

NINTH DAY - JANUARY 22, 2008

LEGISLATIVE JOURNAL

**ONE HUNDREDTH LEGISLATURE
SECOND SESSION**

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 22, 2008

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Harms and Hudkins who were excused; and Senators Cornett, Dubas, Heidemann, Raikes, and White who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

ANNOUNCEMENT

Senator Pedersen designates LB843 as his priority bill.

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

Tuesday, January 29, 2008 1:30 p.m.

LB837
LB741
LB1034

(Signed) Deb Fischer, Chairperson

Education

Room 1525

Tuesday, January 29, 2008 1:30 p.m.

LB1013

LB973

(Signed) Ron Raikes, Chairperson

MOTION - Approve Appointment

Senator Synowiecki moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 283:

Public Employees Retirement Board
Elaine Stuhr

Voting in the affirmative, 40:

Adams	Dierks	Howard	Lautenbaugh	Pedersen
Aguilar	Engel	Janssen	Louden	Pirsch
Ashford	Erdman	Johnson	McDonald	Preister
Avery	Fischer	Karpisek	McGill	Schimek
Burling	Friend	Kopplin	Nantkes	Stuthman
Carlson	Fulton	Kruse	Nelson	Synowiecki
Chambers	Gay	Langemeier	Pahls	Wallman
Christensen	Hansen	Lathrop	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Flood Rogert

Excused and not voting, 7:

Cornett	Harms	Hudkins	White
Dubas	Heidemann	Raikes	

The appointment was confirmed with 40 ayes, 0 nays, 2 present and not voting, and 7 excused and not voting.

GENERAL FILE**LEGISLATIVE BILL 335.** Title read. Considered.

Committee AM207, found on page 690, First Session, 2007, was

considered.

Senator Ashford offered the following amendment to the committee amendment:

AM1600

(Amendments to Standing Committee amendments, AM207)

- 1 1. On page 1, line 17, after the period insert "For
- 2 purposes of this section, a county jail shall not be deemed a
- 3 suitable facility.".

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1061. Introduced by Louden, 49.

A BILL FOR AN ACT relating to electronic equipment recycling; to amend sections 81-1504.01 and 81-15,160, Revised Statutes Supplement, 2007; to provide for a fee, rebates, and grants; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 1062. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to elections; to amend sections 32-1119 and 32-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to recounts; and to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 23-3406, 24-1106, 27-609, 28-104, 29-1822, 29-2005, 29-2006, 29-2020, 29-2282, 29-2407, 29-2801, 29-3205, 29-3928, and 55-480, Reissue Revised Statutes of Nebraska, sections 25-1140.09, 27-803, 28-105, 28-303, 29-1603, 29-2004, 29-2027, 29-2204, 29-2520, 29-2521, 29-2522, 29-2523, 29-3920, 29-3922, 29-3929, 29-3930, 83-1,105.01, and 83-1,110.02, Revised Statutes Cumulative Supplement, 2006, and section 83-4,143, Revised Statutes Supplement, 2007; to change a penalty from death to life imprisonment without possibility of parole as prescribed; to provide for restitution; to eliminate capital punishment provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 29-2521.01, 29-2521.03, 29-2521.04, 29-2524.01, 29-2524.02, 29-2527, 29-2528, 29-2532, 29-2533, 29-2534, 29-2535, 29-2536, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2544, 29-2545, 29-2546, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, and sections 28-105.01, 29-2519, 29-2521.02, 29-2524, and 29-2525, Revised Statutes Cumulative Supplement, 2006.

LEGISLATIVE BILL 1064. Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2007; to provide for Legion of Merit license plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1065. Introduced by Louden, 49.

A BILL FOR AN ACT relating to energy; to amend section 70-1012, Reissue Revised Statutes of Nebraska; to provide for customer-generators of electricity; to state findings; to define terms; to provide requirements for public electric utilities and customer-generators; to provide for immunity as prescribed; to provide for applicability of sections; to provide for an exemption from approval by the Nebraska Power Review Board; and to repeal the original section.

LEGISLATIVE BILL 1066. Introduced by Louden, 49.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1014.01, Reissue Revised Statutes of Nebraska; to change provisions relating to special generation applications; and to repeal the original section.

LEGISLATIVE BILL 1067. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to elections; to amend sections 32-1203 and 70-610, Reissue Revised Statutes of Nebraska; to change provisions relating to allocating election costs to political subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 1068. Introduced by Louden, 49; Erdman, 47.

A BILL FOR AN ACT relating to highways and roads; to amend sections 39-1817, 39-1818, 39-2103, 39-2105, 39-2109, 39-2112, and 39-2113, Reissue Revised Statutes of Nebraska; to create the classification of remote residential road; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1069. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to railroads; to amend section 17-225, Reissue Revised Statutes of Nebraska; to impose a penalty for blocking crossings in unincorporated towns or villages; and to repeal the original section.

LEGISLATIVE BILL 1070. Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-250, Reissue Revised Statutes of Nebraska, and section 43-2,129,

Revised Statutes Cumulative Supplement, 2006; to provide for a child placement resources form; to provide duties for the department; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1071. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to impose an excise tax on wire transfers; to provide for collection; and to provide a penalty.

LEGISLATIVE BILL 1072. Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 66-1838 and 75-130.01, Reissue Revised Statutes of Nebraska; to change rate filing provisions under the State Natural Gas Regulation Act; to change provisions relating to contested cases; and to repeal the original sections.

LEGISLATIVE BILL 1073. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to construction; to amend section 81-2407, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Construction Prompt Pay Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1074. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to swimming pools; to amend sections 71-4301 and 71-4307, Reissue Revised Statutes of Nebraska, and sections 71-4303, 71-4304, 71-4305, and 71-4306, Revised Statutes Supplement, 2007; to provide requirements for owners and certified operators as prescribed; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1075. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska.

LEGISLATIVE BILL 1076. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to firearms; to prohibit additional restrictions on firearms and ammunition as prescribed.

LEGISLATIVE BILL 1077. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend sections 29-4102, 29-4103, 29-4104, 29-4106, and 29-4109, Revised Statutes Cumulative Supplement, 2006; to provide for the collection of DNA samples upon arrest for certain offenses as prescribed;

and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 335. Senator Chambers offered the following motion:

MO110

Bracket until March 15, 2008.

Senator Pankonin moved the previous question. The question is, "Shall the debate now close?"

Senator Pankonin moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Pankonin requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 20:

Avery	Fischer	Langemeier	Pankonin	Synowiecki
Burling	Flood	Lautenbaugh	Pedersen	Wallman
Christensen	Gay	Louden	Rogert	White
Dierks	Heidemann	Nelson	Stuthman	Wightman

Voting in the negative, 21:

Ashford	Friend	Johnson	Nantkes	Schimek
Chambers	Fulton	Kopplin	Pahls	
Cornett	Hansen	Lathrop	Pirsch	
Dubas	Howard	McDonald	Preister	
Engel	Janssen	McGill	Raikes	

Present and not voting, 1:

Kruse

Excused and not voting, 7:

Adams	Carlson	Harms	Karpisek
Aguilar	Erdman	Hudkins	

The motion to cease debate failed with 20 ayes, 21 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 222, 226, 227, and 228 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 222, 226, 227, and 228.

GENERAL FILE

LEGISLATIVE BILL 335. The Chambers motion, MO110, found in this day's Journal, to bracket until March 15, 2008, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 18:

Chambers	Gay	Lautenbaugh	Preister	White
Fischer	Hansen	Nantkes	Rogert	Wightman
Flood	Kopplin	Pahls	Stuthman	
Friend	Langemeier	Pankonin	Synowiecki	

Voting in the negative, 25:

Ashford	Dierks	Heidemann	Lathrop	Pedersen
Avery	Dubas	Howard	Louden	Pirsch
Burling	Engel	Janssen	McDonald	Raikes
Christensen	Erdman	Johnson	McGill	Schimek
Cornett	Fulton	Kruse	Nelson	Wallman

Excused and not voting, 6:

Adams	Carlson	Hudkins
Aguilar	Harms	Karpisek

The Chambers motion to bracket failed with 18 ayes, 25 nays, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 380. Placed on Select File with amendment.
ER8130

1 1. Because of the enactment of Laws 2007, LB 124, strike
2 the original sections and insert the following new sections:
3 Section 1. Section 45-705, Revised Statutes Supplement,
4 2007, is amended to read:
5 45-705 (1) No person shall act as a mortgage banker or
6 use the title mortgage banker in this state unless he, she, or it
7 is licensed or has registered with the department as provided in
8 the Mortgage Bankers Registration and Licensing Act or is licensed
9 under the Nebraska Installment Loan Act.

10 (2) Applicants for a license as a mortgage banker shall
11 submit to the department an application on forms prescribed by
12 the department. The application shall include, but not be limited
13 to, (a) the applicant's corporate name and no more than one trade
14 name or doing business as designation, if applicable, (b) the
15 applicant's main office address, (c) all branch office addresses
16 at which business is to be conducted, (d) the names and titles
17 of each director and principal officer of the applicant, (e) the
18 names of all shareholders, partners, or members of the applicant,
19 (f) a description of the activities of the applicant in such detail
20 as the department may require, and (g) if the applicant is an
21 individual, his or her social security number.

22 (3) The application for a license as a mortgage banker
23 shall include or be accompanied by, in a manner as prescribed by
1 the director, (a) the name and street address in this state of a
2 registered agent appointed by the licensee for receipt of service
3 of process and (b) the written consent of the registered agent
4 to the appointment. A post office box number may be provided in
5 addition to the street address.

6 (4) The application for a license as a mortgage banker
7 shall be accompanied by an application fee of four hundred dollars
8 and, if applicable, a seventy-five-dollar fee for each branch
9 office listed in the application and any processing fee allowed
10 under subsection (3) of section 45-715.

11 (5) The director may prescribe that the application for
12 a license as a mortgage banker include or be accompanied by, in
13 a manner as prescribed by the director, a background investigation
14 of each applicant by means of fingerprints and a check of his or
15 her criminal history record information maintained by the Federal
16 Bureau of Investigation through the Nebraska State Patrol. If the
17 applicant is a partnership, association, corporation, or other
18 form of business organization, the director may require a criminal
19 history record information check on each member, director, or
20 principal officer of each applicant or any individual acting
21 in the capacity of the manager of an office location. The

22 applicant shall be responsible for the direct costs associated
23 with criminal history record information checks performed. The
24 information obtained thereby may be used by the director to
25 determine the applicant's eligibility for licensing under this
26 section. Except as authorized pursuant to subsection (3) of section
27 45-715, receipt of criminal history record information by a private
1 person or entity is prohibited.

2 (6) A license granted under the Mortgage Bankers
3 Registration and Licensing Act shall not be assignable.

4 (7) An application is deemed filed when accepted as
5 substantially complete by the director.

6 Sec. 2. Section 45-706, Revised Statutes Supplement,
7 2007, is amended to read:

8 45-706 (1) Upon the filing of an application for a
9 license, if the director finds that the character and general
10 fitness of the applicant, the members thereof if the applicant
11 is a partnership, limited liability company, association, or other
12 organization, and the officers, directors, and principal employees
13 if the applicant is a corporation are such that the business
14 will be operated honestly, soundly, and efficiently in the public
15 interest consistent with the purposes of the Mortgage Bankers
16 Registration and Licensing Act, the director shall issue a license
17 as a mortgage banker to the applicant. The director shall approve
18 or deny an application for a license within ninety days after (a)
19 acceptance of the application; (b) delivery of the bond required
20 under section 45-709; and (c) payment of the required fee.

21 (2) If the director determines that the license should be
22 denied, the director shall notify the applicant in writing of the
23 denial and of the reasons for the denial. The director shall not
24 deny an application for a license because of the failure to submit
25 information required under the act or rules and regulations adopted
26 and promulgated under the act without first giving the applicant
27 an opportunity to correct the deficiency by supplying the missing
1 information. A decision of the director denying a license pursuant
2 to the act may be appealed, and the appeal shall be in accordance
3 with the Administrative Procedure Act. The director may deny an
4 application for a license if an officer, director, shareholder
5 owning five percent or more of the voting shares of the applicant,
6 partner, or member was convicted of, pleaded guilty to, or was
7 found guilty after a plea of nolo contendere to (a) a misdemeanor
8 under any state or federal law which involves dishonesty or fraud
9 or which involves any aspect of the mortgage banking business,
10 financial institution business, or installment loan business or (b)
11 any felony under state or federal law.

12 (3)(a) All initial licenses shall remain in full force
13 and effect until the next succeeding March 1. Beginning January
14 1, 2008, initial licenses shall remain in full force and effect
15 until the next succeeding December 31. Thereafter, licenses may be
16 renewed annually by filing with the director an application for

17 renewal containing such information as the director may require to
 18 indicate any material change in the information contained in the
 19 original application or succeeding renewal applications, including
 20 the information ~~required by~~ submitted under subsection (3) of
 21 section 45-705.

22 (b) Except as provided in subdivision (3)(c) of this
 23 section, for the annual renewal of a license to conduct a
 24 mortgage banking business under the Mortgage Bankers Registration
 25 and Licensing Act, the fee shall be two hundred dollars plus
 26 seventy-five dollars for each branch office, if applicable, and any
 27 processing fee allowed under subsection (3) of section 45-715.

1 (c) Licenses which expire on March 1, 2008, shall be
 2 renewed until December 31, 2008, upon compliance with subdivision
 3 (3)(a) of this section. For such renewals, the department shall
 4 prorate the fees provided in subdivision (3)(b) of this section
 5 using a factor of ten-twelfths.

6 (4) The director may require a licensee to maintain a
 7 minimum net worth, proven by an audit conducted by a certified
 8 public accountant, if the director determines that the financial
 9 condition of the licensee warrants such a requirement or that the
 10 requirement is in the public interest.

11 Sec. 3. Original sections 45-705 and 45-706, Revised
 12 Statutes Supplement, 2007, are repealed.

13 2. On page 1, line 3, strike "Cumulative" and strike
 14 "2006" and insert "2007".

LEGISLATIVE BILL 383. Placed on Select File with amendment.
 ER8134

- 1 1. Strike original section 6.
- 2 2. On page 1, line 2, strike "67-344,"; and in line 8
 3 after "Act" insert "of 1998".
- 4 3. On page 2, lines 14 and 20; and page 11, line 19,
 5 before each occurrence of "address" insert "street" and after each
 6 occurrence of "address" insert "and post office box number, if
 7 any.".
- 8 4. On page 3, lines 1 and 4, before "address" insert
 9 "street" and before "box" insert "post office".
- 10 5. On page 11, lines 12 and 13, after "box" insert
 11 "number".
- 12 6. On page 12, lines 1 and 3, before "address" insert
 13 "street"; in line 1 after "address" insert "or post office box
 14 number, if any"; and in line 3 after "address" insert "and post
 15 office box number, if any".
- 16 7. On page 25, line 7, strike "or" and insert "and".
- 17 8. On page 26, line 5, strike "67-344,".
- 18 9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 157. Placed on Select File with amendment.
 ER8131

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. (1) If a parent seeking safe-haven care
 4 voluntarily delivers a child thirty days of age or younger to
 5 a firefighter or a hospital staff member who engages in the
 6 admission, care, or treatment of patients, when such firefighter is
 7 at a fire station or such hospital staff member is at a hospital,
 8 the firefighter or hospital staff member shall, without a court
 9 order, take temporary physical custody of the child.

10 (2) If a firefighter or hospital staff member takes
 11 temporary physical custody of a child pursuant to this section, the
 12 firefighter or hospital staff member shall:

13 (a) Perform any act necessary, in accordance with
 14 generally accepted standards of professional practice, to protect,
 15 preserve, or aid the physical health or safety of the child during
 16 the temporary physical custody; and

17 (b) Notify a law enforcement officer within four hours.

18 (3) Upon receipt of notice pursuant to subsection (2) of
 19 this section, a law enforcement officer shall take the child into
 20 temporary custody pursuant to section 43-248.

21 (4) The Department of Health and Human Services shall
 22 maintain and update on a monthly basis a report of the number of
 23 children who have been left with safe-haven providers pursuant to
 1 this section and the number of children abandoned by other means.

2 (5) Beginning January 1, 2009, the department shall
 3 submit an annual report to the Legislature that compiles the
 4 monthly reports required pursuant to subsection (4) of this
 5 section.

6 Sec. 2. Section 28-705, Revised Statutes Cumulative
 7 Supplement, 2006, is amended to read:

8 28-705 (1) Any person who abandons and neglects or
 9 refuses to maintain or provide for his or her spouse or his or
 10 her child or dependent stepchild, whether such child is born in or
 11 out of wedlock, commits abandonment of spouse, child, or dependent
 12 stepchild.

13 (2) It is not a violation of this section for a parent
 14 to leave a child who is thirty days of age or younger with a
 15 firefighter or hospital staff member pursuant to section 1 of this
 16 act.

17 ~~(2)-(3)~~ For the purposes of this section, child shall
 18 mean an individual under the age of sixteen years.

19 ~~(3)-(4)~~ When any person abandons and neglects to provide
 20 for his or her spouse or his or her child or dependent stepchild
 21 for three consecutive months or more, it shall be prima facie
 22 evidence of intent to violate the provisions of subsection (1) of
 23 this section.

24 ~~(4)-(5)~~ A designation of assets for or use of income by
 25 an individual in accordance with section 68-922 shall be considered
 26 just cause for failure to use such assets or income to provide

27 medical support of such individual's spouse.

1 ~~(5)-(6)~~ Abandonment of spouse, child, or dependent
2 stepchild is a Class I misdemeanor.

3 Sec. 3. Original section 28-705, Revised Statutes
4 Cumulative Supplement, 2006, is repealed.

5 2. On page 1, line 1, after the semicolon insert "to
6 amend section 28-705, Revised Statutes Cumulative Supplement,
7 2006;"; and strike lines 3 and 4 and insert "to provide for
8 reports; to change provisions relating to criminal abandonment; and
9 to repeal the original section."

LEGISLATIVE RESOLUTION 5CA. Placed on Select File with amendment.

ER8133

1 1. On page 1, line 2, strike "FIRST" and insert "SECOND".

2 2. On page 3, line 1, after "issued" insert an
3 underscored comma.

LEGISLATIVE BILL 690. Placed on Select File with amendment.

ER8132

1 1. Because of the enactment of Laws 2007, LB 299, strike
2 the original sections and all amendments thereto and insert the
3 following new sections:

4 Section 1. Section 37-413, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 37-413 (1) For the purpose of establishing and
7 administering a mandatory firearm hunter education program for
8 persons ~~born on or after January 1, 1977, twelve through~~
9 twenty-nine years of age who hunt with a firearm or crossbow any
10 species of game, game birds, or game animals, the commission shall
11 provide a program of firearm hunter education training leading
12 to obtaining a certificate of successful completion in the safe
13 handling of firearms and shall locate and train volunteer firearm
14 hunter education instructors. The program shall provide a training
15 course having a minimum of (a) ten hours of classroom instruction
16 or (b) independent study on the part of the student sufficient
17 to pass an examination given by the commission followed by such
18 student's participation in a minimum of four hours of practical
19 instruction. The program shall provide instruction in the areas
20 of safe firearms use, shooting and sighting techniques, hunter
21 ethics, game identification, and conservation management. The
22 commission shall issue a firearm hunter education certificate of
23 successful completion to persons having satisfactorily completed a
1 firearm hunter education course accredited by the commission and
2 shall print, purchase, or otherwise acquire materials as necessary
3 for effective program operation. The commission shall adopt and
4 promulgate rules and regulations for carrying out and administering
5 such programs.

6 (2) It shall be unlawful for any person ~~born on or after~~

7 January 1, 1977, twenty-nine years of age or younger to hunt with
 8 a firearm or crossbow any species of game, game birds, or game
 9 animals except:

10 (a) A person under the age of twelve years who is
 11 accompanied by a person nineteen years of age or older having a
 12 valid hunting permit; ~~and~~

13 (b) A person ~~born on or after January 1, 1977, twelve~~
 14 through twenty-nine years of age who has on his or her person a
 15 ~~hunter education certificate~~ proof of successful completion of a
 16 hunter education course or a firearm hunter education course issued
 17 by the person's state or province of residence or ~~a firearm hunter~~
 18 ~~education certificate~~ issued by an accredited program recognized by
 19 the commission; ~~or -~~

20 (c) A person twelve through twenty-nine years of age who
 21 has on his or her person the appropriate hunting permit and an
 22 apprentice hunter education exemption certificate issued by the
 23 commission pursuant to subsection (3) of this section and who is
 24 accompanied as described in subsection (4) of this section.

25 (3) An apprentice hunter education exemption certificate
 26 may be issued to a person twelve through twenty-nine years of age,
 27 once during such person's lifetime with one renewal, upon payment
 1 of a fee of five dollars and shall expire at midnight on December
 2 31 of the year for which the apprentice hunter education exemption
 3 certificate is issued. The commission may adopt and promulgate
 4 rules and regulations allowing for the issuance of apprentice
 5 hunter education exemption certificates. All fees collected under
 6 this subsection shall be remitted to the State Treasurer for credit
 7 to the State Game Fund.

8 (4) For purposes of this section, accompanied means under
 9 the direct supervision of a person nineteen years of age or older
 10 having a valid hunting permit who is at all times in unaided visual
 11 and verbal communication of no more than two persons having an
 12 apprentice hunter education exemption certificate. This subsection
 13 does not prohibit the use by such person nineteen years of age
 14 or older of ordinary prescription eyeglasses or contact lenses or
 15 ordinary hearing aids.

16 Sec. 2. Section 37-414, Revised Statutes Supplement,
 17 2007, is amended to read:

18 37-414 (1) The commission shall establish and administer
 19 a bow hunter education program consisting of a minimum of (a)
 20 ten hours of classroom instruction or (b) independent study on
 21 the part of the student sufficient to pass an examination given
 22 by the commission followed by such student's participation in a
 23 minimum of four hours of practical instruction. The program shall
 24 provide instruction in the safe use of bow hunting equipment,
 25 the fundamentals of bow hunting, shooting and hunting techniques,
 26 game identification, conservation management, and hunter ethics.
 27 When establishing such a program, the commission shall locate and
 1 train volunteers as bow hunter education training-instructors. The

2 commission shall issue a certificate of successful completion to
 3 any person who satisfactorily completes a bow hunter education
 4 program established by the commission and shall print, purchase,
 5 or otherwise acquire materials necessary for effective program
 6 operation. The commission shall adopt and promulgate rules and
 7 regulations for carrying out and administering such program.

8 ~~(2) A person born on or after January 1, 1977, twelve~~
 9 ~~through twenty-nine years of age who is hunting antelope, deer,~~
 10 ~~elk, or mountain sheep with a bow and arrow pursuant to any~~
 11 ~~provision of sections 37-447 to 37-453 shall have on his or her~~
 12 ~~person a bow hunter education certificate (a) proof of successful~~
 13 ~~completion of a bow hunter education course issued by his or~~
 14 ~~her state or province of residence or a bow hunter education~~
 15 ~~certificate issued by an accredited program recognized by the~~
 16 ~~commission or (b) the appropriate hunting permit and an apprentice~~
 17 ~~hunter education exemption certificate issued and enforced by the~~
 18 ~~commission pursuant to section 37-413.~~

19 Sec. 3. Section 37-452, Revised Statutes Supplement,
 20 2007, is amended to read:

21 ~~37-452 (1) No person shall be issued a permit to hunt~~
 22 ~~deer, hunt~~ antelope, elk, or mountain sheep unless such person is
 23 at least twelve years of age, ~~except that and~~ any person who is
 24 twelve through fifteen years of age shall only hunt ~~deer,~~ antelope,
 25 elk, or mountain sheep when ~~accompanied supervised~~ by a person
 26 ~~twenty one nineteen~~ years of age or ~~over older~~ having a valid
 27 hunting permit.

1 ~~(2) No person shall hunt deer unless such person is at~~
 2 ~~least ten years of age, and any person who is ten through fifteen~~
 3 ~~years of age shall only hunt deer when supervised by a person~~
 4 ~~nineteen years of age or older having a valid hunting permit.~~

5 ~~(3) A person nineteen years of age or older having a~~
 6 ~~valid hunting permit shall not supervise more than two persons~~
 7 ~~while hunting deer, antelope, elk, or mountain sheep at the same~~
 8 ~~time.~~

9 Sec. 4. Original section 37-413, Reissue Revised Statutes
 10 of Nebraska, and sections 37-414 and 37-452, Revised Statutes
 11 Supplement, 2007, are repealed.

12 2. On page 1, strike beginning with "sections" in line 1
 13 through line 6 and insert "section 37-413, Reissue Revised Statutes
 14 of Nebraska, and sections 37-414 and 37-452, Revised Statutes
 15 Supplement, 2007; to change provisions relating to mandatory
 16 firearm hunter education and bow hunter education programs; to
 17 provide for apprentice hunter education exemption certificates; to
 18 change provisions relating to hunting permits; and to repeal the
 19 original sections."

- 1 1. Because of the amendment of section 43-3810 by Laws
 2 2007, LB 296:
 3 a. Strike original section 10 and insert the following
 4 new section:
 5 Sec. 10. Section 43-3810, Revised Statutes Supplement,
 6 2007, is amended to read:
 7 43-3810 The chief executive officer of the department
 8 or his or her designee shall meet as necessary with consular
 9 officials to discuss, clarify, and coordinate activities, ideas
 10 and concerns of a high-profile nature, timely media attention, and
 11 joint prevention efforts regarding the protection and well-being of
 12 foreign national minors and minors ~~holding dual citizenship~~ having
 13 multiple nationalities and families.
 14 b. On page 1, line 3; and page 7, line 11, strike
 15 "43-3809, and 43-3810" and insert "and 43-3809"; and
 16 c. On page 1, line 4; and page 7, line 12, after "2006"
 17 insert ", and section 43-3810, Revised Statutes Supplement, 2007".
 18 2. On page 1, line 3; page 6, lines 5 and 7; and page 7,
 19 line 11, strike "48-3808" and insert "43-3808".

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB467A:
 AM650

- 1 1. On page 2, lines 1 and 2 strike "\$114,024" and insert
 2 "\$186,738"; and in line 8 strike both occurrences of "\$78,024" and
 3 insert "\$132,738".

Senator Pahls filed the following amendment to LB709:
 AM1573

- 1 1. On page 6, line 6; and page 7, line 3, after the
 2 second "dealer" insert "is".
 3 2. On page 6, line 9, after "and" insert "to submit
 4 sufficient documentation to the county clerk or designated county
 5 official for the county clerk or designated county official to
 6 subsequently"; and in line 14 after "purchaser" insert "and shall
 7 process the documents and deliver the certificate of title, with
 8 notation of lien, if any, to the appropriate parties as otherwise
 9 required by the Motor Vehicle Certificate of Title Act. If the
 10 certificate of title is to be delivered to the purchaser or to a
 11 lienholder, the county clerk or designated county official shall
 12 mail the certificate of title, by registered or certified mail,
 13 within ten days after receipt of the appropriate documents, taxes,
 14 and fees".
 15 3. On page 6, line 13; page 7, line 11; and page 8, line
 16 25, strike "taxes" and insert "documents, taxes,".
 17 4. On page 7, line 6, after "and" insert "to submit

- 18 sufficient documentation to the county treasurer or designated
 19 county official for the county treasurer or designated county
 20 official to subsequently"; strike beginning with the first comma in
 21 line 6 through "documents" in line 7; in line 11 after "purchaser"
 22 insert "and shall process the documents and deliver the certificate
 23 of registration to the appropriate parties as otherwise required by
 1 the Motor Vehicle Registration Act. The county clerk or designated
 2 county official shall mail the certificate of registration within
 3 ten days after receipt of the appropriate documents, fees, and
 4 taxes"; in line 16 strike "provide services to" and insert "collect
 5 documentation from"; in line 19 strike the first comma and insert
 6 "and" and strike "and the"; in line 20 strike "collection of" and
 7 insert "collect"; and in line 22 after "1967" insert ", and issue
 8 license plates and validation and tonnage decals".
 9 5. On page 8, line 25, after "fees" insert "necessary to
 10 issue a certificate of title, certificate of registration, license
 11 plates, and validation and tonnage decals and".
 12 6. On page 9, strike beginning with "certificates" in
 13 line 19 through the second comma in line 20 and insert "license
 14 plates"; and in line 21 after "manner" insert "at the time the
 15 purchase of the vehicle is completed".
 16 7. On page 10, line 20, strike the comma and insert
 17 "and"; and strike beginning with the second "and" in line 21
 18 through the comma in line 23.
 19 8. On page 11, line 3, after "records" insert "relating
 20 to the authority granted under this section".

Senator Pirsch filed the following amendment to LB157:

FA160

Strike Section 1.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1043	Government, Military and Veterans Affairs
LB1044	Agriculture
LB1045	Banking, Commerce and Insurance
LB1046	Revenue
LB1048	Health and Human Services
LB1049	Natural Resources
LB1050	Natural Resources
LB1051	Transportation and Telecommunications
LB1052	Appropriations
LB1053	Agriculture
LB1054	Judiciary
LB1056	Urban Affairs
LB1057	Education

LB1058 General Affairs
LB1059 Natural Resources
LB1060 Appropriations
LR229CA Urban Affairs

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

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1524

Tuesday, January 29, 2008 1:30 p.m.

LB1053

(Signed) Philip Erdman, Chairperson

Urban Affairs

Room 1510

Tuesday, January 29, 2008 1:30 p.m.

LB984

LB997

LR229CA

(Signed) Mike Friend, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1078. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to change of name; to amend sections 25-21,271, 28-718, and 29-4004, Revised Statutes Cumulative Supplement, 2006; to provide name change court orders to update the child abuse central register and the central registry of sex offenders; and to repeal the original sections.

LEGISLATIVE BILL 1079. Introduced by Raikes, 25; Ashford, 20.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1003, Revised Statutes Supplement, 2007; to exclude a percentage of legal expenses from the definition of general fund operating expenditures as prescribed; and to

repeal the original section.

LEGISLATIVE BILL 1080. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to school finance; to amend section 77-3442, Revised Statutes Supplement, 2007; to change tax levy provisions relating to school districts; to repeal the original section; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 1081. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to educational service units; to amend section 13-519, Revised Statutes Cumulative Supplement, 2006; to change budget limitations as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1082. Introduced by Cornett, 45; Howard, 9; Kruse, 13; Lathrop, 12; McGill, 26; Nantkes, 46; Pedersen, 39; Rogert, 16; Synowiecki, 7; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-151, Reissue Revised Statutes of Nebraska; to redefine injury and personal injuries; and to repeal the original section.

LEGISLATIVE BILL 1083. Introduced by Raikes, 25; Ashford, 20; Friend, 10.

A BILL FOR AN ACT relating to school funds; to amend sections 77-3442, 79-1028, 79-1201, 79-1205, and 79-1241.03, Revised Statutes Supplement, 2007; to change tax levy and funding provisions for school districts and educational service units; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1084. Introduced by Flood, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-929, 28-930, 28-931, and 28-931.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to assault on an officer; and to repeal the original sections.

LEGISLATIVE BILL 1085. Introduced by Flood, 19.

A BILL FOR AN ACT relating to children; to amend sections 42-357 and 43-1411.01, Reissue Revised Statutes of Nebraska, and sections 42-353, 42-359, 42-364, 42-371, 43-1411.01, 43-2922, 43-2923, 43-2924, 43-2928, 43-2929, 43-2930, 43-2932, 43-2934, 43-2936, and 43-2937, Revised Statutes Supplement, 2007; to provide for a paternity proceeding and procedures and requirements for certain decrees; to change support order liens; to change and eliminate provisions of the Parenting Act and domestic

relations provisions; to harmonize provisions; to provide for severability; to repeal the original sections; to outright repeal sections 43-2927 and 43-2931, Revised Statutes Supplement, 2007; and to declare an emergency.

LEGISLATIVE BILL 1086. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-118 and 48-118.04, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to third-party claims, subrogation, and settlement; and to repeal the original sections.

LEGISLATIVE BILL 1087. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-376, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to proof of ownership pending registration of a motor vehicle or trailer; and to repeal the original section.

LEGISLATIVE BILL 1088. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5905, Revised Statutes Cumulative Supplement, 2006; to eliminate the limit on tax credits under the Nebraska Advantage Microenterprise Tax Credit Act; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1089. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to schools; to state findings; to annul certain orders as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1090. Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to insurance; to amend section 44-6412, Reissue Revised Statutes of Nebraska; to change provisions relating to underinsured motorist coverage; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 230CA. Introduced by Pedersen, 39.

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

Section 1. At the general election in November 2008 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 2:

VIII-2 Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its

governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for the authorized public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes except as provided by law; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation; ~~and~~ (12) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving historically significant real property may be, in whole or in part, exempt from taxation; ~~and~~ (13) the Legislature may by general law provide that the increased value of any residence actually occupied as a homestead by a person sixty-five years of age or older whose gross household income from all sources is forty thousand dollars or less, that results from appreciation in value for reasons other than improvements beginning with the year the owner becomes sixty-five years of age, shall be exempt from taxation.

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

A constitutional amendment to authorize the Legislature to exempt increases in valuation from property taxes for homesteads of owners sixty-five years of age and older.

For

Against.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Pahls asked unanimous consent to add his name as cointroducer to LB961. No objections. So ordered.

Senator Fulton asked unanimous consent to add his name as cointroducer to LB963. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB1089. No objections. So ordered.

VISITORS

Visitors to the Chamber were Deb and Shane Smith from McCook.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Langemeier, the Legislature adjourned until 9:00 a.m., Wednesday, January 23, 2008.

Patrick J. O'Donnell
Clerk of the Legislature

