice of the petition to be given to~~  
 1 ~~the respondent stating that he or she may show cause, not more~~  
 2 ~~than fourteen days after service upon him or her, why such order~~  
 3 ~~should not be entered. If such ex parte order is issued to the~~  
 4 ~~respondent, the court shall forthwith cause notice of the petition~~  
 5 ~~and order to be given the respondent stating that, upon service~~  
 6 ~~on the respondent, the order shall remain in effect for a period~~  
 7 ~~of one year and, if the order grants temporary custody, that~~  
 8 ~~such custody shall not exceed the number of days specified by the~~  
 9 ~~court unless the respondent shows cause why the order should not~~  
 10 ~~remain in effect. The court shall also cause to be served upon the~~  
 11 ~~respondent a form with which to request a show cause hearing. If~~  
 12 ~~the respondent wishes to appear and show cause why the order should~~  
 13 ~~not remain in effect, he or she shall affix his or her current~~  
 14 ~~address, telephone number, and signature to the form and return it~~  
 15 ~~to the clerk of the district court within five days after service~~  
 16 ~~upon him or her. Upon receipt of the request for a show cause~~  
 17 ~~hearing, the court shall immediately schedule a show cause hearing~~  
 18 ~~to be held within thirty days after the receipt of the request for~~  
 19 ~~a show cause hearing and shall notify the petitioner and respondent~~  
 20 ~~of the hearing date.~~

21 2. Amend the operative date and repealer so that the  
 22 sections added by this amendment become operative three calendar  
 23 months after adjournment of this legislative session.

24 3. Renumber the remaining sections and correct the  
 25 internal references accordingly.

Senator Rogert filed the following amendment to LB884:  
AM2199

(Amendments to Standing Committee amendments, AM2126)

1 1. On page 3, lines 11 through 20, strike the new matter;  
 2 and after line 20 insert the following new subdivision:

3 (c) If the Department of Administrative Services offers  
 4 a wellness program, the state's contribution for each employee  
 5 participating in the wellness program shall be the percentage  
 6 listed in the following table corresponding to the participation  
 7 percentage for the prior fiscal year listed in the table.

<u>Percentage of employees participating</u>	<u>State contribution for</u>
<u>in wellness program</u>	<u>employees participating in</u>
	<u>wellness program</u>
<u>from 1% up to 10%</u>	<u>80%</u>
<u>from 10% up to 20%</u>	<u>81%</u>
<u>from 20% up to 30%</u>	<u>82%</u>

14	<u>from 30% up to 40%</u>	<u>83%</u>
15	<u>from 40% up to 50%</u>	<u>84%</u>
16	<u>from 50% up to 60%</u>	<u>85%</u>
17	<u>from 60% up to 70%</u>	<u>86%</u>
18	<u>from 70% up to 80%</u>	<u>87%</u>
19	<u>from 80% up to 90%</u>	<u>88%</u>
20	<u>from 90% through 100%</u>	<u>90%</u>

21 The state's contribution shall not be less than  
 22 seventy-nine percent of the total cost for the plan, option, and  
 1 coverage chosen by the employee for each employee who does not  
 2 enroll and participate as required in the wellness program.

3 (d) Any wellness program offered by the department shall  
 4 contain alternatives which allow participation by persons with  
 5 disabilities. If no alternative is allowed, the department shall  
 6 provide a waiver procedure for persons with disabilities.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 262.** Introduced by Dierks, 40.

WHEREAS, the Ewing Lady Tigers won the 2008 Class D-2 Girls' State Basketball Championship; and

WHEREAS, the Lady Tigers finished the season with a record of twenty-three wins and three losses; and

WHEREAS, the Lady Tigers were the only Nebraska girls' basketball championship team this year to win back-to-back victories; and

WHEREAS, the Lady Tigers entered the 2008 tournament as a wild card team and were ranked number five in their division; and

WHEREAS, the Lady Tigers defeated North Loup-Scotia, Falls City Sacred Heart, and Pleasanton to win the championship; and

WHEREAS, the Lady Tigers recovered from a fifty-six game losing streak from 1997 to 2000 and a winless season in 2005 to become the Class D-2 champions in 2007 and 2008; and

WHEREAS, the Lady Tigers and the Ewing fans also received the 2008 Class D-2 Sportsmanship Award.

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

1. That the Lady Tigers be congratulated for their achievement in winning the 2008 Class D-2 Girls' State Basketball Championship game.

2. That the Legislature congratulates head coach Brock Eichelberger and assistant coach Ann Boelter for their excellent season and guidance of the team.

3. That a copy of this resolution be sent to head coach Brock Eichelberger.

Laid over.

**LEGISLATIVE RESOLUTION 263.** Introduced by Rogert, 16.

WHEREAS, the Bancroft-Rosalie Panthers won the 2008 Class D-1 Girls' State Basketball Championship; and

WHEREAS, the Panthers defeated the Pope John Crusaders 68-35 in the final game; and

WHEREAS, the undefeated Panthers have qualified for eight of the last nine state tournaments; and

WHEREAS, the Legislature should recognize the athletic, academic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Bancroft-Rosalie Panthers on winning the 2008 Class D-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Panthers and their head coach, Trudy Samuelson.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 1055.** Title read. Considered.

Committee AM1876, found on page 622, was considered.

Senator McDonald renewed her amendment, AM2099, found on page 801, to the committee amendment.

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

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

**SENATOR LANGEMEIER PRESIDING**

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 264.** Introduced by Heidemann, 1.

WHEREAS, Ryan Callahan of Troop 337, in Syracuse, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement of rank in scouting, a Boy Scout must fulfill requirements in the areas of



leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks: Tenderfoot; Second Class; First Class; Star; Life; and finally, Eagle. Throughout his scouting experience, Ryan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Ryan Callahan will receive the rank of Eagle Scout and, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Ryan Callahan on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ryan Callahan.

Laid over.

**LEGISLATIVE RESOLUTION 265.** Introduced by Heidemann, 1.

WHEREAS, The Humboldt-Table Rock-Steinauer High School Mock Trial Team won the 2007 State Mock Trial Championship; and

WHEREAS, the Humboldt-Table Rock-Steinauer High School was one of the smallest high schools in the tournament; and

WHEREAS, the winning team will represent Nebraska in the National High School Mock Trial Championship in Wilmington, Delaware, in May of 2008; and

WHEREAS, the Legislature should continue to recognize the achievements of our young people in all positive areas of endeavor.

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

1. That Nicole Dyas, Kenny Edwards, Victoria Linnerson, Joseph Maschman, Jessica Merwin, Michelle Pineda, Mari Ramsey, and Tylor Schulze be congratulated for their achievement in claiming the 2007 State Mock Trial Championship.

2. That coaches Carl Linnerson and Curtis Maschman be applauded for their efforts in teaching and providing guidance to the young adults on the team.

3. That a copy of this resolution be sent to coaches Carl Linnerson and Curtis Maschman.

Laid over.

**AMENDMENT - Print in Journal**

Senators Erdman and Nantkes filed the following amendment to LB760:  
AM2225

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. The Nebraska Legislative Issues Task Force is  
 4 hereby created. It shall consist of no less than one and no more  
 5 than any of the forty-nine members of the Legislature or their  
 6 designees. The Executive Board of the Legislative Council shall  
 7 appoint the chairperson of the task force from the membership of  
 8 the task force.  
 9 The duties of the task force shall include, but not be  
 10 limited to: The study of state legislative issues facing Nebraska.  
 11 The task force shall complete its work and issue a  
 12 final report outlining its findings and recommendations to the  
 13 Legislature no later than December 15, 2008.  
 14 This section terminates on December 31, 2008.  
 15 Sec. 2. Since an emergency exists, this act takes effect  
 16 when passed and approved according to law.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Howard asked unanimous consent to add her name as cointroducer to LB920. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Rob Slauson from Lincoln; and Suzanne, Calvin, and Charlie Yelkin from Eagle.

The Doctor of the Day was Dr. Hal Pumphrey from Lincoln.

**ADJOURNMENT**

At 4:47 p.m., on a motion by Senator Schimek, the Legislature adjourned until 9:00 a.m., Friday, March 7, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature