

**CARRYOVER  
LEGISLATION**

**Bill Titles, Resolutions, and  
Subject and Section Indexes  
Introduced in the  
One Hundredth Legislature, First Session, 2007,  
and Pending Before the  
One Hundredth Legislature, Second Session, 2008**

**January 9, 2008**

**STATUS OF CARRYOVER**

**BILLS**

**AND**

**RESOLUTIONS**

**Introduced in the  
One Hundredth Legislature, First Session, 2007  
and pending before the  
One Hundredth Legislature, Second Session, 2008**

General File (81): (LR2CA - 1/9/08) 17 344 27 LR8CA 476 402 205 210  
543 312 379 380 383 404 404A LR5CA 116 663 663A 690 92 467 467A  
202 57 639 157 335 465 586 619 620 196 632 253 253A 621 480 245 245A  
400 400A 597 667 386 82 82A 53 622 352 391 474 672 113 123 269 692  
179 575 235 235A 488 705 495 499 112 280 280A 420 151 500 107 107A  
623 609 609A 209 432 428 668

Select File (16): (405 - 5/31/07) 98 95 291 39 204 204A 295 461 162 162A  
469 171 171A 177 246

Final Reading (3): (195 395 395A)

**BILLS HELD BY COMMITTEES:**

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Appropriations (22): 42 55 56 71 105 109 229 249 275 281 327 438 446  
452 483 536 545 548 559 574 576 587

Banking, Commerce and Insurance (6): 62 118 174 262 378 647

Business and Labor (4): 77 89 175 222

Education (14): 58 193 490 492 498 521 595 614 649 650 651 654 655 691

Executive Board (1): LR7CA

General Affairs (5): 251 544 546 645 689

Government, Military and Veterans Affairs (20): 13 16 18 133 187 268 300  
310 348 361 392 394 408 433 460 528 539 572 686 694

Health and Human Services (7): 48 194 244 308 513 550 584

Judiciary (77): 6 15 20 29 36 37 38 45 47 65 68 75 76 78 96 104 137 138  
141 164 176 180 197 201 215 216 217 220 225 228 242 243 254 257 258  
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Natural Resources (9): 140 184 493 534 579 581 583 593 652

Nebraska Retirement Systems (8): 329 365 371 372 611 612 613 679

Revenue (7): 9 159 169 454 494 501 605

Transportation and Telecommunications (23): 14 59 93 163 182 266 276  
279 285 287 288 330 360 401 419 421 437 439 447 589 598 660 676  
Urban Affairs (3): 51 302 387

Resolutions Reported for Further Consideration (1): LR14

(Totals in parentheses include bills, A bills, and resolutions of each section.)

## TITLES TO BILLS

**LEGISLATIVE BILL 6.** Introduced by Pahls, 31; Harms, 48; Nelson, 6; McDonald, 41; Pedersen, 39; Fischer, 43.

A BILL FOR AN ACT relating to children; to adopt the Nebraska Safe Haven Act.

**LEGISLATIVE BILL 9.** Introduced by Preister, 5; Howard, 9.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3806, Reissue Revised Statutes of Nebraska, and sections 77-908, 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2006; to provide an income tax credit for energy conservation and renewable energy generation expenditures as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 13.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend sections 13-801, 13-803, 13-806, and 13-820, Reissue Revised Statutes of Nebraska, and section 13-804, Revised Statutes Cumulative Supplement, 2006; to provide a procedure for the creation and certification of joint entities and the corresponding governing bodies; to provide powers and duties for joint entities and the Secretary of State; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 14.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-501, 60-1903, and 60-1908, Reissue Revised Statutes of Nebraska, and sections 18-1736, 18-1737, 60-163, 60-180, 60-308, 60-366, 60-373, 60-376, 60-378, 60-380, 60-383, 60-392, 60-395, 60-396, 60-397, 60-398, 60-399, 60-3,100, 60-3,101, 60-3,102, 60-3,105, 60-3,106, 60-3,107, 60-3,108, 60-3,109, 60-3,113, 60-3,114, 60-3,119, 60-3,120, 60-3,121, 60-3,122, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130, 60-3,130.01, 60-3,130.02, 60-3,130.05, 60-3,134, 60-3,135, 60-3,146, 60-3,147, 60-3,149, 60-3,150, 60-3,151, 60-3,157, 60-3,167, 60-3,175, 60-3,183, 60-3,205, 60-653, 60-683, 60-6,197.01, 60-1306, 60-1901, 60-1902, and 66-1406.02, Revised Statutes Cumulative Supplement, 2006; to provide for one license plate and In Transit decal per vehicle; to change provisions relating to license plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 15.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Cumulative Supplement, 2006; to include public parks as a prohibited area for controlled substances as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 16.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to airport zoning; to amend sections 3-303 and 3-304, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of airport hazards; to prescribe duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 17.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to elections; to amend sections 32-603 and 32-604, Reissue Revised Statutes of Nebraska; to change provisions relating to multiple office holding; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 18.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-1301, 32-1302, 32-1303, and 32-1304, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to recall; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 20.** Introduced by Mines, 18; Pedersen, 39.

A BILL FOR AN ACT relating to public access to public lands; to amend sections 2-3290.01 and 18-1755, Revised Statutes Cumulative Supplement, 2006; to change provisions related to public access for recreational use at water projects; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 27.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2721, Reissue Revised Statutes of Nebraska, and section 84-304, Revised Statutes Cumulative Supplement, 2006; to authorize the Auditor of Public Accounts to conduct audits as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 29.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-290, Reissue Revised Statutes of Nebraska, and section 43-3342.05, Revised Statutes Cumulative Supplement, 2006; to provide for court orders to direct financially able parents to pay for costs of care for wards of the state; to

provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 36.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to county courts; to amend section 24-503, Revised Statutes Cumulative Supplement, 2006; to change the number of judges in specified districts; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 37.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to district courts; to amend section 24-301.02, Revised Statutes Cumulative Supplement, 2006; to change the number of judges in specified districts; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 38.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to separate juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to change the number of judges; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 39.** Introduced by Schimek, 27; Mines, 18; Pahls, 31; Howard, 9.

A BILL FOR AN ACT relating to petition circulators; to amend sections 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.

**LEGISLATIVE BILL 42.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 39-2401 and 77-2602, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to distribution of the cigarette tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 45.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to courts; to amend section 33-106, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to district court fees; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 47.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2006; to create the offense of interference with child visitation; to provide penalties; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 48.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to radiation; to amend sections 71-1734 and 71-3508, Reissue Revised Statutes of Nebraska; to exempt certified registered nurse anesthetists from certain radiation-use qualifications; and to repeal the original sections.

**LEGISLATIVE BILL 51.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska Industrial Development Corporation Act; to amend sections 21-2301 and 21-2308, Reissue Revised Statutes of Nebraska; to include cities of the primary, first, and second class and villages under the act; and to repeal the original sections.

**LEGISLATIVE BILL 53.** Introduced by Howard, 9; Aguilar, 35; Burling, 33; Dierks, 40; Hudkins, 21; Johnson, 37; Kruse, 13; Nantkes, 46; Pedersen, 39; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to health; to amend section 71-5707, Revised Statutes Cumulative Supplement, 2006; to prohibit smoking in certain foster care homes; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 55.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to social services; to change provisions governing the funding of certain services.

**LEGISLATIVE BILL 56.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for alcohol-related birth defects prevention programs.

**LEGISLATIVE BILL 57.** Introduced by Preister, 5; Cornett, 45; Howard, 9; Kopplin, 3; Kruse, 13; Lathrop, 12; McGill, 26; Pedersen, 39; Schimek, 27; Synowiecki, 7.

A BILL FOR AN ACT relating to labor; to amend section 48-217, Reissue Revised Statutes of Nebraska; to provide for a fair share representation contribution by employees who are not members of certain labor

organizations for representation provided by the labor organization; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 58.** Introduced by Harms, 48; Wightman, 36.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1534, Reissue Revised Statutes of Nebraska; to increase the probationary period of teaching staff as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 59.** Introduced by Engel, 17.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1403, 60-1403.01, 60-1407, 60-1411.01, and 60-1438.01, Reissue Revised Statutes of Nebraska, and sections 25-2602.01 and 60-1401.02, Revised Statutes Cumulative Supplement, 2006; to require completion of an education program for dealers, agents, and salespersons as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 62.** Introduced by Langemeier, 23; Lathrop, 12; Pahls, 31; Rogert, 16; Wallman, 30; Pirsch, 4; Pankonin, 2; Hansen, 42.

A BILL FOR AN ACT relating to insurance; to amend section 44-354, Reissue Revised Statutes of Nebraska; to authorize insurance producers to charge incidental fees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 65.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2828, Reissue Revised Statutes of Nebraska; to change the statute of repose as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 68.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to juveniles; to create the Office of Guardian ad Litem Services; to provide for local guardian ad litem programs; to provide powers and duties to the State Court Administrator; and to define a term.

**LEGISLATIVE BILL 71.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for a child advocacy center.

**LEGISLATIVE BILL 75.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-254 and 43-283.01, Reissue Revised Statutes of Nebraska, and section 43-247, Revised Statutes Cumulative Supplement, 2006; to provide powers and



duties to the juvenile court regarding the placement and custody of juveniles as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 76.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to custody; to amend section 42-364, Revised Statutes Cumulative Supplement, 2006; to provide for legal and physical custody arrangements of a minor child as prescribed; to provide powers and duties to the court; and to repeal the original section.

**LEGISLATIVE BILL 77.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change disability compensation provisions; and to repeal the original section.

**LEGISLATIVE BILL 78.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-922 and 13-926, Reissue Revised Statutes of Nebraska; to change amounts recoverable as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 82.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1724, Reissue Revised Statutes of Nebraska; to change provisions relating to family size; and to repeal the original section.

**LEGISLATIVE BILL 82A.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 82, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 89.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Chambers, 11; Lathrop, 12; McGill, 26; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

**LEGISLATIVE BILL 92.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to foreign national minors; to amend sections 43-3801, 43-3802, 43-3803, 43-3804, 43-3805, 43-3806, 43-3807, 48-3808, 43-3809, and 43-3810, Revised Statutes Cumulative Supplement,

2006; to change references to dual citizenship; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 93.** Introduced by Cornett, 45; Pirsch, 4.

A BILL FOR AN ACT relating to state government; to amend sections 81-5,151 and 81-5,157, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,118, Revised Statutes Cumulative Supplement, 2006; to provide for firefighter plates; to change provisions relating to personalized message license plates; to provide for training for certain emergency personnel; to eliminate obsolete language; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 95.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to education; to amend section 79-862, Reissue Revised Statutes of Nebraska; to clarify a reference to reimbursement for expenses of the Professional Practices Commission; and to repeal the original section.

**LEGISLATIVE BILL 96.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2246, Revised Statutes Cumulative Supplement, 2006; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 98.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5601, Revised Statutes Cumulative Supplement, 2006; to eliminate references to a fund that terminated July 1, 2006; and to repeal the original section.

**LEGISLATIVE BILL 104.** Introduced by Erdman, 47; Flood, 19; Friend, 10; Pedersen, 39.

A BILL FOR AN ACT relating to age of majority; to amend sections 9-255.09, 9-334, 9-633, 20-403, 21-1724, 21-1781, 29-401, 29-2270, 30-2412, 32-602, 43-104.09, 43-117, 43-245, 43-289, 43-290, 43-294, 43-412, 43-504, 43-2101, 43-2903, 43-3703, 44-5238, 48-122.01, 48-124, 49-801, 68-1723, 68-1724, 71-1,281, 71-1,348, 71-20,120, 79-296, 81-885.13, 81-1916, 81-1917, 81-1936, and 81-2036, Reissue Revised Statutes of Nebraska, and sections 9-255.06, 23-1824, 25-1601, 25-1628, 25-21,271, 28-318, 28-319, 28-320.01, 28-457, 30-2209, 30-3402, 30-3502, 42-371.01, 43-247, 64-101, 71-6039.01, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 79-267, and 81-2026, Revised Statutes Cumulative Supplement, 2006; to change the age of majority from nineteen to eighteen years of age

as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 105.** Introduced by Louden, 49; Adams, 24; Carlson, 38; Christensen, 44; Dierks, 40; Fischer, 43; Harms, 48; Hudkins, 21; Kopplin, 3; McDonald, 41; Preister, 5; Howard, 9.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds to the Board of Regents of the University of Nebraska for the Nebraska Forest Service.

**LEGISLATIVE BILL 107.** Introduced by Pedersen, 39; Aguilar, 35; Ashford, 20; Chambers, 11; Engel, 17; Flood, 19; Janssen, 15; Johnson, 37; Lathrop, 12; Nantkes, 46; Raikes, 25; Schimek, 27; White, 8.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 81-8,244, Reissue Revised Statutes of Nebraska; to authorize a deputy public counsel to assist the Public Counsel; to define the deputy's scope of authority; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 107A.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 107, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 109.** Introduced by Agriculture Committee: Erdman, 47, Chairperson; Chambers, 11; Dierks, 40; Dubas, 34; Karpisek, 32; Preister, 5; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to provide for appropriations to the Board of Regents of the University of Nebraska to aid in completing requirements regarding crop insurance provisions as prescribed.

**LEGISLATIVE BILL 112.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to minors; to provide for judicial emancipation of minors.

**LEGISLATIVE BILL 113.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to banks and banking; to prohibit branch banking by industrial loan companies or industrial banks; to provide a duty for the Revisor of Statutes; and to declare an emergency.

**LEGISLATIVE BILL 116.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-324, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to priority of purchase-money security interests; and to repeal the original section.

**LEGISLATIVE BILL 118.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend section 44-4224, Reissue Revised Statutes of Nebraska, and sections 44-4221 and 44-4222, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to eligibility for pool coverage and the duties of the administering insurer; and to repeal the original sections.

**LEGISLATIVE BILL 123.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to real property; to amend section 87-302, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Foreclosure Protection Act; to provide a penalty; to change provisions relating to the Uniform Deceptive Trade Practices Act; and to repeal the original section.

**LEGISLATIVE BILL 131.** Introduced by Raikes, 25; Avery, 28; Fulton, 29; Hudkins, 21; McGill, 26; Nantkes, 46; Schimek, 27; Wallman, 30.

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to provide for the University Research and Development Corridor Master Plan as prescribed.

**LEGISLATIVE BILL 133.** Introduced by Schimek, 27; Avery, 28; Hudkins, 21.

A BILL FOR AN ACT relating to zoning; to amend section 23-174.01, Reissue Revised Statutes of Nebraska; to provide for the transfer of development rights as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 137.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to inheritance tax; to amend sections 77-2003 and 77-2037, Reissue Revised Statutes of Nebraska; to change and provide provisions relating to a lien and liability for payment of the tax; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 138.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to sex offenders; to amend section 28-912, Reissue Revised Statutes of Nebraska, and sections 28-929, 28-930, 28-931, 28-931.01, 28-932, and 29-4013, Revised Statutes Cumulative Supplement, 2006; to prohibit escape from a treatment facility and assault on an officer by a committed sex offender; to change provisions relating to the release of information under the Sex Offender Registration Act; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 140.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Department of Environmental Quality; to amend section 81-1504, Reissue Revised Statutes of Nebraska; to provide copies of complaints as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 141.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-507, Reissue Revised Statutes of Nebraska, and section 29-4103, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to burglary; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 151.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to banks and banking; to amend section 3-118, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to provide a statute of limitations for certificate of deposit obligations as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 157.** Introduced by Stuthman, 22; Carlson, 38; Nantkes, 46.

FOR AN ACT relating to infants; to provide for leaving a child with a firefighter or hospital staff member as prescribed; and to provide duties for the Department of Health and Human Services.

**LEGISLATIVE BILL 159.** Introduced by Heidemann, 1; Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and section 77-2704.36, Revised Statutes Cumulative Supplement, 2006; to exempt repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 162.** Introduced by Fischer, 43; Mines, 18.

A BILL FOR AN ACT relating to certificates of title; to amend section 37-1282, Reissue Revised Statutes of Nebraska, and section 60-164, Revised Statutes Cumulative Supplement, 2006; to provide for an electronic lien system as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 162A.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 162, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 163.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend section 60-101, Revised Statutes Cumulative Supplement, 2006; to provide requirements for applying for certificates of title; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 164.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to relocation assistance; to amend sections 76-1221 and 76-1228, Reissue Revised Statutes of Nebraska; to add categories of persons excluded from the definition of displaced persons; to authorize rules and regulations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 169.** Introduced by Cornett, 45; Carlson, 38; Kopplin, 3; Pankonin, 2; Rogert, 16; Christensen, 44; Gay, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2006; to exclude military retirement benefits from income taxation; and to repeal the original section.

**LEGISLATIVE BILL 171.** Introduced by Kopplin, 3; Howard, 9; Nantkes, 46; Synowiecki, 7.

A BILL FOR AN ACT relating to food stamps; to provide duties for the Department of Health and Human Services relating to options and waivers.

**LEGISLATIVE BILL 171A.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 171, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 174.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to financial institutions; to provide duties for and prohibit certain actions by issuers of credit and debit cards; to provide penalties; and to provide severability.

**LEGISLATIVE BILL 175.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to labor; to require an employer to provide employee a reason for termination as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 176.** Introduced by Cornett, 45; Flood, 19; McDonald, 41; Fischer, 43.

A BILL FOR AN ACT relating to police animals; to amend section 28-906, Reissue Revised Statutes of Nebraska, and section 28-1008, Revised Statutes Cumulative Supplement, 2006; to redefine the term for certain crimes; and to repeal the original sections.

**LEGISLATIVE BILL 177.** Introduced by Janssen, 15; Nantkes, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5903, 77-5905, and 77-5906, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Nebraska Advantage Microenterprise Tax Credit Act; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 179.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to criminal procedure; to require electronic recording of custodial interrogations as prescribed; to define terms; to provide for the suppression of certain evidence; to provide exceptions; and to address inaudible portions of recordings.

**LEGISLATIVE BILL 180.** Introduced by Kruse, 13; Kopplin, 3; Lathrop, 12; McDonald, 41; Nantkes, 46; Nelson, 6; Pahls, 31; Stuthman, 22; Wallman, 30; Pirsch, 4.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-167.03, Reissue Revised Statutes of Nebraska; to change provisions relating to keg identification number violations; and to repeal the original section.

**LEGISLATIVE BILL 182.** Introduced by Kruse, 13; Avery, 28; Kopplin, 3; McGill, 26; Nantkes, 46; Nelson, 6; Pahls, 31; Stuthman, 22; Wightman, 36.

A BILL FOR AN ACT relating to public transportation; to amend sections 13-1209 and 39-1365.02, Reissue Revised Statutes of Nebraska; to provide limitations on state grants; to provide a duty to report; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 184.** Introduced by Carlson, 38; Adams, 24; Christensen, 44; Dubas, 34; Hansen, 42; Stuthman, 22; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to hunting and fishing permits; to amend section 37-405, Reissue Revised Statutes of Nebraska, and sections 37-420, 37-421, and 37-421.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to hunting and fishing permits for Nebraska residents in active military service and veterans; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 187.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend section 13-804, Revised Statutes Cumulative Supplement, 2006; to prohibit certain interlocal agreements; and to repeal the original section.

**LEGISLATIVE BILL 193.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to teachers and administrators; to amend section 79-807, Reissue Revised Statutes of Nebraska; to permit the creation of a special authorization; to specify requirements; to prescribe duties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 194.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-147.02, 71-150, 71-154, 71-155, 71-161.03, 71-168.01, 71-171, and 71-3,173, Reissue Revised Statutes of Nebraska, and section 71-101, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to rules and regulations and certain disciplinary actions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 195.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Nebraska State Quarter; to repeal provisions relating to the selection process; and to outright repeal section 90-120, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 196.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to authorized emergency vehicles; to amend sections 55-133, 60-610, 60-6,230, and 60-6,231, Reissue Revised Statutes of Nebraska; to authorize the designation of certain vehicles as military emergency vehicles; to modify terms; to authorize use of lights for convoy control purposes; to harmonize provisions; and to repeal the original sections.



**LEGISLATIVE BILL 197.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change provisions relating to the limitation of actions for certain political subdivisions; and to repeal the original sections.

**LEGISLATIVE BILL 200.** Introduced by Burling, 33; Heidemann, 1.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2701.01, Reissue Revised Statutes of Nebraska; to change provisions relating to tractor testing; and to repeal the original section.

**LEGISLATIVE BILL 201.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,171, Revised Statutes Cumulative Supplement, 2006; to change the penalty for false information relating to motor vehicle registration; and to repeal the original section.

**LEGISLATIVE BILL 202.** Introduced by Louden, 49; Christensen, 44; Fischer, 43; Heidemann, 1.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2001, Revised Statutes Cumulative Supplement, 2006; to define a term; to prohibit certain liens; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 204.** Introduced by Synowiecki, 7; Lathrop, 12; Nantkes, 46.

A BILL FOR AN ACT relating to labor; to amend sections 48-2102, 48-2104, 48-2107, 48-2114, and 48-2115, Reissue Revised Statutes of Nebraska; to change provisions relating to the Contractor Registration Act; and to repeal the original sections.

**LEGISLATIVE BILL 204A.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 205.** Introduced by Howard, 9; Ashford, 20; Avery, 28; Hudkins, 21; Kopplin, 3; Kruse, 13; Nantkes, 46; Preister, 5; Adams, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-267, Revised Statutes Cumulative Supplement, 2006; to provide for a bullying policy; to change provisions relating to student discipline; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 209.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Lathrop, 12; McGill, 26; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to labor; to amend section 48-1809, Reissue Revised Statutes of Nebraska, and sections 48-418.09 and 48-2506, Revised Statutes Cumulative Supplement, 2006; to create and eliminate funds for elevator and conveyance inspection; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 48-418.10 and 48-1810, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 210.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; McGill, 26; Rogert, 16; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workforce Investment Board; to amend section 48-1623, Reissue Revised Statutes of Nebraska; to change the membership of the board as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 215.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-105, 29-2204, 29-2520, 29-2522, 29-2524, and 83-1,105.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to life imprisonment; and to repeal the original sections.

**LEGISLATIVE BILL 216.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to service dogs; to amend section 28-1009.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to violence on a service dog; and to repeal the original section.

**LEGISLATIVE BILL 217.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1437, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to unlawful acts regarding drug substances; and to repeal the original section.

**LEGISLATIVE BILL 220.** Introduced by Dierks, 40; Pedersen, 39.

A BILL FOR AN ACT relating to medical liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to provide for liens for chiropractors; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 222.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to provide for compensation for permanent disfigurement or scarring as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 225.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to law; to amend section 49-801, Reissue Revised Statutes of Nebraska; to provide for acknowledgment of satisfaction of judgment and for unsworn certification; to provide a penalty; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 228.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to civil liability; to eliminate motor vehicle and aircraft guest statutes; to harmonize provisions; and to outright repeal sections 3-129.01, 25-21,237, and 25-21,238, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 229.** Introduced by Wallman, 30; Carlson, 38; Kopplin, 3; Preister, 5; Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support for developmental disability aid.

**LEGISLATIVE BILL 235.** Introduced by Nantkes, 46; Gay, 14; Rogert, 16; Wallman, 30; Karpisek, 32; Lathrop, 12; Nelson, 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-201, 77-2701, and 77-2701.04, Revised Statutes Cumulative Supplement, 2006; to provide business incentives for film and music production; to create the Film and Music Office; to provide powers and duties for the Game and Parks Commission and the Tax Commissioner; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 235A.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 235, One Hundredth Legislature, First Session, 2007; and to provide for transfers.

**LEGISLATIVE BILL 242.** Introduced by Flood, 19; Cornett, 45.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-115, 28-201, and 28-932, Revised Statutes Cumulative

Supplement, 2006; to change penalty provisions relating to assault by a confined person; to create the offense of assault on an officer using bodily fluids; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 243.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to juries; to amend sections 25-1607, 25-1612, 25-1627.01, 25-1629, 25-1629.01, 25-1629.04, 25-1630, 25-1637, and 25-1641, Reissue Revised Statutes of Nebraska, and sections 25-1601, 25-1628, 25-1633, and 25-1635, Revised Statutes Cumulative Supplement, 2006; to define terms; to change provisions relating to juror disqualification, selection, and procedures; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 244.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to emergency medical services; to amend section 71-5186, Reissue Revised Statutes of Nebraska; to change requirements for certified personnel to occupy ambulances; and to repeal the original section.

**LEGISLATIVE BILL 245.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-3305, Reissue Revised Statutes of Nebraska; to change provisions relating to fluoridation of drinking water; and to repeal the original section.

**LEGISLATIVE BILL 245A.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 245, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 246.** Introduced by Johnson, 37; Aguilar, 35; McDonald, 41.

A BILL FOR AN ACT relating to coroners; to provide requirements for procurement of anatomical gifts as prescribed; to state intent; to define terms; and to provide powers and duties.

**LEGISLATIVE BILL 249.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 72-730, 79-1104.01, 81-179, 84-612, and 84-613, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 251.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-172, Reissue Revised Statutes of Nebraska; to eliminate a restriction on adding alcohol to beer; to repeal the original section; and to outright repeal section 53-174, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 253.** Introduced by Rogert, 16; Aguilar, 35; Erdman, 47; Langemeier, 23; Mines, 18; Nantkes, 46; White, 8; Hudkins, 21.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,127, 60-4,128, 60-6,279, 60-2125, 60-2126, 60-2129, 60-2130, 60-2131, 60-2132, 60-2133, 60-2135, 60-2136, 60-2137, 60-2138, and 60-2139, Reissue Revised Statutes of Nebraska, and sections 39-2215, 60-3,153, 60-4,115, and 60-4,182, Revised Statutes Cumulative Supplement, 2006; to adopt the Motorcycle Safety and Training Act; to change and eliminate provisions relating to motorcycle safety and helmets; to create a fund and terminate a fund; to provide a penalty; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 60-6,281, 60-2120, 60-2121, 60-2127, 60-2128, and 60-2134, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 253A.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 253, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 254.** Introduced by Aguilar, 35; Johnson, 37; McDonald, 41; Nantkes, 46; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,268, Reissue Revised Statutes of Nebraska, and section 60-6,267, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to use of child passenger restraint systems and occupant protection systems and enforcement of such provisions; and to repeal the original sections.

**LEGISLATIVE BILL 257.** Introduced by Lathrop, 12; Adams, 24; Nelson, 6.

A BILL FOR AN ACT relating to guardianship; to amend sections 30-2201, 30-2601, 30-2627, and 30-2639, Revised Statutes Cumulative Supplement, 2006; to adopt the Public Guardianship Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 258.** Introduced by Lathrop, 12; Kruse, 13; Nelson, 6; Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-180.04 and 53-180.05, Reissue Revised Statutes of Nebraska; to provide and change penalties; to provide for license suspension for minors' violations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 259.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to garnishment; to amend section 25-1011, Reissue Revised Statutes of Nebraska; to change provisions relating to service of process as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 261.** Introduced by Kruse, 13; Aguilar, 35; Burling, 33; Christensen, 44; Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-168.06 and 53-180.02, Reissue Revised Statutes of Nebraska; to change provisions relating to minors' violations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 262.** Introduced by Kruse, 13; Christensen, 44; Cornett, 45; Engel, 17; Howard, 9; Kopplin, 3; Lathrop, 12; Nelson, 6.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-501, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and sections 60-310 and 60-346, Revised Statutes Cumulative Supplement, 2006; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 266.** Introduced by Aguilar, 35; Chambers, 11; Kruse, 13.

A BILL FOR AN ACT relating to motor vehicle operators; to amend sections 60-474 and 60-4,112, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-480, 60-484, 60-490, 60-4,115, and 60-4,119, Revised Statutes Cumulative Supplement, 2006; to provide for a driving privilege card; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 268.** Introduced by McGill, 26; Avery, 28; Chambers, 11; Cornett, 45; Kopplin, 3; Nantkes, 46; Pedersen, 39; Preister, 5; Schimek, 27; Wallman, 30; Gay, 14.

A BILL FOR AN ACT relating to counties; to amend sections 23-151 and 32-528, Reissue Revised Statutes of Nebraska; to change provisions relating

to election of county boards; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 269.** Introduced by Burling, 33; Christensen, 44; Rogert, 16.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 23-149, 23-202, 23-292, 23-293, 23-294, and 51-201.03, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to county organization; to change provisions relating to establishment of a county library; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-283, 23-287, 23-290, and 23-291, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 273.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2701.01, Reissue Revised Statutes of Nebraska; to change provisions relating to tractor testing; and to repeal the original section.

**LEGISLATIVE BILL 275.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Revised Statutes Cumulative Supplement, 2006; to change a transfer amount; to delete obsolete provisions; to appropriate funds to the Department of Health and Human Services Finance and Support; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 276.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state government; to amend sections 3-116, 12-1205, 13-912, 13-1203, 13-1212, 14-2113, 18-601, 18-613, 31-925, 39-102, 39-103, 39-202, 39-203, 39-204, 39-205, 39-206, 39-207, 39-208, 39-210, 39-211, 39-212, 39-213, 39-214, 39-216, 39-217, 39-218, 39-219, 39-220, 39-221, 39-222, 39-223, 39-224, 39-225, 39-308, 39-311, 39-312, 39-805, 39-822, 39-826.01, 39-826.02, 39-847, 39-847.01, 39-892, 39-1010, 39-1011, 39-1101, 39-1110, 39-1306.01, 39-1306.02, 39-1320, 39-1323.01, 39-1328.01, 39-1328.02, 39-1345.01, 39-1350, 39-1353, 39-1363, 39-1364, 39-1365.01, 39-1365.02, 39-1390, 39-1392, 39-1407, 39-1503, 39-1703, 39-1713, 39-1901, 39-2001, 39-2002, 39-2105, 39-2106, 39-2107, 39-2110, 39-2111, 39-2112, 39-2113, 39-2115, 39-2118, 39-2121, 39-2124, 39-2224, 39-2305, 39-2310, 39-2504, 39-2505, 39-2507, 39-2508, 39-2514, 39-2515, 39-2517, 39-2518, 39-2602, 46-251, 49-506, 57-1102, 60-507, 60-631, 60-658.01, 60-680, 60-695, 60-699, 60-6,101, 60-6,102, 60-6,103, 60-6,106, 60-6,107, 60-6,115, 60-6,118, 60-6,120, 60-6,129, 60-6,130, 60-6,137, 60-6,138, 60-6,139, 60-6,145, 60-6,153, 60-6,154, 60-6,159, 60-6,164, 60-6,166, 60-6,167, 60-6,171, 60-6,176, 60-6,177, 60-6,186, 60-6,188, 60-6,189, 60-6,190, 60-6,193, 60-6,230, 60-6,250, 60-6,288, 60-6,292, 60-6,299, 60-6,301, 60-6,311, 60-6,314, 60-6,335,

60-6,376, 60-1301, 60-1302, 66-821, 66-822, 69-1701, 70-309, 72-108, 72-221, 72-221.01, 72-817, 73-507, 74-1310, 74-1314, 74-1318, 74-1319, 74-1329, 74-1331, 74-1332, 74-1333, 74-1335, 74-1336, 74-1338, 74-1340, 74-1341, 74-1342, 74-1405.02, 74-1419.02, 76-1224, 77-3618, 79-604, 81-101, 81-102, 81-701.01, 81-701.02, 81-701.04, 81-710, 81-916, 81-917, 81-1108.43, 81-1711, 81-2801, 82-120, 83-137, 85-1008, 90-238, and 90-260, Reissue Revised Statutes of Nebraska, and sections 13-1210, 25-2501, 39-1302, 39-1311, 39-2215, 60-6,126.01, 60-6,144, 60-6,294, 60-6,298, 60-1303, 66-4,100, 66-4,144, 74-1334, 74-1413, 81-188.01, 81-188.02, 81-1108.15, 81-1108.22, 81-1114, 82-505, and 86-707, Revised Statutes Cumulative Supplement, 2006; to rename the Department of Roads; to eliminate obsolete language; to eliminate the Nebraska Transit and Rail Advisory Council Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 74-1343, 74-1501, 74-1502, 74-1503, 74-1504, 74-1505, 74-1506, 74-1507, 74-1508, 74-1509, 74-1510, 74-1511, 74-1512, 74-1513, and 74-1514, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 279.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,173, 60-4,174, and 60-4,175, Reissue Revised Statutes of Nebraska; to change provisions relating to driver training schools; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 280.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to juveniles; to amend sections 24-517, 25-2740, and 43-247, Revised Statutes Cumulative Supplement, 2006; to provide for jurisdiction over custody proceedings as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 280A.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 280, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 281.** Introduced by Stuthman, 22; Harms, 48; Kruse, 13; Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support for federally qualified community health centers.

**LEGISLATIVE BILL 285.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Hudkins, 21; Loudon, 49; Mines, 18; Pedersen, 39; Schimek, 27; Stuthman, 22.



A BILL FOR AN ACT relating to motor vehicle operator's licenses; to authorize compliance with federal law.

**LEGISLATIVE BILL 287.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Hudkins, 21; Louden, 49; Mines, 18; Pedersen, 39; Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-101, 60-102, 60-117, 60-123, 60-134, 60-137, 60-145, 60-146, 60-152, 60-153, 60-164, 60-166, 60-168, 60-173, 60-301, 60-302, 60-325, 60-333, 60-339, 60-345, 60-395, 60-397, 60-3,104, 60-3,107, 60-3,118, 60-3,122, 60-3,123, 60-3,124, 60-3,125, 60-3,126, 60-3,128, 60-3,130.04, 60-3,141, 60-3,145, 60-3,147, 60-3,150, 60-3,184, 60-3,186, 60-3,188, and 60-3,190, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to vehicle titling and registration; to define terms; to provide for cancellation of a certificate of title as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-157 and 60-3,191, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 288.** Introduced by Louden, 49; Christensen, 44; Fischer, 43.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to provide for operation of all-terrain vehicles on highways as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 291.** Introduced by Hansen, 42; Carlson, 38; Louden, 49; McDonald, 41; Fischer, 43.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,171, Reissue Revised Statutes of Nebraska, and section 81-15,170, Revised Statutes Cumulative Supplement, 2006; to modify membership on the Nebraska Environmental Trust Board; and to repeal the original sections.

**LEGISLATIVE BILL 293.** Introduced by Pedersen, 39; White, 8.

A BILL FOR AN ACT relating to infectious disease exposure; to amend section 71-507, Revised Statutes Cumulative Supplement, 2006; to redefine terms; and to repeal the original section.

**LEGISLATIVE BILL 295.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to natural resources; to amend sections 46-609, 46-644, and 46-651, Reissue Revised Statutes of Nebraska, and

sections 46-229.04, 46-602, and 46-714, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to irrigation and regulation of water and water wells; to harmonize provisions; to repeal the original sections; and to outright repeal section 46-611, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 300.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to state personnel; to create the State Work Incentive Program; to state intent; and to provide powers and duties.

**LEGISLATIVE BILL 302.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to property; to amend sections 14-406, 19-904.01, 39-212, and 69-1701, Reissue Revised Statutes of Nebraska, and section 15-902, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to buildings, structures, and outdoor advertising signs, displays, and devices as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 306.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to child support; to amend section 42-364.13, Revised Statutes Cumulative Supplement, 2006; to provide for the protection of social security numbers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 308.** Introduced by Stuthman, 22; Burling, 33.

A BILL FOR AN ACT relating to pharmacy; to amend section 71-1,143.03, Reissue Revised Statutes of Nebraska; to adopt the Automated Medication System Act; to provide a penalty; to harmonize provisions; to change and eliminate restrictions on drug vending machines; to repeal the original section; and to outright repeal sections 71-1,147.15 and 71-1,147.16, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 310.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-941, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to early voting; and to repeal the original section.

**LEGISLATIVE BILL 312.** Introduced by Aguilar, 35; McDonald, 41.

A BILL FOR AN ACT relating to government officials; to amend sections 32-562, 32-1205, and 32-1306, Reissue Revised Statutes of Nebraska, and section 32-571, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to resignations, vacancy appointments, recall election costs, and recall elections; and to repeal the original sections.

**LEGISLATIVE BILL 327.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to child care; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement rates; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 329.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Heidemann, 1; Karpisek, 32; Louden, 49; White, 8.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1503, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the qualifications of the director; and to repeal the original section.

**LEGISLATIVE BILL 330.** Introduced by Schimek, 27; Howard, 9; Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-101 and 86-103, Revised Statutes Cumulative Supplement, 2006; to define terms; to provide powers and duties to the Public Service Commission regarding wireless carriers as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 335.** Introduced by Kruse, 13; Ashford, 20; Burling, 33; Dierks, 40; Howard, 9; McGill, 26; Pedersen, 39; Aguilar, 35; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,121, Reissue Revised Statutes of Nebraska; to change provisions relating to civil protective custody; and to repeal the original section.

**LEGISLATIVE BILL 336.** Introduced by Kruse, 13; Burling, 33; Carlson, 38; Engel, 17; Hansen, 42; Hudkins, 21; Pahls, 31; Pedersen, 39; Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.05, Reissue Revised Statutes of Nebraska; to change a penalty relating to providing alcoholic liquor to a minor; and to repeal the original section.

**LEGISLATIVE BILL 337.** Introduced by Kruse, 13; Carlson, 38; Dubas, 34; Engel, 17; Hansen, 42; Pahls, 31; Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Cumulative Supplement, 2006; to

change provisions relating to attempted purchase by a minor; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 344.** Introduced by Burling, 33.

A BILL FOR AN ACT relating to the Tax Policy Reform Commission; to amend sections 77-6004 and 77-6007, Revised Statutes Cumulative Supplement, 2006; to change a termination date; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 348.** Introduced by Burling, 33; McDonald, 41; Wallman, 30.

A BILL FOR AN ACT relating to county government; to amend sections 23-148, 23-151, 23-293, 23-294, 23-295, 23-296, 23-297, and 23-299, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the discontinuance of township organization; to provide powers and duties; to harmonize provisions; to repeal the original sections; to outright repeal sections 23-287, 23-290, and 23-291, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 352.** Introduced by Langemeier, 23; Pankonin, 2; Pedersen, 39.

A BILL FOR AN ACT relating to shooting ranges; to amend sections 15-258 and 16-226, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Shooting Range Protection Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 360.** Introduced by Pedersen, 39; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,125, Revised Statutes Cumulative Supplement, 2006; to modify limitations on issuance of Purple Heart license plates; and to repeal the original section.

**LEGISLATIVE BILL 361.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to public funds; to amend sections 13-501 and 49-14,101.02, Revised Statutes Cumulative Supplement, 2006; to prohibit the use of public funds for paying dues or membership fees to certain organizations; to provide a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 363.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to public service attorneys; to amend section 29-3927, Revised Statutes Cumulative Supplement, 2006; to adopt the Legal

Education for Public Service Loan Repayment Act; to create a fund; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 365.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-708, Revised Statutes Cumulative Supplement, 2006; to provide requirements for the reduction of payments for early retirement as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 371.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1014 and 84-1511, Reissue Revised Statutes of Nebraska, and sections 84-1301 and 84-1503, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Peace Officer Retirement Act; to create funds; to provide duties for the Public Employees Retirement Board; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 372.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1014 and 84-1511, Reissue Revised Statutes of Nebraska, and sections 84-1301 and 84-1503, Revised Statutes Cumulative Supplement, 2006; to adopt the Law Enforcement Officer Retirement Act; to create a fund; to provide duties for the Public Employees Retirement Board; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 376.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-504, Reissue Revised Statutes of Nebraska; to change procedures relating to felony complaints; and to repeal the original section.

**LEGISLATIVE BILL 378.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Small Employer Health Insurance Availability Act; to amend sections 44-5223, 44-5225, and 44-5260, Reissue Revised Statutes of Nebraska; to define bona fide association; to provide an exemption; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 379.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to corporations; to amend sections 21-1302, 21-1403, 21-1921, 21-1934, 21-1935, 21-19,148, 21-19,152, 21-19,153, 21-19,161, 21-19,172, 21-2018, 21-2032, 21-20,170, 21-20,175, 21-20,181.01, 21-2304, and 21-2638, Reissue Revised Statutes of Nebraska, and sections 21-301, 21-302, 21-304, 21-305, 21-2216, 21-2601.01, 21-2606, 21-2610, and 21-2632.01, Revised Statutes Cumulative

Supplement, 2006; to change certain reporting, notice, and filing provisions; to eliminate references to professional limited liability companies; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 380.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Mortgage Bankers Registration and Licensing Act; to amend sections 45-705 and 45-706, Revised Statutes Cumulative Supplement, 2006; to change a license application requirement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 383.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to partnerships; to amend sections 67-236, 67-240, 67-241, 67-281, 67-283, 67-344, and 67-415, Reissue Revised Statutes of Nebraska, and sections 67-454, 67-456, and 67-458, Revised Statutes Cumulative Supplement, 2006; to modify provisions relating to the address of the agent for partnerships under the Nebraska Uniform Limited Partnership Act and the Uniform Partnership Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 384.** Introduced by Wightman, 36; Pedersen, 39.

A BILL FOR AN ACT relating to executions against property; to prohibit certain executions on exempt property as prescribed; and to provide penalties.

**LEGISLATIVE BILL 386.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to real property; and to adopt the Nebraska Security Instrument Satisfaction Act.

**LEGISLATIVE BILL 387.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to building construction; to amend section 71-6401, Reissue Revised Statutes of Nebraska; to require plumbing and water meter installation for new construction as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 391.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to public records and meetings; to amend sections 84-712, 84-1411, and 84-1412, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to copies of records and speaking at meetings; and to repeal the original sections.

**LEGISLATIVE BILL 392.** Introduced by Mines, 18; Ashford, 20.

A BILL FOR AN ACT relating to municipal counties; to amend sections 13-520, 13-2801, 13-2802, 13-2803, 13-2804, 13-2805, 13-2806, 13-2808, 13-2809, 13-2810, 13-2813, 13-2814, 13-2818, and 13-2819, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to municipal counties including those created by merger or consolidation of a city of the metropolitan class; to provide for tax levies; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 394.** Introduced by Burling, 33.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-616, 32-617, 32-623, 32-627, and 32-710, Reissue Revised Statutes of Nebraska; to change provisions relating to nomination for office; and to repeal the original sections.

**LEGISLATIVE BILL 395.** Introduced by Johnson, 37; Aguilar, 35; Hansen, 42; Kruse, 13; Pankonin, 2; Preister, 5; Schimek, 27; Stuthman, 22; Howard, 9.

A BILL FOR AN ACT relating to public health; to repeal the current Nebraska Clean Indoor Air Act and adopt a new act; to provide penalties; to provide operative dates; to provide severability; and to outright repeal sections 71-5701, 71-5702, 71-5703, 71-5704, 71-5706, 71-5708, 71-5709, and 71-5712, Reissue Revised Statutes of Nebraska, section 71-5705, Revised Statutes Cumulative Supplement, 2006, sections 71-5710, 71-5711, and 71-5713, Reissue Revised Statutes of Nebraska, as amended by sections 630, 631, and 632, respectively, Legislative Bill 296, One Hundredth Legislature, First Session, 2007, and section 71-5707, Revised Statutes Cumulative Supplement, 2006, as amended by section 629, Legislative Bill 296, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 395A.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 395, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 400.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2006; to define terms; to require an audit of medicaid drug rebate payments and a report; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 400A.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 400, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 401.** Introduced by Schimek, 27; Fulton, 29; Johnson, 37.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-493, 60-494, 60-4,117, 60-4,151, and 60-4,181, Reissue Revised Statutes of Nebraska, and sections 60-484 and 60-4,144, Revised Statutes Cumulative Supplement, 2006; to provide for notation of advance medical directives on motor vehicle operators' licenses and state identification cards; to provide for distribution of brochures on advance medical directives; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 402.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to redistricting; to adopt the Redistricting Act.

**LEGISLATIVE BILL 404.** Introduced by Janssen, 15; Flood, 19; Karpisek, 32; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-112, Reissue Revised Statutes of Nebraska; to change provisions relating to salaries of commission members; and to repeal the original section.

**LEGISLATIVE BILL 404A.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 404, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 405.** Introduced by Pedersen, 39; Howard, 9.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-201 and 32-536, Reissue Revised Statutes of Nebraska, and section 14-201.03, Revised Statutes Cumulative Supplement, 2006; to provide for additional city council members; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 406.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-170, Reissue Revised Statutes of Nebraska, and sections 83-192 and 83-1,115, Revised Statutes Cumulative Supplement, 2006; to provide for presumptive parole release dates and objective parole guidelines; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 407.** Introduced by Pedersen, 39.



A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-498.02 and 60-4,118.06, Reissue Revised Statutes of Nebraska, and sections 60-6,197.01 and 60-6,211.05, Revised Statutes Cumulative Supplement, 2006; to change eligibility requirements for ignition interlock devices as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 408.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to public contracts for services; to amend sections 73-501, 73-502, 73-504, 73-506, 73-507, and 81-154.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to certain contracts for services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 73-301, 73-302, 73-303, 73-304, 73-305, 73-306, 73-307, and 73-509, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 413.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to children; to amend sections 28-316, 43-104.02, and 43-104.05, Reissue Revised Statutes of Nebraska; to change provisions governing children born out of wedlock and the offense of violation of custody; and to repeal the original sections.

**LEGISLATIVE BILL 419.** Introduced by Erdman, 47; Carlson, 38; Hansen, 42; Harms, 48; Langemeier, 23; McDonald, 41.

A BILL FOR AN ACT relating to license plates; to amend sections 60-301 and 60-3,104, Revised Statutes Cumulative Supplement, 2006; to authorize Nebraska Agriculture specialty and personalized message license plates; to create a fund; to direct certain funds as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 420.** Introduced by Erdman, 47; Harms, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Cumulative Supplement, 2006; to create funds; to provide duties for the Department of Agriculture; to change provisions relating to distribution of the cigarette tax; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 421.** Introduced by Erdman, 47; Carlson, 38; Langemeier, 23.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,125, Revised Statutes Cumulative Supplement, 2006; to permit the issuance of multiple Purple Heart license plates owned by an applicant; and to repeal the original section.

**LEGISLATIVE BILL 428.** Introduced by Synowiecki, 7; Cornett, 45; McGill, 26; Nantkes, 46; Rogert, 16; Pedersen, 39.

A BILL FOR AN ACT relating to labor; to adopt the Peace Officer Employer-Employee Relations Act; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 432.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to labor and employment; to amend sections 20-113, 48-1001, 48-1002, 48-1003, 48-1004, 48-1005, 48-1007, 48-1008, 48-1009, and 48-1010, Reissue Revised Statutes of Nebraska; to rename and change and eliminate provisions of the Act Prohibiting Unjust Discrimination in Employment Because of Age; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-1006, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 433.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-710, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska; to change provisions relating to selection and obligations of presidential electors; and to repeal the original sections.

**LEGISLATIVE BILL 437.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to license plates; to amend section 43-1906, Reissue Revised Statutes of Nebraska, and sections 39-2215, 60-301, 60-393, 60-395, 60-396, 60-3,101, 60-3,104, 60-3,118, 60-3,122, 60-3,123, 60-3,124, 60-3,125, 60-3,127, 60-3,128, and 60-3,141, Revised Statutes Cumulative Supplement, 2006; to authorize additional specialty and personalized license plates; to provide powers and duties to the Department of Motor Vehicles; to direct certain funds as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-5,157, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 438.** Introduced by McDonald, 41; Aguilar, 35; Carlson, 38; Flood, 19; Hansen, 42; Harms, 48; Howard, 9; Johnson, 37; Kruse, 13; Stuthman, 22.

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

**LEGISLATIVE BILL 439.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to highways and bridges; to create the Highway Finance Task Force; to provide duties; to require a report; and to provide a termination date.

**LEGISLATIVE BILL 446.** Introduced by Stuthman, 22; Langemeier, 23.

A BILL FOR AN ACT relating to highways and bridges; to require the Department of Roads to let contracts for a bridge spanning the Platte River; to provide duties; and to require appropriations.

**LEGISLATIVE BILL 447.** Introduced by Stuthman, 22; Langemeier, 23.

A BILL FOR AN ACT relating to highways and bridges; to require the Department of Roads to conduct a feasibility study; and to require appropriations.

**LEGISLATIVE BILL 448.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

**LEGISLATIVE BILL 450.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to employment; to provide immunity for employer disclosure of employment information as prescribed.

**LEGISLATIVE BILL 452.** Introduced by Burling, 33; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to develop and support drug abuse prevention and education programs through the Nebraska Commission on Law Enforcement and Criminal Justice.

**LEGISLATIVE BILL 454.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3508 and 77-3513, Revised Statutes Cumulative Supplement, 2006; to change homestead exemption provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 460.** Introduced by Lathrop, 12; Friend, 10.

A BILL FOR AN ACT relating to political parties; to amend sections 32-221, 32-231, 32-239, 32-401, 32-603, 32-607, 32-620, 32-703, 32-707, 32-709, 32-710, 32-711, 32-809, 32-811, 32-816, 32-912, and 32-1547, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to presidential preference primary elections, county, state, and national political party conventions, delegates to conventions, and political party caucuses; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-613, 32-614, 32-701, 32-704, 32-705, and 32-708, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 461.** Introduced by Dubas, 34; Erdman, 47; Nantkes, 46.

A BILL FOR AN ACT relating to foster care placements; to provide rights for foster parents; and to provide powers and duties for the Department of Health and Human Services.

**LEGISLATIVE BILL 465.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1928 and 29-1929, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to jailhouse informants; and to repeal the original sections.

**LEGISLATIVE BILL 467.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Public Counsel; to amend sections 81-8,240 and 81-8,244, Reissue Revised Statutes of Nebraska; to grant authority relating to county correctional and jail facilities; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 467A.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 467, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 469.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Health Care Funding Act; to amend section 71-7606, Reissue Revised Statutes of Nebraska; to change restrictions on use of funds; and to repeal the original section.

**LEGISLATIVE BILL 474.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to public records; to amend sections 48-233, 79-824, 79-828, 79-829, 79-831, 79-833, 79-837, 79-838, 79-839, 79-840, 79-846, 79-847, 79-851, 79-8,109, 79-1215, 79-1234, 79-1235, 79-1236, 79-1237, and 79-1238, Reissue Revised Statutes of Nebraska; to provide for certain misconduct by school teachers, school nurses, and police officers to be a public record; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 476.** Introduced by Chambers, 11; Pedersen, 39.

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, and 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, 83-1,110.02, and 83-4,143, Revised Statutes Cumulative Supplement, 2006; 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 480.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to health care; to amend section 71-7605, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to credit and transfers of funds, legislative intent, certain federal actions, reports on health care access and expenditures, funds, and a council; to provide an operative date; to repeal the original sections; to outright repeal sections 71-7601, 71-7602, 71-7603, 71-7604, 71-7609, and 71-7614, Reissue Revised Statutes of Nebraska, and section 71-7610, Revised Statutes Cumulative Supplement, 2006; and to declare an emergency.

**LEGISLATIVE BILL 483.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds from the Nebraska Health Care Cash Fund as prescribed; and to state intent.

**LEGISLATIVE BILL 488.** Introduced by Wallman, 30; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2715.07, Revised Statutes Cumulative Supplement, 2006; to allow an income tax credit for perpetual conservation easement donations as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 490.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to public schools; to repeal the Seamless Delivery System Pilot Project; and to outright repeal sections 79-11,136, 79-11,137, 79-11,138, 79-11,139, 79-11,140, and 79-11,141, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 492.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to public schools; to adopt the Education Facilities State Aid Act; to define terms; to prescribe duties; to provide for procedures; to create the Education Facilities Review Board; to require the adoption of standards; to prescribe a calculation; and to authorize rules and regulations.

**LEGISLATIVE BILL 493.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to irrigation; to amend sections 46-2,131, 46-2,134, and 46-2,135, Reissue Revised Statutes of Nebraska; to change provisions relating to the Water Policy Task Force; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 494.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.47 and 77-2704.22, Revised Statutes Cumulative Supplement, 2006; to change the sales and use tax exemption on manufacturing machinery and equipment; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 495.** Introduced by White, 8.

A BILL FOR AN ACT relating to labor; to prohibit employer from requiring use of compensated leave as prescribed; and to provide a penalty.

**LEGISLATIVE BILL 498.** Introduced by White, 8; Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Business Partnership in Rural Education Program Act.

**LEGISLATIVE BILL 499.** Introduced by White, 8.

A BILL FOR AN ACT relating to schools; to amend section 79-9,113, Reissue Revised Statutes of Nebraska, and section 79-966, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the School Retirement Fund and required contributions as prescribed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 500.** Introduced by White, 8.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-628, Revised Statutes Cumulative Supplement, 2006; to exclude apprenticeship training programs as a condition disqualifying an applicant for benefits; and to repeal the original section.

**LEGISLATIVE BILL 501.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to cigarette tax; to amend sections 59-1520, 59-1523, 77-2601, 77-2602.01, 77-2602.03, 77-2603, 77-2604, 77-2605, 77-2607, 77-2608, 77-2610, 77-2612, 77-2613, 77-2614, 77-2615, 77-2615.01, 77-2620, and 77-2621, Reissue Revised Statutes of Nebraska; to name the act; to provide for reporting and collection of tax by direct sellers; to prohibit delivery of cigarettes as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 513.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-148, Reissue Revised Statutes of Nebraska; to provide requirements for billing for anatomic pathology services; to provide that violation of such requirement constitutes unprofessional conduct under the Uniform Licensing Law; and to repeal the original section.

**LEGISLATIVE BILL 521.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to education; to amend section 79-528, Revised Statutes Cumulative Supplement, 2006, and section 79-1003, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to prescribe certain report contents; to modify terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 522.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1801, Reissue Revised Statutes of Nebraska; to change provisions relating to costs and attorney's fees; and to repeal the original section.

**LEGISLATIVE BILL 525.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to government; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to modify provisions of the Political Subdivisions Tort Claims Act and the State Tort Claims Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 526.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1708, Reissue Revised Statutes of Nebraska; to change provisions relating to plaintiff's costs; and to repeal the original section.

**LEGISLATIVE BILL 528.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to elections; to amend sections 32-230, 32-232, 32-235, 32-612, 32-904, 32-906, 32-909, 32-1001, 32-1004, 32-1010, 32-1012, and 32-1049, Reissue Revised Statutes of Nebraska, and sections 32-808, 32-1002, and 32-1041, Revised Statutes Cumulative

Supplement, 2006; to change provisions relating to changing political parties and issuing ballots for early voting; to change and eliminate provisions relating to counting ballots; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-224, 32-234, 32-1011, 32-234, 32-1011, 32-1019, 32-1020, 32-1021, 32-1022, 32-1023, 32-1024, 32-1025, and 32-1026, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 532.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1407, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Police Standards Advisory Council; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 533.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to audiovisual court appearances; to amend section 29-4206, Revised Statutes Cumulative Supplement, 2006; to remove a requirement of consent and waiver of physical appearance as prescribed; to repeal the original section; and to outright repeal section 29-4203, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 534.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-501, 18-502, 18-503, 18-504, 18-505, 18-507, 18-508, 18-509, and 18-510, Reissue Revised Statutes of Nebraska, and section 16-6,109, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to urban storm water drainage; to provide powers and duties for county boards; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 535.** Introduced by Schimek, 27; McDonald, 41.

A BILL FOR AN ACT relating to the County Revenue Assistance Act; to amend sections 29-3923, 43-272, and 43-273, Reissue Revised Statutes of Nebraska, and sections 13-518, 29-3919, 29-3920, 29-3922, 29-3924, 29-3927, 29-3929, and 29-3930, Revised Statutes Cumulative Supplement, 2006; to provide for a juvenile legal services division and duties; to eliminate a council and certain reimbursement provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 29-3932 and 29-3933, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 536.** Introduced by Schimek, 27; Kruse, 13; Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support.



**LEGISLATIVE BILL 539.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to elections; to amend section 32-620, Reissue Revised Statutes of Nebraska; to change provisions relating to ballot status for candidates for President and Vice President of the United States; and to repeal the original section.

**LEGISLATIVE BILL 541.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Community Corrections Act; to amend section 47-624, Revised Statutes Cumulative Supplement, 2006; to provide a duty for the Community Corrections Council; and to repeal the original section.

**LEGISLATIVE BILL 543.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to safety regulations; to amend sections 48-418, 48-2501, 48-2503, 48-2506, 48-2507, 48-2508, and 48-2512, Revised Statutes Cumulative Supplement, 2006; to repeal conveyance regulation for certain counties; to eliminate a fund and penalties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 48-418.01, 48-418.02, 48-418.03, 48-418.05, 48-418.06, 48-418.07, 48-418.08, 48-418.10, 48-418.11, 48-418.12, and 48-418.14, Reissue Revised Statutes of Nebraska, and sections 48-418.04, 48-418.09, and 48-2505, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 544.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168, Reissue Revised Statutes of Nebraska; to eliminate a prohibition on certain licensees receiving credit from a manufacturer or wholesaler; and to repeal the original section.

**LEGISLATIVE BILL 545.** Introduced by Synowiecki, 7; Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 546.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1203.01, Reissue Revised Statutes of Nebraska; to provide for parimutuel wagering on historic horseraces; and to repeal the original section.

**LEGISLATIVE BILL 548.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 550.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Wholesale Drug Distributor Licensing Act; to amend section 71-7427, Revised Statutes Cumulative Supplement, 2006; to provide for sale or delivery of prescription drugs to persons responsible for the control of an animal; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 552.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2006; to increase the salaries of Supreme Court judges as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 553.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 29-901.01, 60-498.01, 60-498.02, 60-6,197, 60-6,197.05, and 60-6,211.04, Reissue Revised Statutes of Nebraska, and sections 29-901, 60-6,197.09, and 60-6,211.05, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to bail; to eliminate certain administrative license revocation provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 556.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-272, Reissue Revised Statutes of Nebraska; to change provisions relating to counsel and guardian ad litem; and to repeal the original section.

**LEGISLATIVE BILL 559.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support.

**LEGISLATIVE BILL 566.** Introduced by Loudon, 49; Adams, 24; Burling, 33; Carlson, 38; Christensen, 44; Hansen, 42; Harms, 48; Pankonin, 2; Wallman, 30; Wightman, 36.

A BILL FOR AN ACT relating to recreational activities; to adopt the Public Recreational Liability Act.

**LEGISLATIVE BILL 567.** Introduced by Loudon, 49; Burling, 33; Carlson, 38; Christensen, 44; Hansen, 42; Harms, 48; Wallman, 30.

A BILL FOR AN ACT relating to recreational activities; to amend sections 37-729, 37-730, 37-732, 37-735, and 37-736, Reissue Revised Statutes of

Nebraska, and section 37-734, Revised Statutes Cumulative Supplement, 2006; to name the Recreational Liability Act; to redefine a term; to change owner liability provisions; and to repeal the original sections.

**LEGISLATIVE BILL 571.** Introduced by Kruse, 13; Cornett, 45; Schimek, 27.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, and 43-111, Reissue Revised Statutes of Nebraska; to provide for adoption by two adult persons jointly; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 572.** Introduced by Kruse, 13; Kopplin, 3.

A BILL FOR AN ACT relating to the Nebraska State Insurance Program; to amend section 84-1604, Reissue Revised Statutes of Nebraska; to provide for the inclusion of certain library employees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 574.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services.

**LEGISLATIVE BILL 575.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2006; to exempt assisted-living facilities from sales and use taxes; and to repeal the original section.

**LEGISLATIVE BILL 576.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to behavioral health care services; to define terms; to provide for rate increases for payments to adult and child behavioral health providers; to create and provide duties for the Provider Reimbursement Rate Commission; and to declare an emergency.

**LEGISLATIVE BILL 579.** Introduced by Loudon, 49; Carlson, 38; Christensen, 44; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to renewable energy; to amend section 70-1012, Reissue Revised Statutes of Nebraska; to permit small customer-generators to generate power for their own use from alternative energy sources; to require utilities to accommodate customer-generators; to define terms; to create an exemption for approval by the Nebraska Power Review Board; and to repeal the original section.

**LEGISLATIVE BILL 581.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to electricity; to adopt the Energy Conservation and Self-Reliance Act.

**LEGISLATIVE BILL 583.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to recycling; to adopt the Electronics Recycling System Act; to provide for termination of the act; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 584.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to cigarettes; to adopt the Reduced Cigarette Ignition Propensity Act; to create funds; and to provide an operative date.

**LEGISLATIVE BILL 585.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to crime and punishments; to amend sections 28-1429.01 and 28-1429.02, Reissue Revised Statutes of Nebraska; to change provisions relating to the dispensing of cigarettes or other tobacco products; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 586.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to change medical lien provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 587.** Introduced by Cornett, 45; Dubas, 34; Gay, 14; Hansen, 42; Synowiecki, 7; Aguilar, 35.

A BILL FOR AN ACT relating to county jails; to amend section 47-119.01, Reissue Revised Statutes of Nebraska; to change provisions relating to state prisoner reimbursement; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 589.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to motorcycles; to amend sections 60-4,127 and 60-4,128, Reissue Revised Statutes of Nebraska, and sections 60-480 and 60-4,115, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to motorcycle licenses; to provide for learners' permits and motorcycle safety courses; to provide fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 593.** Introduced by Loudon, 49.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend section 66-1501, Revised Statutes Cumulative Supplement, 2006; to eliminate a private insurance requirement; to harmonize provisions; to repeal the original section; and to outright repeal section 66-1532, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 595.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to school finance; to amend section 79-1001, Revised Statutes Cumulative Supplement, 2006; to create the Task Force on School Funding for Economic Growth; to prescribe duties; to require reporting; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 597.** Introduced by Kopplin, 3; Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-901 and 16-902, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to zoning and jurisdiction designation; and to repeal the original sections.

**LEGISLATIVE BILL 598.** Introduced by Karpisek, 32; Gay, 14; Pahls, 31; Rogert, 16.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, and 60-3,104, Revised Statutes Cumulative Supplement, 2006; to provide for Shriners license plates; to change provisions for message plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 599.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to infants and juveniles; to permit the establishment of a parent and child relationship by consent of the parties in the event of gestational surrogacy; to authorize procedures; and to create a presumption.

**LEGISLATIVE BILL 605.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1225 and 79-1241, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 79-1243, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to authority to levy a tax as prescribed; to change provisions relating to distribution of funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 606.** Introduced by Ashford, 20; Flood, 19.

A BILL FOR AN ACT relating to courts; to provide for court referral to mediation or another form of alternative dispute resolution.

**LEGISLATIVE BILL 609.** Introduced by Carlson, 38; Adams, 24; Dubas, 34; Flood, 19; Hansen, 42; Harms, 48; Johnson, 37; Karpisek, 32; Nelson, 6; Pankonin, 2; Wallman, 30.

A BILL FOR AN ACT relating to political subdivisions; to adopt the Nebraska Recruitment Promotion Act.

**LEGISLATIVE BILL 609A.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 609, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 611.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Heidemann, 1; Karpisek, 32; Loudon, 49; White, 8.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2017, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to retirement contributions and payments; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 612.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Karpisek, 32; Loudon, 49; White, 8.

A BILL FOR AN ACT relating to school employees retirement systems; to amend section 79-902, Revised Statutes Cumulative Supplement, 2006; to redefine compensation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 613.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Karpisek, 32; Loudon, 49; White, 8.

A BILL FOR AN ACT relating to school employees retirement systems; to amend section 79-958, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to required deposits of employers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 614.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to

change provisions relating to adjusted valuation; and to repeal the original section.

**LEGISLATIVE BILL 618.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the State Treasurer; to authorize the State Treasurer to collect certain bad debt fees electronically; and to authorize a bad debt data base.

**LEGISLATIVE BILL 619.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the State Treasurer; to amend section 84-617, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to bad debt charges; and to repeal the original section.

**LEGISLATIVE BILL 620.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to child support; to amend section 43-3342.03, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the State Disbursement Unit; to create a fund; and to repeal the original section.

**LEGISLATIVE BILL 621.** Introduced by Pirsch, 4; Fulton, 29; Ashford, 20.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-682.01, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to points and fines for speeding; and to repeal the original sections.

**LEGISLATIVE BILL 622.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to public records and the Open Meetings Act; to amend section 84-1407, Revised Statutes Cumulative Supplement, 2006; to require training courses for all members of a public body, public officers, and public employees; to provide powers and duties for the Attorney General and the Department of Justice; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 623.** Introduced by Pirsch, 4; Pedersen, 39.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1207, Reissue Revised Statutes of Nebraska; to change provisions relating to speedy trial; and to repeal the original section.

**LEGISLATIVE BILL 624.** Introduced by Pirsch, 4; Fulton, 29.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-905, Revised Statutes Cumulative Supplement, 2006; to modify

provisions relating to operation of a motor vehicle to avoid arrest; and to repeal the original section.

**LEGISLATIVE BILL 625.** Introduced by Engel, 17; Erdman, 47; Heidemann, 1; Karpisek, 32; Kruse, 13; Pedersen, 39; Synowiecki, 7.

A BILL FOR AN ACT relating to civil procedure; to adopt the Commonsense Consumption Act; to prohibit civil actions based upon weight gain or obesity as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 626.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to biodiesel fuel; to create a production incentive for biodiesel fuel.

**LEGISLATIVE BILL 632.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-702 and 54-702.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the national uniform system of animal identification; and to repeal the original sections.

**LEGISLATIVE BILL 633.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-2602, 54-2606, 54-2607, 54-2610, 54-2611, 54-2612, 54-2613, 54-2615, 54-2616, 54-2627, 54-2628, and 54-2629, Reissue Revised Statutes of Nebraska, and section 54-2627.01, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions of the Competitive Livestock Markets Act; to eliminate penalties and certain Attorney General duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 54-2608, 54-2609, 54-2617, 54-2618, 54-2619, 54-2620, 54-2621, 54-2622, 54-2623, 54-2624, 54-2625, and 54-2626, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 634.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt the Feedlot Statutory Trust Act.

**LEGISLATIVE BILL 639.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to county attorneys; to amend section 23-1203, Reissue Revised Statutes of Nebraska; to change powers and duties of county attorneys; and to repeal the original section.

**LEGISLATIVE BILL 645.** Introduced by Heidemann, 1.



A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-132, Revised Statutes Cumulative Supplement, 2006; to proscribe the imposition of an occupation tax on a bed and breakfast establishment; to define a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 647.** Introduced by Johnson, 37; Aguilar, 35; Kruse, 13; Pedersen, 39; Schimek, 27; Synowiecki, 7.

A BILL FOR AN ACT relating to insurance; to amend sections 44-791, 44-792, 44-793, and 44-794, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to insurance coverage of mental health and physical health conditions; to state intent; to redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 649.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-1001, 79-1007.02, 79-1007.10, 79-1008.01, and 79-1009, Revised Statutes Cumulative Supplement, 2006, and sections 79-1003, 79-1022, and 79-1083.03, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to the state aid formula under the Tax Equity and Educational Opportunities Support Act; to define terms; to provide for allowances and comparison groups; to provide for local choice, averaging, teacher education, and student growth adjustments; to provide for a student growth correction; to provide for calculating net option students and net option funding; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1007.03, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 650.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education; to amend sections 79-1148, 79-1149, and 79-1150, Reissue Revised Statutes of Nebraska; to change provisions relating to early childhood programs; to provide for statewide regional networks under the Special Education Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 651.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 43-2007, 60-658, 79-234, 79-239, 79-240, 79-2,104, 79-2,105, 79-313, 79-318, 79-569, 79-598, 79-606, 79-608, 79-809, 79-810, 79-10,110, 79-1110, 79-1162, 79-1212, 79-1601, 79-1606, and 85-607, Reissue Revised Statutes of Nebraska, sections 79-215, 79-233, 79-237, 79-238, 79-528, 79-1084, and 79-1086, Revised Statutes Cumulative Supplement, 2006, and sections 79-611, 79-1003, and 79-1028, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions

relating to exempt schools and students, residency, the enrollment option program, student files, qualifications of members of the State Board of Education, transportation, reports, contracts for instruction, certificate fees, the Tax Equity and Educational Opportunities Support Act, school tax levies, modifications, the Special Education Act, educational service units, and certain college admissions as prescribed; to harmonize provisions; to eliminate the Nebraska Equal Opportunity for Displaced Homemakers Act and provisions relating to the Diagnostic Resources Center at Cozad; to repeal the original sections; and to outright repeal sections 48-1301, 48-1302, 48-1303, 48-1304, 48-1305, 48-1306, 48-1309, 79-1168, 79-1169, 79-1170, 79-1171, 79-1172, 79-1173, 79-1174, 79-1175, 79-1176, 79-1177, and 79-1178, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 652.** Introduced by White, 8; Preister, 5.

A BILL FOR AN ACT relating to energy audits; to state intent; to require the state and its political subdivisions to conduct and report an energy audit.

**LEGISLATIVE BILL 654.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education; to amend section 79-319, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to veterans' training; to repeal the original section; and to outright repeal section 80-401.04, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 655.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to state aid to schools; to amend section 79-1065, Reissue Revised Statutes of Nebraska, and section 79-1022, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to adjustments to aid as shown on budget statements as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 660.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Loudon, 49; Pedersen, 39; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Universal Service Fund Act; to amend sections 86-316, 86-318, 86-322, and 86-323, Revised Statutes Cumulative Supplement, 2006; to define telecommunications and to redefine telecommunications company; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 663.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 13-518, 39-2401, 60-3,202, 77-1342, and 79-1018.01, Revised Statutes Cumulative Supplement, 2006; to change distribution and allocation of

certain motor vehicle registration fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 663A.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 663, One Hundredth Legislature, First Session, 2007.

**LEGISLATIVE BILL 667.** Introduced by Pedersen, 39; Pirsch, 4.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,157, Reissue Revised Statutes of Nebraska; to permit municipalities to allow pedestrians to solicit contributions on roadways as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 668.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to personal property; to amend section 69-1305.03, Revised Statutes Cumulative Supplement, 2006; to eliminate provisions relating to gift cards and gift certificates as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 669.** Introduced by Hudkins, 21; Avery, 28; Pedersen, 39.

A BILL FOR AN ACT relating to jails and corrections facilities; to amend sections 47-101 and 47-201, Reissue Revised Statutes of Nebraska, and sections 47-627, 71-806, and 71-810, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Behavioral Health Jail Diversion Planning and Coordination Advisory Council Act; to provide requirements relating to behavioral health jail diversion programs; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 671.** Introduced by Pedersen, 39; Cornett, 45; Howard, 9; Kopplin, 3; Kruse, 13; Mines, 18; Pahls, 31; Preister, 5; Rogert, 16; Stuthman, 22; Synowiecki, 7.

A BILL FOR AN ACT relating to probation and parole; to amend sections 29-2256, 29-2262.03, 29-2262.04, 29-2262.05, 29-2265, 29-2270, 33-107.03, 33-154, 43-250, 43-253, 43-260, 43-260.05, 43-274, 43-286, 43-294, 43-2,108, 43-2,113, 43-707, 43-2411, 43-3505, 43-3507, 47-628, 47-629, 68-1729, 68-1732, 83-170, 83-171, 83-188, 83-195, 83-197, 83-1,101, 83-1,116, 83-1,119, 83-1,120, 83-1,128, and 83-901, Reissue Revised Statutes of Nebraska, and sections 20-150, 20-151, 24-205, 24-227.01, 25-2407, 28-322, 28-929, 28-930, 28-931, 28-931.01, 29-2246, 29-2248, 29-2252.01, 29-2254, 29-2255, 29-2257, 29-2258, 29-2259, 29-2259.01, 29-2259.02, 29-2260.01, 29-2261, 29-2262, 29-2262.06,

29-2262.07, 29-2263, 29-2266, 29-2272, 29-2935, 29-4009, 29-4019, 43-271, 43-3001, 47-623, 47-624, 47-627, 60-6,211.05, 60-6,211.09, 71-961, 71-1228, 81-1401, 81-1848, 83-174.03, 83-174.04, 83-174.05, 83-1,100, 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,107, 83-1,107.01, 83-1,107.02, and 83-933, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to probation and parole; to combine the administration of probation and parole; to create funds and change provisions relating to funds; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 29-2249, 29-2251, 29-2253, 83-1,100.01, and 83-1,104, Reissue Revised Statutes of Nebraska, and sections 29-2250 and 29-2252, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 672.** Introduced by Lathrop, 12; Dierks, 40; Dubas, 34; Erdman, 47; Karpisek, 32; Preister, 5; Wallman, 30.

A BILL FOR AN ACT relating to electric utilities; to amend sections 14-2116 and 70-667, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the exercise of the power of eminent domain; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 673.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2810, Reissue Revised Statutes of Nebraska; to change provisions relating to malpractice as professional negligence; and to repeal the original section.

**LEGISLATIVE BILL 676.** Introduced by Dubas, 34; Burling, 33; Christensen, 44; Hudkins, 21; Loudon, 49; Schimek, 27; Wallman, 30.

A BILL FOR AN ACT relating to railroad crossings; to prohibit the obstruction of highways in certain classes of cities and villages and other areas; to provide penalties; to provide exemptions; to provide an affirmative defense; to define terms; and to outright repeal section 17-225, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 679.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-106, Reissue Revised Statutes of Nebraska; to eliminate the cap on retirement contributions for university employees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 680.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to cities of the metropolitan class; to provide for contracts for keeping prisoners.

**LEGISLATIVE BILL 685.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-168.06 and 53-180.02, Reissue Revised Statutes of Nebraska; to change provisions relating to the possession of alcoholic liquor by minors; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 686.** Introduced by Karpisek, 32; Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend section 32-912, Reissue Revised Statutes of Nebraska, and section 32-312, Revised Statutes Cumulative Supplement, 2006; to provide for partisan ballots for unaffiliated voters at primary elections; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 689.** Introduced by Karpisek, 32; Nantkes, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123, 53-124, 53-129, 53-131, 53-133, 53-134, 53-134.03, 53-169, 53-171, 53-188, and 53-1,115, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-124.11, 53-124.12, 53-132, and 53-164.01, Revised Statutes Cumulative Supplement, 2006; to provide for a limited winery license; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 690.** Introduced by Fischer, 43; Adams, 24; Avery, 28; Burling, 33; Carlson, 38; Christensen, 44; Cornett, 45; Dierks, 40; Dubas, 34; Engel, 17; Erdman, 47; Flood, 19; Friend, 10; Fulton, 29; Gay, 14; Hansen, 42; Harms, 48; Heidemann, 1; Hudkins, 21; Janssen, 15; Johnson, 37; Karpisek, 32; Kopplin, 3; Lathrop, 12; Louden, 49; McDonald, 41; Nantkes, 46; Nelson, 6; Pahls, 31; Pankonin, 2; Pedersen, 39; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-413 and 37-414, Reissue Revised Statutes of Nebraska, and section 37-452, Revised Statutes Cumulative Supplement, 2006; to provide for apprentice hunter education exemptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 691.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.01 and 79-1007.03, Revised Statutes Cumulative Supplement, 2006, and section 79-1028, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to weighting factors in calculating adjusted formula students as prescribed; to change provisions relating to applicable allowable growth rates; and to repeal the original sections.

**LEGISLATIVE BILL 692.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1212.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2006; to prohibit the intentional discharge of a firearm within two hundred yards of an inhabited dwelling house or occupied building as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 693.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to jury selection; to amend section 25-1628, Revised Statutes Cumulative Supplement, 2006; to provide for the use of driver's license numbers; and to repeal the original section.

**LEGISLATIVE BILL 694.** Introduced by Christensen, 44; Fischer, 43; Karpisek, 32; Louden, 49; Pedersen, 39; Wallman, 30.

A BILL FOR AN ACT relating to state government; to authorize planning for a parking facility near the State Capitol.

**LEGISLATIVE BILL 696.** Introduced by Christensen, 44; Burling, 33; Fulton, 29; Hansen, 42; Karpisek, 32; Louden, 49; Pedersen, 39.

A BILL FOR AN ACT relating to marriage licenses; to amend section 33-110, Reissue Revised Statutes of Nebraska; to provide an increase in a fee and a waiting period if marriage education requirements are not met as prescribed; to provide powers and duties to county clerks; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 700.** Introduced by Christensen, 44; Burling, 33; Carlson, 38; Dierks, 40; Dubas, 34; Engel, 17; Erdman, 47; Flood, 19; Friend, 10; Fulton, 29; Hansen, 42; Harms, 48; Heidemann, 1; Hudkins, 21; Langemeier, 23; Lathrop, 12; Nelson, 6; Pedersen, 39; Pirsch, 4; Preister, 5; Wallman, 30; Wightman, 36; Fischer, 43; Cornett, 45; Stuthman, 22; Pahl, 31; Aguilar, 35.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2006; to adopt the Human Cloning Prohibition Act; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 705.** Introduced by Dierks, 40.

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

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 2CA. Introduced by Rogert, 16.

THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST 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 12:

VIII-12. (1) For the purpose of developing, rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, property, the Legislature may by law authorize any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, within its corporate boundaries or within the area in which it exercises planning, zoning, and code enforcement authority or any county to incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise, notwithstanding any other provision in this Constitution and without regard to charter limitations and restrictions. Notwithstanding

(2) Except as provided in subsection (3) of this section and notwithstanding any other provision in the this Constitution or a local charter, such cities, or villages, or counties may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such development, rehabilitation, acquisition, or redevelopment.

(3) Notwithstanding any other provision in this Constitution, the Legislature may provide that the limitation to a period of fifteen years on the collection of all taxes levied on the excess value of property collected for the payment of the indebtedness incurred for the purpose of developing, rehabilitating, acquiring, or redeveloping such property may be extended to a period not to exceed thirty years if more than one-half of the property by area within the project area is owned by the State of Nebraska and if the indebtedness to be incurred for the development, rehabilitation, acquisition, or redevelopment of such property cannot be reasonably financed within fifteen years.

(4) When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

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 remove a requirement that property be

substandard and blighted for purposes of rehabilitating, acquiring, or redeveloping such property through use of public debt or special property tax treatment, to add development as a purpose for use of the constitutional provision authorizing public debt and special property tax treatment, to permit counties and cities and villages outside their corporate boundaries to use such constitutional provision, and to authorize the Legislature to extend the term of such special tax treatment from fifteen to thirty years.

For

Against.

**LEGISLATIVE RESOLUTION 4CA.** Introduced by Avery, 28.

THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST 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 IV, section 5:

IV-5. ~~All civil officers~~ A civil officer of this state shall be liable to impeachment for any misdemeanor in office or for any misdemeanor related to the election by which such officer was elected to the office.

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 provide that misdemeanors related to election to office are grounds for impeachment of civil officers.

For

Against.

**LEGISLATIVE RESOLUTION 5CA.** Introduced by Friend, 10.

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

Section 1. At the primary election in May 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 XIII, section 2:

XIII-2. (1) Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or



otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this ~~section~~ subsection shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of ~~the~~ this Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued and such governmental subdivision shall have no authority to impose taxes for the payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this subsection shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) Notwithstanding any other provision in ~~the~~ this Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.

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 use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

**LEGISLATIVE RESOLUTION 7CA.** Introduced by Kruse, 13.

THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST 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 III, section 7:

III-7. At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. ~~Each~~ Until January 7, 2009, each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. Beginning January 7, 2009, each member of the Legislature shall receive an annual salary during his or her term of office equal to one thousand dollars adjusted for inflation as determined by the Legislature since the last salary increase for members of the Legislature and every two years thereafter. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

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 change the salary of the members of the Legislature based on adjustments for inflation as determined by the Legislature.

For

Against.

**LEGISLATIVE RESOLUTION 8CA.** Introduced by Avery, 28.

THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST 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 III, section 2:

III-2. The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven-four~~ percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ~~ten-fifteen~~ percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

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 change the number of signatures required on initiative petitions.

For

Against.

**LEGISLATIVE RESOLUTION 14.** Introduced by Engel, 17; Aguilar, 35; Dierks, 40; Friend, 10; Cornett, 45.

WHEREAS, the State of Nebraska and Taiwan have enjoyed cordial bonds for many years, and both have benefited very much from this friendship; and

WHEREAS, trade between Taiwan and the United States has increased significantly during the past decade, with the United States being Taiwan's

second largest source of imports, and Taiwan being the eighth largest trading partner of the United States; and

WHEREAS, Taiwan ranks as the fifth largest overseas market for United States agricultural products in general, including the third largest buyer of United States beef and corn products; the fifth largest buyer of United States soybean products; the eighth largest buyer of United States wheat; and the second largest customer of United States agricultural products worldwide in terms of per capita consumption; and

WHEREAS, streamlined foreign investment procedures developed under a Taiwan-United States Free Trade Agreement would lead to further investment by firms in both Taiwan and the United States and would create new business opportunities and new jobs; and

WHEREAS, a Taiwan-United States Free Trade Agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications, and new cooperative ventures; and

WHEREAS, the United States International Trade Commission found that, with a Taiwan-United States Free Trade Agreement in place, United States exports to Taiwan would increase by sixteen percent annually, or roughly \$3.4 billion annually, and the broader interests of the United States in the Asia-Pacific region would be served.

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

1. The Legislature supports the negotiation of a Taiwan-United States Free Trade Agreement.

2. The Clerk of the Legislature shall forward copies of this resolution to the United States Trade Representative, to each member of the Nebraska congressional delegation, and to the Taipei Economic and Cultural Office in Kansas City.

**FIRST DAY - JANUARY 9, 2008**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
SECOND SESSION**

**FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 9, 2008

**PRAYER**

The prayer was offered by Senator Kruse.

**PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army and Air National Guard.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundredth Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 9, 2008, and was called to order by President Sheehy.

The roll was called and the following members were present:

Adams, Greg L.	Gay, Tim	Nelson, John E.
Aguilar, Raymond	Hansen, Tom	Pahls, Rich
Ashford, Brad	Heidemann, Lavon L.	Pankonin, Dave
Avery, Bill	Howard, Gwen	Pedersen, Dwite
Burling, Carroll	Hudkins, Carol	Pirsch, Pete
Carlson, Tom	Janssen, Ray	Preister, Don
Chambers, Ernie	Johnson, Joel T.	Raikes, Ronald E.
Christensen, Mark R.	Karpisek, Russ	Rogert, Kent
Cornett, Abbie	Kopplin, Gail F.	Schimek, DiAnna R.
Dierks, M. L.	Kruse, Lowen	Stuthman, Arnie
Dubas, Annette M.	Langemeier, Chris	Synowiecki, John F.
Engel, L. Patrick	Lathrop, Steve	Wallman, Norm
Erdman, Philip	Lautenbaugh, Scott	White, Tom
Fischer, Deb	Louden, LeRoy J.	Wightman, John M.
Flood, Mike	McDonald, Vickie D.	
Friend, Mike	McGill, Amanda	
Fulton, Tony	Nantkes, Danielle	

The following member was excused:

Harms, John N.

**MOTION - Adopt Temporary Rules**

Senator Hudkins moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

**RESIGNATION**

September 4, 2007

The Honorable Dave Heineman  
Governor of Nebraska  
P.O. Box 94848  
Lincoln, NE 68509-4848

Dear Governor Heineman:

By this letter, I submit my resignation as a member of the Nebraska Legislature, effective October 31, 2007 at 11:59 pm. For almost five years, it has been my distinct privilege to represent the residents of District 18 in this magnificent institution, but it is now time for me to return to the private sector.

I take this occasion to express my sincere appreciation to the voters of District 18 for allowing me to serve in this unique and very special institution. I also extend my heartfelt thanks to my colleagues and the legislative staff for their friendship, their commitment to the people's work, and their passion to build a greater Nebraska.

Governor, you have my deepest respect and admiration for your steadfast leadership and your pragmatic approach to governing our state. My optimism for the future of Nebraska has never been greater, and I hope you will call upon me whenever I can be of service to you and the citizens of Nebraska. Thank you.

Yours very truly,  
(Signed) Mick Mines

cc: Michael Flood, Speaker of the Legislature  
Patrick O'Donnell, Clerk of the Legislature

**MESSAGE FROM THE GOVERNOR**

October 29, 2007

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

Dear Mr. President, Speaker Flood and Senators:

I hereby appoint Scott Lautenbaugh to fill the vacancy in the 18th District created by the resignation of Senator Mick Mines.

This appointment will take effect November 1, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

**GUBERNATORIAL APPOINTMENT**

Greetings To All Who Shall See These Presents Know Ye, that I, Dave Heineman, on behalf of the State of Nebraska and as Governor, do hereby appoint Scott Lautenbaugh as a member of the Nebraska Legislature representing District 18.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on November 1, 2007, and continue until January 6, 2009, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Dave Heineman  
Governor

(Signed) John A. Gale  
Secretary of State

**CERTIFICATE**

State of Nebraska

United States of America, )  
) ss.  
State of Nebraska )

Secretary of State

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that Scott Lautenbaugh has been appointed as a Member of the Nebraska Unicameral Legislature from the Eighteenth District for the unexpired term of Mick Mines. The term beginning November 2, 2007, shall continue until January 6, 2009, or such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor Dave Heineman under the authority granted by the Constitution and by Section 32-566 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Ninth day of January in the year of our Lord, two thousand and eight.

(SEAL)

John A. Gale, Secretary of State

### OFFICIAL OATH

STATE OF NEBRASKA    )  
  ) ss.  
County of Douglas        )

"I, Scott A. Lautenbaugh, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 18 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."\*

(Signed) Scott Lautenbaugh

Subscribed in my presence and sworn to before me this 2nd day of November, 2007.

(Signed) Beverlee J. Diederich  
Witness or Notary

(SEAL)

\*Constitution of the State of Nebraska, Article XV, Section One.  
For Executive, Judicial Officers and Members of the Legislature.



**CERTIFICATE**

State of Nebraska

United States of America, )  
 ) ss. Secretary of State  
 State of Nebraska )

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundredth Legislature, Second Session, 2008.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundredth Legislature, Second Session, 2008.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Ninth day of January in the year of our Lord, two thousand and eight.

(SEAL)

John A. Gale, Secretary of State

DISTRICT/NAME	ELECTED
1 Lavon L. Heidemann	November 2, 2004
2 Dave Pankonin	November 7, 2006
3 Gail F. Kopplin	November 2, 2004
4 Pete Pirsch	November 7, 2006
5 Don Preister	November 2, 2004
6 John E. Nelson	November 7, 2006
7 John F. Synowiecki	November 2, 2004
8 Tom White	November 7, 2006
9 Gwen Howard	November 2, 2004
10 Mike Friend	November 7, 2006
11 Ernie Chambers	November 2, 2004
12 Steve Lathrop	November 7, 2006
13 Lowen Kruse	November 2, 2004
14 Tim Gay	November 7, 2006
15 Ray Janssen	November 2, 2004
16 Kent Rogert	November 7, 2006
17 L. Patrick Engel	November 2, 2004
18 Scott Lautenbaugh	Appointed November 2, 2007

19	Mike Flood	November 2, 2004
20	Brad Ashford	November 7, 2006
21	Carol Hudkins	November 2, 2004
22	Arnie Stuthman	November 7, 2006
23	Chris Langemeier	November 2, 2004
24	Greg L. Adams	November 7, 2006
25	Ronald E. Raikes	November 2, 2004
26	Amanda M. McGill	November 7, 2006
27	DiAnna R. Schimek	November 2, 2004
28	Bill Avery	November 7, 2006
29	Tony Fulton	Appointed January 3, 2007
30	Norman Wallman	November 7, 2006
31	Rich Pahls	November 2, 2004
32	Russ Karpisek	November 7, 2006
33	Carroll Burling	November 2, 2004
34	Annette M. Dubas	November 7, 2006
35	Raymond Aguilar	November 2, 2004
36	John Wightman	November 7, 2006
37	Joel T. Johnson	November 2, 2004
38	Tom Carlson	November 7, 2006
39	Dwite Pedersen	November 2, 2004
40	Cap Dierks	November 7, 2006
41	Vickie D. McDonald	November 2, 2004
42	Thomas F. Hansen	November 7, 2006
43	Deb Fischer	November 2, 2004
44	Mark Christensen	November 7, 2006
45	Abbie Cornett	November 2, 2004
46	Danielle Nantkes	November 7, 2006
47	Philip Erdman	November 2, 2004
48	John N. Harms	November 7, 2006
49	LeRoy J. Louden	November 2, 2004

### MESSAGES FROM THE GOVERNOR

July 1, 2007

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 appointed to positions within the Nebraska Department of Health and Human Services:

Christine Peterson, Chief Executive Officer  
Scot Adams, Director, Division of Behavioral Health

Todd Landry, Director, Division of Children & Family Services  
Vivianne Chaumont, Director, Division of Medicaid and Long-Term Care  
Dr. Joann Schaefer, Chief Medical Officer and Director, Div. of Public Health  
John Hilgert, Director, Division of Veterans' Homes

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

July 9, 2007

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 appointed to the Nebraska Liquor Control Commission:

Patrick J. Thomas, 11623 South 60th Street, Papillion, NE 68133

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 9, 2007

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 appointed as Property Tax Administrator:

Ruth A. Sorensen, 2500 Devoe Drive, Lincoln, NE 68506

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 9, 2007

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 appointed as a member of the Tax Equalization and Review Commission:

Nancy J. Salmon, 1017 10th Street, Aurora, NE 68818

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 12, 2007

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 Nebraska Educational Telecommunications Commission:

Dr. Phillip Dudley Jr., 1820 N. Elm, Hastings, NE 68901

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

July 12, 2007

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 Board of Public Roads Classifications and Standards:

Randy Peters, Nebraska Dept. of Roads, Lincoln, Nebraska

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

July 26, 2007

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 Nebraska Board of Parole:

Esther Casmer, 11525 S. 39th, #5, Bellevue, NE 68123

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

July 26, 2007

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 appointed to the State Personnel Board:

Gregory Osborn, 1144 Manchester Drive, Lincoln, NE 68528

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

July 31, 2007

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 appointed to the Foster Care Review Board:

Judy Meter, 1740 "Q" Street, Gering, NE 69341

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

August 13, 2007

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 appointed to the Tax Equalization and Review Commission:

Rob Hotz, 8117 Imperial Circle, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 17, 2007

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 Nebraska Ethanol Board:

Tim Else, RR 1, Box 27, Belvidere, NE 68315

The following individual is a new appointee to the Nebraska Ethanol Board:

Steve Hanson, 34355 Road 761, Elsie, NE 69134

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

August 24, 2007

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 appointed to the State Electrical Board:

John F. Hiller, 15573 Walnut Circle, Omaha, NE 68144

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

August 24, 2007

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 positions within the Environmental Quality Council:

Donald Williams, 235 Relf Street, Orchard, NE 68764  
John Turnbull, 711 Main Ave., York, NE 68467  
Ronald Zeiger, 1488 Midland Street, Syracuse, NE 68446  
John Baker, 2213 4th Ave., Scottsbluff, NE 69361

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

August 29, 2007

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 appointed to the Commission of Industrial Relations:

Sam Jensen, 13011 Hamilton Street, Omaha, NE 68154

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

August 31, 2007

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 appointed as the Director of the Developmental Disabilities Division - Department of Health and Human Services:

John C. Wyvill, 712 LaSalle Drive, Little Rock, AR 72211

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

September 17, 2007

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 appointed to the Climate Assessment Response Committee:

Dr. Mike Hayes, 823 Hardin Hall, UNL, PO Box 830988, Lincoln, NE 68583-0988

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

September 17, 2007

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 positions within the State Highway Commission:

Ronald Books, 219 N. Maloney Dr., North Platte, NE 69101  
Jerome Fagerland, HC 69, Box 92, Atkinson, NE 68713  
Richard Reiser, 541 S. 53rd St., Omaha, NE 68106

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

September 21, 2007

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 Board of Emergency Medical Services:

Capt. Michael Buscher, 19707 Island Dr., Plattsmouth, NE 68048  
Robert Dunn, 1500 Brighton Ave., Lincoln, NE 68506  
Shawn Baumgartner, 845 O Street, Gering, NE 69341  
Dr. Leon Sykes, 16236 Wright Circle, Omaha, NE 68130

Contingent upon your approval, the following individual is being appointed  
to the Board of Emergency Medical Services:

Ann Fiala, 132 North Walnut, Ainsworth, NE 69210

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

September 21, 2007

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 appointed  
to the Nebraska Game and Parks Commission:

Kent Forney, DVM, 5001 Trotter Circle, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your  
consideration. Copies of the appointment certificate and application are

attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 21, 2007

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 appointed to positions within the Environmental Quality Council:

Leigh Hoyt, 38664 Rd. 719, McCook, NE 69001  
Douglas Anderson, 1407 W. 10 Road, Aurora, NE 68818  
John Kinter, P.O. Box 309, Norfolk, NE 68701  
Dr. Lon Keim, 4242 Farnam, Ste. 355, Omaha, NE 68131

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

September 24, 2007

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 positions on the Motor Vehicle Industry Licensing Board:

Douglas Rolfsmeier, 488 East Pinewood Ave., Seward, NE 68434  
Sid Dillon, 1715 Nye Avenue, Fremont, NE 68025

Contingent upon your approval, the following individual is being appointed

to a position on the Motor Vehicle Industry Licensing Board:

Fred Stone, 2710 Kucera Drive, Lincoln, NE 68502

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

October 2, 2007

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 appointed to the Beginning Farmer Board:

Todd Reed, 10610 North 144th, Waverly, NE 68462

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

October 2, 2007

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 appointed to a position within the Board of Educational Lands and Funds:

John F. Lund, 9816 Fieldcrest Dr., Omaha, NE 68114

The aforementioned appointee is respectfully submitted for your consideration. A copy of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 10, 2007

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 appointed as The Adjutant General for the State of Nebraska:

Colonel Timothy Kadavy, 3717 Stonewall Manor Drive, Triangle, VA 22172

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

October 12, 2007

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 Nebraska Arts Council:

Richard Vierk, 1230 Fall Creek Rd., Lincoln, NE 68510  
David Catalan, 900 Farnam, #610, Omaha, NE 68102  
Murray Newman, 112 S. 92nd St., Omaha, NE 68114

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Donna Hastings, 212 Forest Blvd., Hastings, NE 68901  
Nana Smith, 2221 Sheridan Blvd., Lincoln, NE 68502

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

October 23, 2007

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 appointed to the Nebraska Game and Parks Commission:

Lynn Berggren, 514 Westridge Drive, Broken Bow, NE 68822  
S. Michael "Mick" Jensen, 13887 N. Highway 75, Blair, NE 68008

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

October 26, 2007

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 appointed

to the Nebraska Investment Council:

Norm Riffel, 12604 Cottonwood Lane, Springfield, NE 68059

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 30, 2007

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 Child Abuse Prevention Fund Board:

Patricia Madsen, Box 69, 207 Parnell Street, Stuart, NE 68780

Contingent upon your approval, the following individuals are being appointed to the Child Abuse Prevention Fund Board:

Tawanna Black, 8212 Vernon Ave., Omaha, NE 68134  
Dr. Rev. Rebecca Brown, 7001 Edenton Rd., Lincoln, NE 68516  
Sandra Markley, 5080 So. 172nd St., Omaha, NE 68135  
Parrish McDonald, 2816 Sheridan Blvd., Lincoln, NE 68502

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

November 6, 2007

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 Tax Equalization and Review Commission:

Nancy J. Salmon, 1017 10th Street, Aurora, NE 68818

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 6, 2007

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 appointed to the Nebraska Rural Health Advisory Commission:

Sharon Vandegrift, 909 H Street, Fairbury, NE 68352  
Dr. Douglas A. Dilly, 101 Eden Rock Lane, Neligh, NE 68756

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Rural Health Advisory Commission:

Martin L. Fattig, 2508 P Street, Apt. 2, Auburn, NE 68305  
Dr. Steven Dokken, 442 G Street, Pawnee City, NE 68420

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

November 20, 2007

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 appointed to the Beginning Farmer Board:

Mark Graff, 103 S. Cherokee Rd., McCook, NE 69001  
Melvin Valasek, 11221 N. 156th St., Bennington, NE 68007

Contingent upon your approval, the following individuals are being reappointed to the Beginning Farmer Board:

Donald Anthony, 43970 Road 758, Lexington, NE 68850  
Dr. Darrell Mark, 6041 Meridian Dr., #428, Lincoln, NE 68504

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

November 28, 2007

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 appointed as Director of Insurance for the State of Nebraska:

Ann Frohman, 5522 NW Tudor Lane, Lincoln, NE 68521

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

December 1, 2007

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 appointed to the Coordinating Commission for Postsecondary Education:

Riko Bishop, 233 South 13, Suite 1400, Lincoln, NE 68508

Contingent upon your approval, the following individuals are being reappointed to the Coordinating Commission for Postsecondary Education:

Timothy Hodges, 11420 S. 199th Street, Gretna, NE 68028  
Richard Uhing, 1500 North 43rd St., Norfolk, NE 68701

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

December 5, 2007

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 Board of Public Roads Classifications and Standards:

James Bauer, 1010 Quail Ridge Cr., Beatrice, NE 68310  
Darold Tagge, 204 W. 15th, Holdrege, NE  
Henry Thieman, P.O. 84, Petersburg, NE 68652  
Richard Ruby, 3121 Williamsburg Dr., Lincoln, NE 68516  
Richard Pierce, 33560 Hwy 183, Miller, NE 68858

Edward Wootton, 804 W. Mission Ave., Bellevue, NE 68005

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 5, 2007

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 appointed to the Coordinating Commission for Postsecondary Education:

Clark Anderson, 122 North Hillcrest, Ogallala, NE 69153  
Carol Zink, 1420 Broadmoore Drive, Lincoln, NE 68506

Contingent upon your approval, the following individual is being reappointed to the Coordinating Commission for Postsecondary Education:

Mary Lauritzen, 1097 Hwy 9, West Point, NE 68788

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 7, 2007

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 appointed to the Public Employees Retirement Board:

Elaine Stuhr, 208 Road 18, Bradshaw, NE 68319

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

December 12, 2007

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 Tax Equalization and Review Commission:

William R. Wickersham, 103 Nixon Road, Chadron, NE 69337

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

December 17, 2007

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 appointed to the State Board of Health:

Dr. Dale Michels, 11800 Van Dorn Road, Walton, NE 68461-9760

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

December 19, 2007

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 appointed to the Rural Health Advisory Commission:

Kathy Boswell, 214 W Second, Allen, NE 68710

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

December 19, 2007

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 State Fair Board:

Tamas Allan, 5405 A Street, Lincoln, NE 68510

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

December 19, 2007

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 appointed to the Board of Public Roads Classifications and Standards:

Roger Figard, 5411 Glade Street, Lincoln, NE 68506

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

December 19, 2007

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 appointed to the Commission for the Blind and Visually Impaired:

Julie Johnson, 820 East 5th St., York, NE 68467  
James Jirak, 3512 S. 44th Ave., Omaha, NE 68105  
Wesley Majerus, 1301 Lincoln Mall, #405, Lincoln, NE 68508

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

information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 20, 2007

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 appointed to the Board of Trustees of the Nebraska State Colleges:

Michelle Suarez, 2427 Woodsdale Blvd., Lincoln, NE 68502

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

December 21, 2007

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 Nebraska Railway Council:

Gary Rasmussen, Box 6, Elba, NE 68835  
John Rebensdorf, 651 N. 57th Avenue, Omaha, NE 68132  
Frank Landis, 3400 Calvert, Lincoln, NE 68502

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.



Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 8, 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 appointed to the Foster Care Review Board:

Alfredo Ramirez, 1308 Park Avenue, Norfolk, NE 68701  
Ronald Albin, 1316 Galeta, Norfolk, NE 68701

Contingent upon your approval, the following individuals are being reappointed to the Foster Care Review Board:

Rev. Larry Brown, MD, 2714 Morrie Dr., Bellevue, NE 68123  
Gene Klein, 1209 MacArthur Dr., 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

**MESSAGE FROM THE SECRETARY OF STATE**

August 15, 2007

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

Dear Mr. O'Donnell:

The purpose of this letter is to inform you and the honorable members of the Legislature that I have made the following appointment requiring

Legislative confirmation:

Mr. Richard Nelson (Republican) to the Nebraska Accountability and Disclosure Commission effective today, August 15, to serve a six-year term ending on June 30, 2013.

This appointment is made by me pursuant to the provisions of Sections 49-14,106 through 49-14,120.

Thank you for your consideration. If you have questions or if I can provide additional information, please feel free to contact me.

Sincerely,  
(Signed) John A. Gale  
Secretary of State

Kc

## ATTORNEY GENERAL'S OPINIONS

### Opinion 07017

DATE: November 21, 2007

SUBJECT: Number of Hours That May Be Worked by Firefighters Assigned to Work Shifts of Less Than Twenty-four Hours Under Neb. Rev. Stat. § 35-302 (2004)

REQUESTED BY: Senator L. Patrick Engel  
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General  
Charles E. Lowe, Assistant Attorney General

### Introduction

You have asked this office for its opinion regarding the provisions of Neb. Rev. Stat. § 35-302 (2004) in connection with the plans of South Sioux City, Nebraska to hire two currently volunteer firefighters on a full-time basis as employees of the city. You indicate that the city plans on having these two firefighters work five 8-hour shifts, Monday through Friday, for a total of forty hours per week. You ask whether or not the terms of § 35-302 would prevent these two firefighters "from working additional hours to respond to fire and rescue calls during the evenings and weekends." You indicate that you will be proposing legislation amending § 35-302 to make clear that firefighters who work less than twenty-four hour shifts would not be prohibited from working such additional hours if our answer to your inquiry is in the affirmative.

The Language of § 35-302

Section 35-302 reads as follows:

Firefighters employed in the fire departments of cities having paid fire departments shall not be required to remain on duty for periods of time which will aggregate in each month more than an average of sixty hours per week. Each single-duty shift shall consist of twenty-four consecutive hours and shall be followed by an off-duty period as necessary to assure compliance with the requirements of this section unless by voluntary agreement between the city and the firefighter, any firefighter may be permitted to work an additional period of consecutive time and may return to work after less than a twenty-four-hour off-duty period. Any firefighter may be assigned to work less than a twenty-four-hour shift, but in such event the firefighter shall not work in excess of forty hours per week. No firefighter shall be required to perform any work or service as such firefighter during any period in which he or she is off duty except in cases of extraordinary conflagration or emergencies or job-related court appearances. (Emphasis supplied.)

Rules Concerning Statutory Language

In responding to your inquiry regarding whether, under § 35-302, South Sioux City can expect the two forty-hours-per-week firefighters to work additional hours on evenings and weekends, it is important to bear in mind some of the basic rules concerning the application of statutory language. In *State v. Atkins*, 250 Neb. 315, 318, 549 N.W.2d 159, 162 (1996), the Nebraska Supreme Court stated the pertinent rules as follows:

[A] statute is open for construction only when the language used requires interpretation or may reasonably be considered ambiguous. . . .

In the absence of anything to the contrary, statutory language is to be given its plain and ordinary meaning; an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous. . . . Nor is it within the province of the courts to read a meaning into a statute that is not there, nor to read anything direct and plain out of a statute. (Internal citations omitted.)

Accord, e.g., *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 876, 725 N.W.2d 792, 802 (2007); *Hatcher v. Bellevue Volunteer Fire Department*, 262 Neb. 23, 30, 628 N.W.2d 685, 692 (2001). Further, a statute will be considered ambiguous only "when the language used cannot be adequately understood either from the plain meaning of the statute or when considered in *pari materia* with any related statutes." *Zach v. Eacker*, 271 Neb. 868, 872, 716 N.W.2d 437, 441 (2006).

Analysis of § 35-302

Applying the foregoing rules concerning statutory language to § 35-302, it appears that the language used therein is plain, readily understood and unambiguous.

The first two sentences of the statute, taken together, clearly reflect that firefighters are to work twenty-four hour shifts and that such shifts shall not "aggregate in each month more than an average of sixty hours per week." The second sentence further states that, after working a "single-duty shift" of twenty-four consecutive hours, a firefighter is to be given an off-duty period of such length as may be necessary to meet the "requirements of this section" – i.e., the aggregate average sixty hours per week requirement. Finally, the second sentence provides a means by which a city and a firefighter can agree that the firefighter may work "an additional period of consecutive time and may return to work after less than a twenty-four-hour off-duty period." There is nothing in this provision, however, to suggest that the city and the firefighter can agree to waive the aggregate average sixty hours per week requirement set forth in the first sentence. Rather, it simply allows the city and the firefighter to agree to shifts of longer than twenty-four hours and off-duty periods of less than twenty-four hours. The "average of sixty hours per week" limitation must still be complied with.

The third sentence of § 35-302 addresses the different situation in which a city assigns a firefighter to work shifts of less than twenty-four hours. It permits a city to make such an assignment, but goes on to state that "in such event the firefighter shall not work in excess of forty hours per week." There is nothing in the third sentence or any other provision of § 35-302 allowing the forty hours per week limitation to be exceeded by agreement of the city and the firefighter or in any other way.<sup>1</sup>

The last sentence of § 35-302 simply states that a firefighter may not be required to perform any service as a firefighter during off-duty periods "except in cases of extraordinary conflagration or emergencies or job-related court appearances." This provision does not amount to an exception allowing a firefighter who works less than twenty-four hour shifts to work more than forty hours in a week. Rather, it means only that any firefighter may be required, during his or her off-duty period, to respond to "extraordinary" conflagrations or emergencies or to make required court appearances. There is nothing to suggest, however, that any such responses to "extraordinary" fires or emergencies or court appearances would allow the aggregate average sixty hours per week (for firefighters working shifts of twenty-four hours or longer) or the forty hours per week (for firefighters working shifts of less than twenty-four hours) limitations to be breached.

Conclusion

In light of the foregoing analysis it appears that the third sentence of § 35-302 is directly applicable to the situation you have described in which

South Sioux City will be assigning the two city-employed firefighters to shifts of less than twenty-four hours. The two firefighters will not be able to work in excess of forty hours per week. There is nothing in the statute which would permit the city and firefighters to "get around" the forty hours per week limitation.

Accordingly, if you wish to give South Sioux City and other cities having paid fire departments the flexibility to allow firefighters working less than twenty-four hour shifts to work more than forty hours per week, legislation amending § 35-302 will be necessary.

Obviously, we offer no opinion as to whether any such amendment to the statute would be wise or constitute good public policy since these are matters which must be addressed by the Legislature itself.

<sup>1</sup> While our analysis of § 35-302 is limited to the plain meaning of the language used therein because there is no ambiguity, we, nonetheless, note that our conclusion about the "stand alone" nature of the third sentence is supported by legislative history of this provision. During a hearing on a proposed amendment which was adopted and incorporated this provision (and others) into the statute, the proponent of such amendment stated: [W]e propose the amendment to say that any fireman may be assigned to work less than twenty-four hour shifts, but in such event the fireman shall not work in excess of forty hours per week. Now, this is designed primarily to cover the chief, the training officer, fire inspectors, and people of this type who are presently working forty hours a week or eight or nine hours a day, as the case may be, and should not be and were not intended to be under the provisions requiring a maximum of sixty hours and twenty-four hour shifts.

Committee Records on LB 773, 82nd Neb. Leg., 1st Sess. 4 (March 4, 1971) (Emphasis supplied.)

Sincerely,  
JON BRUNING  
Attorney General  
(Signed) Charles E. Lowe  
Assistant Attorney General

Pc: Patrick O'Donnell  
Clerk of the Legislature  
17-233-21

Opinion 08001

DATE: January 7, 2008

SUBJECT: Use of Construction Management at Risk Method by  
Community Colleges.

REQUESTED BY: Michael J. Flood, Senator  
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General  
Lynn A. Melson, Assistant Attorney General

You have requested our opinion whether the use of "construction management at risk" services is prohibited under Nebraska law. We have learned from your staff that your specific question is whether community colleges may use this method for their construction projects. You have also stated that, if the use of such services by community colleges is prohibited, you may introduce legislation on this topic.

According to the information that you have submitted to our office, the construction management at risk method is an alternative to the traditional "design – bid – build" method of building construction. The term "construction management at risk contract" is defined at Neb. Rev. Stat. §79-2003(1) as follows:

Construction management at risk contract means a contract by which a construction manager (a) assumes the legal responsibility to deliver a construction project within a contracted price to the school district, (b) acts as a construction consultant to the school district during the design development phase of the project when the school district's architect or engineer designs the project, and (c) is the builder during the construction phase of the project;

This statutory definition is part of the Nebraska Schools Construction Alternatives Act which was enacted in 2002 and applies solely to school districts. Our review of Nebraska statutes reveals this is the only mention of this term in current statutes.

With your request letter you enclosed information submitted by the Executive Director of the Associated General Contractors, Nebraska Building Chapter. That letter explains that, in the construction management at risk method, the construction manager is also the constructor and that the construction manager/constructor "typically provides preconstruction services, holds the trade contracts, takes responsibility for performance of the actual work and guarantees the construction costs and schedule."

You have also provided us with a letter you received from the State Auditor which suggests that the construction management at risk method can not be employed by political subdivisions in Nebraska because a facility would need to be designed prior to accepting bids for the construction portion of the project. You then ask our office whether construction management at risk services are prohibited under Nebraska law and you note that school districts in Nebraska as well as the University of Nebraska system have built several buildings using construction management at risk services.

In Nebraska, community colleges are governed, in part, by the Coordinating Commission for Postsecondary Education. The Commission is a state agency which has been established under the Nebraska Constitution as the entity "which shall, under the direction of the Legislature, be vested with the authority for coordination of public postsecondary educational institutions." Neb. Const. art. VII, § 14. By virtue of this constitutional provision, the Commission has the authority to review and approve or disapprove capital construction projects which utilize tax funds designated by the Legislature. See, also, the Coordinating Commission for Postsecondary Education Act, Neb. Rev. Stat. § §85-1401 to 85-1420 (1999, Cum. Supp. 2006 and Supp. 2007).

While subject to coordination by the Commission, locally governed community college areas have been established with each community college area governed by a board of governors. Neb. Rev. Stat. § §85-1504 and 85-1506 (1999). These local political subdivisions also have duties with regard to construction projects.

The Nebraska Supreme Court has held, "[a]dministrative bodies...have only that authority specifically conferred upon them by statute or by construction necessary to achieve the purpose of the relevant act." *Jolly v. State*, 252 Neb. 289, 562, N.W.2d 61 (1997). The same may be said of political subdivisions of the State. A political subdivision has no inherent authority. Rather, it "has only that power delegated to it by the Legislature, and a grant of power to a political subdivisions is to be strictly construed." *DLH, Inc. v. Lancaster County Board of Commissioners*, 264 Neb. 358, 362, 648 N.W.2d 277, 280 (2002). We have found no statute which expressly delegates to community colleges the authority to employ the construction management at risk method. Moreover, with regard to community colleges, Neb. Rev. Stat. §85-1519 (1999) provides that each community college board of governors "shall adopt plans and specifications in advance of letting bids for any capital construction project. Such plans and specifications shall be the basis upon which the bids are received." This statutory language may be said to reflect legislative intent that boards first adopt a design before accepting bids from contractors. In other words, such language appears to reflect the more traditional design – bid – build method.

While you note that school districts and the University of Nebraska system currently use the construction management at risk method for their capital construction projects, we note that those entities are governed by different statutes. For example, school districts in Nebraska have been specifically authorized by our legislature to use the construction management at risk method in the Nebraska Schools Construction Alternatives Act. Neb. Rev. Stat. § § 79-2001 to 79-2015 (2002).

For all of these reasons, we believe there is insufficient statutory authority for the use of the construction management at risk services by community colleges. You may wish to consider appropriate legislature to ensure that this method may be employed.

Sincerely,  
 JON BRUNING  
 Attorney General  
 (Signed) Lynn A. Melson  
 Assistant Attorney General

cc. Clerk of the Legislature  
 09-002-20

## REPORTS

The following reports were received by the Legislature:

**Administrative Services, Department of**

Annual Budgetary Report for the Year Ended June 30, 2007

**Agriculture Committee, Legislative**

State Fair Model Study Report pursuant to LB435, 2007

**Agriculture, Department of**

Commercial Dog and Cat Operation Inspection Act Fiscal Report for 2006/2007

**Arts Council, Nebraska**

Nebraska Arts and Humanities Cash Fund Report

**Athletic Commission, State**

Revised and Adopted Rules and Regulations for the Government of Boxing, Wrestling, and Mixed Martial Arts in Nebraska

**Attorney General**

Human Trafficking Report (LB1086, 2006)

**Auditor of Public Accounts**

Retirement Systems, Public Employees Retirement Systems - State and County Employees Retirement Plans Audit Report

**Community Corrections Council, Nebraska**

Nebraska Probation and Parole Services Study

**Dairy Industry Development Board, Nebraska**

Annual Report, July 1, 2005 - June 30, 2006

Annual Report, July 1, 2006 - June 30, 2007

**Economic Development, Department of**

2006 Nebraska Affordable Housing Trust Fund Annual Report

Local Civic, Cultural, and Convention Center Financing Fund 2007

Annual Report on Grants Conditionally Approved for Funding by the Legislature

Proposed 2006 Annual Performance Report (APR) for Nebraska's Housing and Community Development Program's Consolidated Plan

Proposed 2008 Annual Action Plan

**Educational Lands and Funds, Board of**

Board of Educational Lands and Funds Report Covering the Period from July 1, 2006 through June 30, 2007

**Environmental Quality, Department of**



2007 Annual Report

2007 Nebraska Groundwater Quality Monitoring Report

**Ethanol Board, Nebraska**

Ethanol Production Incentive Cash Fund Report (see Revenue, Department of)

**Fire Marshal, State**

Report of number of volunteer members

**Fiscal Office, Legislative**

Certification of General Fund net receipts for fiscal year beginning July 1, 2007. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced April 26, 2007

**Game and Parks Commission**

2007 Recreation Road Report

Game Law Investigation Cash Fund Annual Report

**Health and Human Services, Department of**

2006 - 2007 Annual Report, Lifespan Health Services, Office of Women and Men's Health

2007 Nebraska Health Care Funding Act Report (LB692)

2007 Nebraska Juvenile Correctional Facilities Master Plan Update (LB1060, 2006)

Children's Mental Health Services, Notice of Intended Reduction of the Capacity for Children's Mental Health Services at the Hastings Regional Center

Human Trafficking Report (LB1086, 2006)

Medicaid and Long-Term Care, Division of, Care Management Annual Report for fiscal year 2007

System Advocate, Office of, Fiscal Year 2007 Annual Report

**Insurance, Department of**

2006 Annual Report of the Interstate Insurance Receivership Commission

**Investment Council**

Northern Ireland Investment Requirements Report

**Investment Finance Authority, Nebraska (NIFA)**

2006 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2006) Reports

2007 Series CD Single Family Housing Revenue Bonds Notice

2007 Series EF Single Family Housing Revenue Bonds Notice

2007 Series GH Single Family Housing Revenue Bonds Notice

Agricultural Division Loans, individual reports of for FY July 1, 2006 through June 30, 2007

Clean Water State Revolving Fund Revenue Bonds Series 2007B Notice

Clean Water State Revolving Fund Revenue Bonds Series 2007B Quarterly Report

Drinking Water State Revolving Fund Revenue Bonds Series 2006 A, Quarterly Reports

Drinking Water State Revolving Fund Revenue Bonds Series 2007 A, Notice

Single Family Housing Bonds and General Obligation Bonds Notice (consisting of one or more Series of Bonds)

Single Family Housing Revenue Bonds Series 2006 AB Quarterly Report  
 Single Family Housing Revenue Bonds Series 2006 CD Quarterly Report  
 Single Family Housing Revenue Bonds Series 2006 E Quarterly Report  
 Single Family Housing Revenue Bonds Series 2006 FG Quarterly Report  
 Single Family Housing Revenue Bonds Series 2007 AB Quarterly Report  
 Single Family Housing Revenue Bonds Series 2007 CD Quarterly  
 Reports

Single Family Housing Revenue Bonds Series 2007 CD Quarterly Report  
 Single Family Housing Revenue Bonds Series 2007 EF Quarterly Report  
 Single Family Housing Revenue Bonds Series 2007 GH Quarterly Report

**Labor, Department of**

Workforce Development Investment Board, 2006 Annual Report

**Natural Resources, Department of**

Annual Report and Plan of Work for the Nebraska State Water Planning  
 and Review Process

**Performance Audit Committee, Legislative**

Annual Report

Nebraska Information Technology Commission: An Examination of  
 Statutory Compliance and the Project Review Process Report

**Power Review Board**

"Conditions Certain" Issues Annual Report

**Propane Education and Research Safety Council**

Independent Auditors' Report - Years Ended December 31, 2006 and  
 2005

**Public Service Commission**

2007 Annual Report on Telecommunications

**Railway Council, Nebraska**

2006 Annual Report

**Research Division, Legislative**

Boards and Commissions in Nebraska, 2007

**Retirement Systems, Public Employees**

County Employees' Retirement System Cash Balance Benefit Fund

Actuarial Valuation Results as of January 1, 2007 for County Fiscal  
 Year Ending June 30, 2009

Judges' Retirement System Forty-second Actuarial Report for State Fiscal  
 Year Ending June 30, 2009 and System Plan Year Beginning July 1,  
 2007

Retirement Plan Review, January 1, 2006 to December 31, 2006

School Retirement System Fifty-fifth Actuarial Report for State Fiscal  
 Year Ending June 30, 2009 and System Plan Year Beginning July 1,  
 2007

State Employees' Retirement System Cash Balance Benefit Fund

Actuarial Valuation Results as of January 1, 2007 for State Fiscal Year  
 Ending June 30, 2009

State Patrol Retirement System Fifty-second Actuarial Report for State  
 Fiscal Year Ending June 30, 2009 and System Plan Year Beginning July  
 1, 2007

**Revenue, Department of**

2006 Annual Report on Nebraska Advantage Programs

**2007 Annual Report**

Certification of General Fund net receipts for fiscal year beginning July 1, 2007. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced April 26, 2007

Charitable Gaming Division 2007 Annual Report

Ethanol Production Incentive Cash Fund Report

Report of Examination of State of Nebraska Auditor of Public Accounts for Fiscal Year Ended June 30, 2006

**Roads, Department of**

2006 State Highway Inventory Report, Supplemental Report for the 2006 State Highway Needs Assessment

2007 State Highway Needs Assessment Report

Board of Public Roads Classifications and Standards Minutes for April, May, June, July 2007

Maps: Roads, Highways, and Streets Designated as Federal-Aid Primary Roads, National System of Interstate and Defense Highways, Roads Designated as the Federal-Aid Primary System, National Highway System, Highway Beautification Control System and Scenic Byways

One-Year and Five-Year Programs of Anticipated Design, Construction, Maintenance, and Improvements for State's Recreation Roads

State Highway Commission Quarterly Reports

Surface Transportation Program Book Fiscal Years 2008 - 2013 and Beyond

Traffic Crash Facts 2006 Annual Report

**Southeast Community College**

Financial Condition of the Center

**Special Education Services Task Force**

Final Report

**State Fair Board**

State Fair Park expenditures made in the Fiscal Year ending June 30, 2007

**Supreme Court**

Nebraska Judicial Structure and Administration Task Force Final Report October 2007

**Tax Policy Reform Commission**

Final Report

**Workers' Compensation Court**

65th Annual Report, Fiscal Year 2007

**COMMUNICATIONS**

Received a copy of House Joint Resolution #38 rescinding all applications by the Montana Legislature asking Congress to call a constitutional convention.

Received petition from the City Council of the City of Lincoln adopted on October 8, 2007.

Received petition from the City Council of the City of Omaha adopted on October 16, 2007.

Received petition from the City Council of the City of Seward adopted on December 18, 2007.

Received communication from the Secretary of State stating that as a result of Nebraska's restrictions on corporate farming having been held unconstitutional, the Secretary of State will not be submitting the Nebraska Agricultural Activity Report (I-300).

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Dave Heineman issued a proclamation declaring January 5, 2008, as George W. Norris Day.

### PROPOSED RULES CHANGES

Senator Hudkins offered the following proposed rules changes:

1. Amend Rule 3 section 4(b)

(b) Beginning with the 2009 session of the Legislature, the Speaker of the Legislature shall be an ~~an ex officio~~ member and shall serve as ~~the chair one of the six members and shall be an ex officio member~~ of the Rules Committee. Select committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

2. Amend Rule 7 Section 3(d)

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject.

Committee amendments proposed by any committee authorized to consider legislation shall be deemed germane on General File, provided the proposed committee amendment strikes all of the provisions of the underlying bill and is within the subject matter jurisdiction of such committee.

Re-number the remaining subsections

3. Amend rule 3 add new section 21

There is established the Office of Legal Counsel to the Select and Special Committees. Beginning no later than January 1, 2009, said office shall provide legal counsel and advice to all Select and Special Committees of the

Legislature except the Executive Board of the Legislative Council. Counsel shall serve at the pleasure of the Executive Board of the Legislature.

4. **Rule 3, Sec. 5(c)(iii)** The Legislative Performance Audit Committee is authorized to hold hearings, at the committee's discretion, to receive testimony regarding topics it has selected for review. Such hearings shall comply with the provisions in Rule 3, Sec. 13. In order to protect confidential information pertaining to a potential or actual performance audit, the committee may, by a majority vote of all its members, determine that a hearing or any other meeting should not be open to the public, including members of the news media. Such hearing or meeting shall be reconvened in open session before any formal action may be taken.

5. **Rule 3, Sec. 15(b)** Except as provided in Rule 3, Sec. 5(c)(iii), All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

6. **Rule 3, Sec. 20(c)(ii)** Except as provided in Rule 3, Sec. 5(c)(iii), The hearing shall be public unless the committee, by a majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, Section 15(b) regarding closed meetings.

7. **Rule 5, Sec. 5(c)** The Legislative Performance Audit Committee may designate as priority bills two bills ~~introduced by the committee or any senator as a~~ resulting from ~~of~~ a performance audit or involving the performance audit process, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

8. Amend Rule 3 by inserting the new language below in section 6 and renumber accordingly.

Sec. 6. Redistricting Committee. A special committee, to be known as the Redistricting Committee, is hereby established. During each decennial redistricting process, the Redistricting Committee is authorized to introduce bills relating to redistricting, exercise jurisdiction over all bills relating to redistricting, hold hearings on all redistricting bills, and oversee the redistricting process.

The committee shall be comprised of nine members of the Legislature appointed by the Executive Board, with three members from each congressional district. No more than five members of the committee shall be affiliated with the same political party. Any subsequent vacancy on the committee shall be filled by the Executive Board.

The chairperson of the committee shall be appointed by the Executive Board. The vice chairperson shall be elected by the members of the

committee, and he or she shall not be a member of the same political party as the chairperson.

The committee shall adopt administrative guidelines governing its affairs and activities and guiding the redistricting process. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall have jurisdiction of reformulating the plan so challenged.

The following criteria are hereby adopted to guide the Legislature during the redistricting process. The criteria are designed to help ensure that the redistricting plans developed are constitutionally acceptable.

1. In the event that two sets of population data (adjusted and unadjusted) are released by the Census Bureau, the Legislature will utilize, for purpose of redistricting; the data determined by the Census Bureau to most accurately reflect the number of persons residing in the state.
2. District Boundaries established by the Legislature during the redistricting process shall be based on census geography.
3. District boundaries shall follow county lines whenever practicable and shall define districts that are compact and contiguous as these terms have been articulated by the United States Supreme Court.
4. Insofar as possible, and within the context of principles set forth by the United States Supreme Court, district boundaries shall define districts that are easily identifiable and understandable to voters and that preserve the cores of prior districts. When feasible, district boundary lines shall coincide with the boundaries of cities and villages. If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, as described by census geography.
5. District boundaries shall not be established with the intention of favoring a political party or any other group or person.
6. In drawing district boundaries, no consideration shall be given to the political affiliations of registered voters, demographic information other than population figures, or the results of previous elections, except as may be required by the laws and Constitution of the United States.
7. District boundaries which would result in the unlawful dilution of the voting strength of any minority population shall not be established.
8. The general goal of the redistricting process shall be the creation of districts that are substantially equal in population. The specific criteria under which redistricting plans shall be judged with regard to the issue of population equality are described in Guideline 9.
9. The following criteria shall be specifically applicable to the public bodies for which the Legislature will create new district boundaries during the redistricting process.

UNITED STATES HOUSE OF REPRESENTATIVES

- (a) Three single member districts unless the State is required by Federal law to increase or decrease this number.
- (b) Population among districts shall be as nearly equal as practicable, that is, with the overall range of deviation at or approaching 0%
- (c) No plan shall be considered which results in an overall range of deviation in excess of 1% or a relative deviation in excess of plus or minus 0.5%, based upon the ideal district population. Any deviation from absolute equality of population must be necessary to the achievement of a "legitimate state objective" as that concept has been articulated by the United States Supreme Court. To the extent that such objectives are relied on, they shall be applied consistently, and shall include, but not be limited to, the creation of compact districts, the preservation of municipal boundaries, and the preservation of the cores of prior districts. Whenever, there is presented to the Legislature more than one plan that will substantially vindicate the above objectives, preference will be given to the plan that provides the greatest degree of population equality.

LEGISLATURE

- (a) Forty-nine single member districts or that number permitted under the Constitution of the State of Nebraska.
- (b) In establishing new legislative district boundaries, the Legislature shall create districts that are as nearly equal in population as may be. No plan shall be considered which results in an overall range of deviation in excess of 10% or a relative deviation in excess of plus or minus 5%, based upon the ideal district population.
- (c) Any deviation in excess of the above must be justifiable as necessary for the realization of a "rational state policy" as that concept has been articulated by the United States Supreme Court.
- (d) If the population of any county falls within the relative deviation set forth in these guidelines, the boundaries of the county shall define a legislative district.

NEBRASKA SUPREME COURT

- (a) Six Single member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

BOARD OF REGENTS

- (a) Eight single member districts
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

PUBLIC SERVICE COMMISSION

- (a) Five single member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

STATE BOARD OF EDUCATION

- (a) Eight single member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

**9. Amend Rule 3, Section 5 (b) to read:**

The special committees authorized by statute as of ~~January 1, 1980~~ January 9, 2008 are as follows:

Building Maintenance. RRS 81-185 .....	6 members
Education Commission of the States. RRS 79-1504.....	3 members
Executive Board of the Legislative Council. RRS 50-401.01.....	9 members
Intergovernmental Cooperation. RRS 81-816.....	5 members
Legislative Performance Audit. RRS 50-1204.....	7 members
<u>State-Tribal Relations RRS 50-445 .....</u>	<u>7 members</u>

Referred to the Rules Committee.

Senator Erdman offered the following proposed rules changes:

**Rule 4 -- resolutions**

**Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results.** (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd-numbered years and the 50th legislative day in even-numbered years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with



the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee ~~shall~~ may file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for ~~the highest prioritized interim studies~~ any study resolution referenced to such committee. ~~This study plan shall be filed no later than thirty days after adjournment sine die.~~ Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject-matter jurisdiction.

Referred to the Rules Committee.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 706.** Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to limited cooperative associations; to amend section 21-2970, Revised Statutes Supplement, 2007; to delete erroneous references to corporation that should be references to limited cooperative association; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 707.** Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to partnerships; to amend sections 67-294, 67-464, and 67-465, Reissue Revised Statutes of Nebraska; to repeal sections that terminated on January 1, 2001; to repeal sections that are no longer needed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 67-101, 67-102, 67-103, 67-104, 67-105, 67-106, 67-301, 67-302, 67-303, 67-304, 67-305, 67-306, 67-307, 67-308, 67-309, 67-310, 67-311, 67-312, 67-313, 67-314, 67-315, 67-316, 67-317, 67-318, 67-319, 67-320, 67-321, 67-322, 67-323, 67-324, 67-325, 67-326, 67-327, 67-328, 67-329, 67-330, 67-331, 67-332, 67-333, 67-334, 67-335, 67-336, 67-337, 67-338, 67-339, 67-340, 67-341, 67-342, 67-343, 67-344, 67-345, 67-346, and 67-466, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 708.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Revised Statutes Supplement, 2007; to adopt the Sales Tax

Holiday Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 709.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1403 and 60-1403.01, Reissue Revised Statutes of Nebraska, sections 45-335, 60-111, 60-320, and 60-1401.02, Revised Statutes Cumulative Supplement, 2006, and sections 60-101, 60-301, and 77-2703, Revised Statutes Supplement, 2007; to permit motor vehicle dealers and motorcycle dealers to collect documents, taxes, and fees and issue certificates of title, certificates of registration, license plates, and validation and tonnage decals; to provide powers and duties; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 710.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Land Reutilization Act; to amend sections 77-3206, 77-3207, 77-3210, 77-3212, and 77-3213, Reissue Revised Statutes of Nebraska; to require notice of sale of real property by a land reutilization authority as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 711.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to retirement; to amend sections 24-709.02 and 79-951, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the payment of disability benefits under the Judges Retirement Act and the School Employees Retirement Act; and to repeal the original sections.

**LEGISLATIVE BILL 712.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,227, Reissue Revised Statutes of Nebraska; to provide for daytime running lights; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 713.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to medicine and surgery; to amend section 38-2037, Revised Statutes Supplement, 2007; to prohibit use of certain substances as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 714.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2716 and 77-3504, Revised Statutes Supplement, 2007; to exempt social security benefits from state income taxation and homestead exemption

calculations; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 715.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to real estate; to amend section 81-885.17, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to nonresident real estate licensees; and to repeal the original section.

**LEGISLATIVE BILL 716.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-506, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to the effect of errors and omissions in a financing statement; and to repeal the original section.

**LEGISLATIVE BILL 717.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to finance; to amend sections 8-374, 25-202, and 64-214, Reissue Revised Statutes of Nebraska, and sections 8-115.01, 8-143.01, 8-157, 8-234, and 8-1510, Revised Statutes Cumulative Supplement, 2006; to change certain notice requirements with respect to bank charter and branching applications; to change provisions relating to loans to executive officers of banks; to change provisions relating to actions for the recovery of title or possession of real estate or foreclosure of mortgages; to provide for the foreclosure of deeds of trust; to allow bank employees and agents to perform acknowledgments of written instruments and administer oaths as prescribed; to eliminate provisions relating to the investment of funds by fiduciaries; to repeal the original sections; and to outright repeal section 30-3206, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 718.** Introduced by Schimek, 27; Cornett, 45; McGill, 26; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2007; to exempt construction purchases by organizations like the Habitat for Humanity from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 719.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the State Board of Education; to amend section 79-313, Reissue Revised Statutes of Nebraska; to change provisions relating to membership qualifications; and to repeal the original section.

**LEGISLATIVE BILL 720.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to telecommunications; to amend sections

49-1474.02, 86-242, 86-247, 86-248, 86-250, and 86-256, Revised Statutes Cumulative Supplement, 2006; to change requirements relating to recorded political messages and messages delivered using automatic dialing-announcing devices; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 721.** Introduced by Schimek, 27; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend sections 72-2210 and 81-1108.38, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Capitol Landscape Restoration Master Plan; to provide duties to the commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 722.** Introduced by Engel, 17.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend sections 77-4001, 77-4002, 77-4004, 77-4007, 77-4008, 77-4009, 77-4014, 77-4017, 77-4018, and 77-4024, Reissue Revised Statutes of Nebraska; to change the tax on snuff; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 723.** Introduced by Engel, 17.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2120, 81-2126, and 81-2132, Reissue Revised Statutes of Nebraska, sections 81-2104 and 81-2124, Revised Statutes Cumulative Supplement, 2006, and section 81-2121, Revised Statutes Supplement, 2007; to change provisions relating to the State Electrical Board, licensing requirements, applicability of the act, electrical installations, inspections, and fees; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 724.** Introduced by Natural Resources Committee: Loudon, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to the Remedial Action Plan Monitoring Act; to amend section 81-15,184, Revised Statutes Cumulative Supplement, 2006; to change fee provisions; and to repeal the original section.

**LEGISLATIVE BILL 725.** Introduced by Natural Resources Committee: Loudon, 49, Chairperson; Carlson, 38; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to the Waste Reduction and Recycling Incentive Act; to amend section 81-15,160, Revised Statutes Supplement, 2007; to provide for grants for deconstruction of abandoned buildings; and to repeal the original section.

**LEGISLATIVE BILL 726.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend section 81-15,151, Reissue Revised Statutes of Nebraska, and section 81-15,153, Revised Statutes Cumulative Supplement, 2006; to change provisions relating the Wastewater Treatment Facilities Construction Loan Fund; and to repeal the original sections.

**LEGISLATIVE BILL 727.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to natural resources; to amend section 61-206, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to hearing requests; and to repeal the original section.

**LEGISLATIVE BILL 728.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the state song; to amend section 90-111, Reissue Revised Statutes of Nebraska; to change provisions relating to the state song; and to repeal the original section.

**LEGISLATIVE BILL 729.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-701.03 and 54-7,108, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to exotic animal auctions or swap meets; and to repeal the original sections.

**LEGISLATIVE BILL 730.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Emergency Medical Services Practice Act; to amend sections 38-1215, 38-1217, 38-1218, and 38-1224, Revised Statutes Supplement, 2007; to change titles of classifications for providers; to provide for skills competency tests and curricula; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 731.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to teaching; to authorize issuance of a certificate or permit to a military spouse as prescribed.

**LEGISLATIVE BILL 732.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-201, Revised Statutes Supplement, 2007; to exempt the first twenty-five thousand dollars of value of single-family residential property from taxation;

and to repeal the original section.

**LEGISLATIVE BILL 733.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3509.01, 77-3509.02, 77-3509.03, 77-3511, 77-3512, 77-3516, 77-3521, 77-3522, 77-3523, and 77-3529, Reissue Revised Statutes of Nebraska, and sections 77-3510, 77-3513, 77-3514, and 77-4212, Revised Statutes Supplement, 2007; to create a homestead exemption; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 734.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-1622, Reissue Revised Statutes of Nebraska; to change provisions relating to employee benefit plans; and to repeal the original section.

**LEGISLATIVE BILL 735.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Sexual Predator Residency Restriction Act; to amend sections 29-4015, 29-4016, and 29-4017, Revised Statutes Cumulative Supplement, 2006; to rename the act; to authorize certain employment restrictions; and to repeal the original sections.

**LEGISLATIVE BILL 736.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,197.01 and 60-6,211.05, Revised Statutes Cumulative Supplement, 2006, and section 60-6,197.03, Revised Statutes Supplement, 2007; to change certain penalties; to provide indigent assistance for ignition interlock devices; and to repeal the original sections.

**LEGISLATIVE BILL 737.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2007; to provide income tax credits for returns filed claiming dependents eligible for assistance as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 738.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the brain injury registry; to amend section 81-655, Reissue Revised Statutes of Nebraska, section 81-656, Revised Statutes Cumulative Supplement, 2006, and section 81-657, Revised Statutes Supplement, 2007; to change provisions relating to notification and reporting; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 739.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to small businesses; to provide for the waiver of a fine or penalty for an information collection requirement as prescribed.

**LEGISLATIVE BILL 740.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,114, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to authorized emergency vehicles; and to repeal the original section.

**LEGISLATIVE BILL 741.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 60-3,186, Revised Statutes Supplement, 2007; to change distribution of motor vehicle tax proceeds; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 742.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to engineers; to amend section 81-3451, Revised Statutes Cumulative Supplement, 2006; to change licensure requirements; and to repeal the original section.

**LEGISLATIVE BILL 743.** Introduced by Christensen, 44; Wallman, 30.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-513 and 37-614, Revised Statutes Supplement, 2007; to eliminate a restriction and a penalty on trapping wildlife in county road rights-of-way; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 744.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to state government; to amend section 81-1108.17, Revised Statutes Cumulative Supplement, 2006; to authorize leases of state property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 745.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to relating to state administrative departments; to amend section 81-1316, Revised Statutes Supplement, 2007; to change provisions relating to personnel exempt from the State Personnel System; and to repeal the original section.

**LEGISLATIVE BILL 746.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-505, Reissue Revised Statutes of Nebraska; to change provisions

relating to tuition credits; and to repeal the original section.

**LEGISLATIVE BILL 747.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to energy; to amend sections 66-1065 and 79-10,105, Reissue Revised Statutes of Nebraska; to change provisions relating to energy financing contracts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 748.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to interior design; to adopt the Interior Designers Certification Act; and to provide an operative date.

**LEGISLATIVE BILL 749.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to manufactured homes; to amend sections 71-4623 and 71-4631, Reissue Revised Statutes of Nebraska; to provide for submission of a license application by electronic format; to impose a civil penalty as prescribed; to repeal the original sections; and to outright repeal section 71-4628, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 750.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to elections; to amend section 32-302, Reissue Revised Statutes of Nebraska, and sections 32-311.01 and 32-321, Revised Statutes Cumulative Supplement, 2006; to provide for voter registration applications to be distributed and returned to the office of the Secretary of State; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 751.** Introduced by Christensen, 44; Carlson, 38.

A BILL FOR AN ACT relating to natural resources; to amend section 2-958.02, Revised Statutes Supplement, 2007; to change provisions relating to stream vegetation removal; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 752.** Introduced by Flood, 19; Engel, 17.

A BILL FOR AN ACT relating to Nebraska Capitol Commission; to amend section 81-1108.32, Revised Statutes Cumulative Supplement, 2006; to change membership provisions; and to repeal the original section.

**LEGISLATIVE BILL 753.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to nurse practitioners; to amend section 38-2315, Revised Statutes Supplement, 2007; to provide for practice without an integrated practice agreement; to provide an operative date; and to repeal



the original section.

**LEGISLATIVE BILL 754.** Introduced by Synowiecki, 7; Ashford, 20.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2610, Revised Statutes Supplement, 2007; to change provisions relating to areas with a high concentration of poverty; and to repeal the original section.

**LEGISLATIVE BILL 755.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Hudkins, 21; Lautenbaugh, 18; Louden, 49; Pedersen, 39; Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-111, 75-155, 75-1011, and 75-1012, Reissue Revised Statutes of Nebraska, sections 75-156, 86-127, 86-209, 86-437, and 86-470, Revised Statutes Cumulative Supplement, 2006, and sections 75-302, 75-371, and 86-459, Revised Statutes Supplement, 2007; to change provisions relating to service suppliers, wireless carriers, and the Nebraska Competitive Telephone Marketplace Fund and to the commission's powers and duties regarding civil penalties, violations, and enforcement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 756.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Hudkins, 21; Lautenbaugh, 18; Louden, 49; Pedersen, 39; Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-302, 60-311, 60-342, 60-3196, 60-462.01, 60-4,147.02, 60-6,265, 60-6,267, 75-363, and 75-364, Revised Statutes Supplement, 2007; to change provisions relating to motor vehicle registration, operators' licenses, rules of the road, and motor carriers; to adopt the most recent International Registration Plan; to define and redefine terms; to update certain federal references; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 757.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to emergency responders; to amend section 77-2715.07, Revised Statutes Supplement, 2007; to adopt the Volunteer Emergency Responders Incentive Act; to provide for an income tax credit as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 758.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to streets and roads; to amend sections 66-4,148 and 66-6,109, Reissue Revised Statutes of Nebraska, sections

66-4,105, 66-4,145, 66-4,146, and 66-6,107, Revised Statutes Cumulative Supplement, 2006, and sections 66-489 and 77-27,132, Revised Statutes Supplement, 2007; to increase motor fuel taxes; to allocate revenue as prescribed; to change distribution of certain sales and use tax proceeds; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 759.** Introduced by Hudkins, 21; Johnson, 37; McDonald, 41; Preister, 5.

A BILL FOR AN ACT relating to prescription drugs; to amend section 71-2431, Revised Statutes Supplement, 2007; to change provisions relating to relabeling and redispensing; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 760.** Introduced by Gay, 14; Avery, 28; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska State Library; to create a task force; to provide powers and duties; to provide a termination date; and to declare an emergency.

**LEGISLATIVE BILL 761.** Introduced by Avery, 28; Gay, 14.

A BILL FOR AN ACT relating to the military; to create the BRAC Task Force; to provide powers and duties; and to provide a termination date.

**LEGISLATIVE BILL 762.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2007; to exempt sales of clothing, school supplies, and computers from sales and use tax as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 763.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska State Capitol; to create the Nebraska State Capitol Environs District Revitalization Task Force; to provide powers and duties; and to provide a termination date.

**LEGISLATIVE BILL 764.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1014, 28-1015, and 28-1016, Revised Statutes Cumulative Supplement, 2006, and sections 28-101, 28-1008, and 28-1013, Revised Statutes Supplement, 2007; to prohibit certain treatment of bovines and equines; to define terms; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 765.** Introduced by Gay, 14; Schimek, 27.

A BILL FOR AN ACT relating to health; to amend section 71-5829.03, Reissue Revised Statutes of Nebraska; to change provisions relating to certificates of need; and to repeal the original section.

**LEGISLATIVE BILL 766.** Introduced by Cornett, 45; Flood, 19; Fulton, 29; Preister, 5.

A BILL FOR AN ACT relating to scrap metal; to regulate scrap metal recycling as prescribed; to define terms; and to provide a penalty.

**LEGISLATIVE BILL 767.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Civil Air Patrol; to amend section 55-160, Reissue Revised Statutes of Nebraska; to authorize military and emergency leave for public employees who are members of the patrol; and to repeal the original section.

**LEGISLATIVE BILL 768.** Introduced by Cornett, 45; Gay, 14; Kopplin, 3; Preister, 5.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727, Reissue Revised Statutes of Nebraska; to provide for the power to contract for library services; and to repeal the original section.

**LEGISLATIVE BILL 769.** Introduced by Cornett, 45; Pirsch, 4; Preister, 5.

A BILL FOR AN ACT relating to offenses against animals; to amend sections 28-1014, 28-1015, and 28-1016, Revised Statutes Cumulative Supplement, 2006, and sections 28-101, 28-1008, and 28-1013, Revised Statutes Supplement, 2007; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 770.** Introduced by Cornett, 45; Gay, 14; Kopplin, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2007; to exclude military retirement benefits from income taxation; and to repeal the original section.

**LEGISLATIVE BILL 771.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to highways and roads; to amend section 84-612, Revised Statutes Supplement, 2007; to create the Expressway Construction Fund and provide for its use; to transfer money from the Cash Reserve Fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 772.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to courts; to amend section 24-514, Revised Statutes Supplement, 2007; to provide for payment of security costs for county and district court courtrooms; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 773.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to county government; to amend sections 23-2502, 23-2536, and 23-2537, Reissue Revised Statutes of Nebraska, and section 23-2519, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to unclassified service positions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 774.** Introduced by Wightman, 36; Ashford, 20.

A BILL FOR AN ACT relating to infants; to amend section 43-512.15, Revised Statutes Supplement, 2007; to change provisions relating to filing for modification of child support orders; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 775.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to courts; to amend section 24-401, Reissue Revised Statutes of Nebraska; to change provisions relating to deputy clerks; and to repeal the original section.

**LEGISLATIVE BILL 776.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to registers of deeds; to amend sections 25-2154, 33-109, 33-112, and 52-1004, Reissue Revised Statutes of Nebraska, and section 77-3903, Revised Statutes Supplement, 2007; to change fees received by the registers of deeds; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 777.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-101 and 77-1359, Revised Statutes Cumulative Supplement, 2006; to define a term; to provide for valuation of real property which has multiple uses; to change a provision relating to agricultural valuation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 778.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-123, 77-1301, 77-1303, 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1502, 77-1507, 77-1510, 77-1613.04, 77-3506.02, 77-5019, 77-5024.01,

77-5027, and 77-5029, Revised Statutes Cumulative Supplement, 2006, and sections 77-1311.03, 77-1504, 77-1514, and 77-5028, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to property tax assessment and equalization; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1504.01, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 779.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to insurance; to amend section 44-7613, Reissue Revised Statutes of Nebraska; to change provisions relating to the annual financial statements filed pursuant to the Multiple Employer Welfare Arrangement Act; and to repeal the original section.

**LEGISLATIVE BILL 780.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-696, Revised Statutes Supplement, 2007; to change provisions relating to the duty to stop after an accident; and to repeal the original section.

**LEGISLATIVE BILL 781.** Introduced by Rogert, 16; McGill, 26.

A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act; to amend sections 87-303.01, 87-303.02, 87-303.03, 87-303.04, 87-303.05, 87-303.06, 87-303.07, 87-304, and 87-305, Reissue Revised Statutes of Nebraska, and section 87-302, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to deceptive trade practices; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 782.** Introduced by Howard, 9; Adams, 24; Ashford, 20; Avery, 28; Burling, 33; Dierks, 40; Dubas, 34; Engel, 17; Flood, 19; Friend, 10; Gay, 14; Hansen, 42; Hudkins, 21; Janssen, 15; Johnson, 37; Karpisek, 32; Kopplin, 3; Kruse, 13; Langemeier, 23; Lathrop, 12; Louden, 49; McDonald, 41; McGill, 26; Nantkes, 46; Nelson, 6; Pahls, 31; Pankonin, 2; Pedersen, 39; Pirsch, 4; Raikes, 25; Rogert, 16; Schimek, 27; Stuthman, 22; Wallman, 30; at the request of the Governor.

A BILL FOR AN ACT relating to children; to amend section 28-725, Revised Statutes Cumulative Supplement, 2006, and section 28-726, Revised Statutes Supplement, 2007; to provide and eliminate provisions relating to disclosure of child abuse and neglect information; to repeal the original sections; and to outright repeal section 28-739, Revised Statutes Cumulative Supplement, 2006, and sections 28-734, 28-735, 28-736, 28-737, and 28-738, Revised Statutes Supplement, 2007.

**LEGISLATIVE BILL 783.** Introduced by Howard, 9; Kruse, 13; Wallman, 30.

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

77-2715.07, Revised Statutes Supplement, 2007; to provide for an income tax credit for adoption expenses as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 784.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5701, 77-5723, and 77-5727, Revised Statutes Cumulative Supplement, 2006; to prohibit taxpayers who violate federal immigration laws from receiving incentives under the act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 785.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to real property conveyances; to require a notice regarding registered sex offender information as prescribed.

**LEGISLATIVE BILL 786.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2006; to regulate the movement of traffic approaching or passing a stopped authorized emergency vehicle; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 787.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2007; to create the offenses of assault on an emergency services provider or a health care provider in the first, second, and third degrees; to define terms; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 788.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to adopt the Anthrax Control Act; to provide penalties; to eliminate anthrax provisions and penalties; to outright repeal sections 54-754, 54-755, 54-756, 54-757, 54-758, 54-759, 54-760, 54-761, 54-762, and 54-763, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 789.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Agricultural Opportunities and Value-Added Partnerships Act; to amend section 2-5420, Revised Statutes Cumulative Supplement, 2006; to change a grant requirement; and to repeal the original section.

**LEGISLATIVE BILL 790.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend section 2-5109, Revised Statutes Cumulative Supplement, 2006; to change buffer strip reimbursement; and to repeal the original section.

**LEGISLATIVE BILL 791.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1072, 2-1074, and 2-10,116, Reissue Revised Statutes of Nebraska; to define a term; to provide for exclusive planting of certified seed potatoes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 792.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to provide a time limit relating to a change in an insurance producer of record; to provide a violation; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 793.** Introduced by Burling, 33; Avery, 28; Stuthman, 22.

A BILL FOR AN ACT relating to counties; to amend sections 71-901, 71-921, 71-922, 71-926, 71-1201, 71-1205, 71-1206, and 71-1210, Revised Statutes Cumulative Supplement, 2006, and section 71-919, Revised Statutes Supplement, 2007; to change provisions relating to payment for the costs of emergency protective custody and proceedings; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 794.** Introduced by McGill, 26; Avery, 28; Flood, 19; Fulton, 29; Heidemann, 1; Howard, 9; Kruse, 13; Pirsch, 4; Rogert, 16; Stuthman, 22.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2203, Reissue Revised Statutes of Nebraska; to change provisions relating to the responsibility of intoxicated persons for criminal conduct and the defense of not responsible by reason of insanity; and to repeal the original section.

**LEGISLATIVE BILL 795.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to public health and welfare; to provide appropriations for community health centers to provide or expand oral health services.

**RESOLUTION****LEGISLATIVE RESOLUTION 220CA.** Introduced by Kopplin, 3.

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 1:

VIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall



constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; ~~and~~ (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year; and (9) the Legislature may provide that residential property, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing residential property which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of residential property. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

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 classify residential property as a separate class of property and provide a different method of taxing residential property.

For

Against.

Referred to the Reference Committee.

### **AMENDMENTS - Print in Journal**

Senator Johnson filed the following amendment to LB246:  
AM1519

(Amendments to Standing Committee amendments, AM800)

- 1 1. Insert the following new section:
- 2 Sec. 9. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

Senator Rogert filed the following amendment to LB253:  
AM1525

- 1 1. On page 3, line 25; page 4, line 3; and page 6, lines
- 2 20 and 21, strike "2007" and insert "2008".

- 3 2. On page 4, lines 4 and 7; page 7, lines 6 and 11; page  
4 11, lines 20 and 22; page 12, lines 18 and 20; page 16, lines 14,  
5 16, and 24; and page 21, line 16, strike "2008" and insert "2009".  
6 3. On page 16, line 23, strike "1987" and insert "1988".  
7 4. On page 26, line 14, strike "2008" and insert "2009".

Senator Rogert filed the following amendment to LB253:  
AM1535

- 1 1. On page 17, strike lines 11 through 14.

### **EXECUTIVE BOARD ANNOUNCEMENT**

The Executive Board announced the following committee assignments made over the interim:

Senator Lautenbaugh has been appointed to fill the vacancy on the Government, Military and Veterans Affairs Committee and the Transportation and Telecommunications Committee.

### **ANNOUNCEMENT**

Senator Hudkins announced the Rules Committee will meet January 9, 2008, at 1:30 p.m. in Room 1524.

The Government, Military and Veterans Affairs Committee elected Senator Rogert as Vice Chairperson.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senators Fulton and Gay asked unanimous consent to add their names as cointroducers to LB157. No objections. So ordered.

### **ADJOURNMENT**

At 11:45 a.m., on a motion by Senator Dierks, the Legislature adjourned until 10:00 a.m., Thursday, January 10, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**SECOND DAY - JANUARY 10, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 10, 2008

**PRAYER**

The prayer was offered by Senator Heidemann.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Harms who was excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the first day was approved.

**PROPOSED RULES CHANGES**

The Rules Committee offered the following proposed rules changes:

1. **Rule 3, Sec. 5(c)(iii)** The Legislative Performance Audit Committee is authorized to hold hearings, at the committee's discretion, to receive testimony regarding topics it has selected for review. Such hearings shall comply with the provisions in Rule 3, Sec. 13. In order to protect confidential information pertaining to a potential or actual performance audit, the committee may, by a majority vote of all its members, determine that a meeting in which confidential information will be discussed should not be open to the public, including members of the news media. Such meeting shall be reconvened in open session before any formal action may be taken.

2. **Rule 3, Sec. 15(b)** Except as provided in Rule 3, Sec. 5(c)(iii), All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

3. **Rule 5, Sec. 5(c)** The Legislative Performance Audit Committee may designate as priority bills two bills ~~introduced by the committee or any senator as a resulting from~~ of a performance audit ~~or involving the performance audit process~~, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

4. **Amend Rule 3, Section 5 (b) to read:**

The special committees authorized by statute as of ~~January 1, 1980~~ January 9, 2008 are as follows:

Building Maintenance. RRS 81-185 .....	6 members
Education Commission of the States. RRS 79-1504.....	3 members
Executive Board of the Legislative Council. RRS 50-401.01.....	9 members
Intergovernmental Cooperation. RRS 81-816.....	5 members
Legislative Performance Audit. RRS 50-1204.....	7 members
State-Tribal Relations RRS 50-445 .....	7 members

5. **Rule 4 Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results.** (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd-numbered years and the 50th legislative day in even-numbered years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee ~~shall~~ may file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for ~~the highest prioritized interim studies~~ any study resolution referenced to such committee. ~~This study plan shall be filed no later than thirty days after adjournment sine die.~~ Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct

hearings and oversee matters and agencies that are within their subject-matter jurisdiction.

The Rules Committee indefinitely postponed the following proposed amendments:

Rule 3 section 4(b) found on page 100.

Rule 7 Section 3(d) found on page 100.

Rule 3 add new section 21 found on page 100.

The Rules Committee held the following proposed amendment:

Rule 3, Sec. 20(c)(ii) found on page 101.

Rule 3 inserting new language in section 6 found on pages 101 through 104.

### ANNOUNCEMENT

Senator Stuthman designates LB157 as his priority bill.

### 2007 INTERIM REPORT ON THE DISPOSITION OF INTERIM STUDY RESOLUTIONS

#### Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
76	Study rural economic development potential of Wind Energy		X	
93	Examine implications of I-300 litigation		X	
106	Examine effects of invasive legislation on streamflow		X	
133	Examine issues within jurisdiction of Agriculture Committee		X	
136	Examine means to stimulate biodiesel production		X	
137	Examine redesign of the Livestock Friendly program		X	
138	Examine means of cash funding the noxious weed program		X	
139	Identify constraints to deployment of systems to recover energy from livestock wastes			X
140	Examine Department of Agriculture functions funded through federal grants and other federal initiatives			X
141	Examine issues relating to		X	

	Nebraska's tractor permit law			
187	Examine means of maximizing rural economic benefits of ethanol		X	
188	Review duties of the Carbon Sequestration Advisory Committee		X	

## Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
171	Interim study to examine research funding alternatives for updating the student information systems at the University of Nebraska			X(1)
172	Interim study to examine the Nebraska state college system's existing student information system			X(1)
173	Interim study to review the adequacy of funding for the Nebraska College of Technical Agriculture at Curtis			X(2)
167	Interim study to evaluate the scope of state resources that should be devoted to the University of Nebraska Medical Center College of Nursing			X
184	Interim study to examine the legislative appropriations process		X	
74	Interim study to analyze the fiscal impact of making K-12 public school teachers employees of the State of Nebraska	X		

(1) Agency has submitted budget request for 2008 session

(2) Program Statement pending

## Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
100	Interim study to determine whether the insurance laws should be amended to allow property and casualty insurance producers to charge fees for services they perform		X	
109	Interim study to examine issues		X	

	relating to the Comprehensive Health Insurance Pool			
110	Interim study to examine whether amendments should be recommended to the Small Employer Health Insurance Availability Act			X
111	Interim study to examine issues relating to the Burial Pre-Need Sale Act		X	
119	Interim study to review the availability of cost estimates in health care pricing and possible legislation to provide good faith estimates of costs by health care providers and insurers to a consumer upon request		X	
166	Interim study to examine the need for increased and uniform insurance coverage for cochlear implant surgeries and auditory rehabilitation services			X
192	Interim study to examine the practice of mail solicitations by issuers of bank credit cards			X

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
15	Interim study to examine the impact of a waiver filed by Union Pacific before the Federal Railroad Administration on public safety			X
159	Interim study to examine the public policies under the Nebraska Workers' Compensation Act		X	
185	Interim study to examine the film industry in Nebraska as it relates to economic development and employment		X	
197	Interim study of the workers' compensation program to examine issues relating to the vocational rehabilitation program		X	

## Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
126	Interim study to examine high ability learner programs and the effectiveness of the program format and funding level	X*		
169**	Interim study to examine public school funding in Nebraska			X
193	Interim study to review matters under the jurisdiction of the Education Committee			X
194	Interim study to examine policy changes that would encourage more Nebraskans to avail themselves of opportunities for higher education in the state			X

\*Report issued by Senator Adams' Office

\*\*Joint Study of the Education and Revenue Committees (Education Lead)

## Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
183	Study Security in the Capitol		X	

## General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
147	Interim study of the Nebraska liquor law pertaining to transportation of liquor into the state			X
148	Interim study to examine Nebraska's cemetery statutes		X	
149	Interim study of recent federal lawsuits dealing with the right of states under the 21st Amendment to the U.S. Constitution to regulate alcohol		X	
190	Interim study to examine legalizing the sale of all liquor on Sundays			X



## Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
78	Interim study to examine issues relating to the Open Meetings Act		X	
80	Interim study to examine the need for cost-benefit analyses to be conducted on services contracts entered into by the State of Nebraska		X	
104	Interim study to examine ways for the State of Nebraska to respectfully honor its citizens who have served their country and died in combat		X	
117	Interim study to analyze the municipal county process		X	
120	Interim study to examine the cost of public employee health plans at all levels of government		X	
122	Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee		X	
129	Interim study to examine the Base Realignment and Closure process and realignment of United States Department of Defense installations and possible responses required by the state	X		
146	Interim study to examine the issue of creating a voluntary registry for interior designers		X	
161	Interim study to examine the manner in which agencies of state government are providing public notice of their intent to adopt, amend, or repeal a rule or regulation under the Administrative Procedure Act		X	

## Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
157	Interim study of the foster care system		X	

163	Interim study to examine ways to increase the pool of potential foster parents		X	
201	Interim study to examine policies with regard to non-English speaking families in the Nebraska child welfare system		X	
206	Interim study to provide additional recommendations relating to the Welfare Reform Act and public assistance programs		X	
98	Interim study to evaluate how child support disregards/pass-throughs impact the economic self sufficiency of participants in Temporary Assistance for Needy Families programs		X	
164	Interim study to examine traditional benefits under Temporary Assistance for Needy Families (TANF) programs and their effectiveness		X	
155	Interim study to examine recommendations to provide the workforce necessary to provide quality in-home services		X	
162	Interim study to examine the overall impact of the area agency on aging programs on the health of the citizens		X	
205	Interim study to provide development of additional recommendations relating to implementation of the Nebraska Behavioral Health Services Act		X	
168	Interim study to examine issues relating to Nebraska's emergency protective custody procedures		X	
203	Interim study to examine statewide behavioral health services		X	
207	Interim study to provide additional recommendations relating to implementation of the Medicaid Reform Plan and Medical Assistance Act		X	
202	Interim study to harmonize		X	

	Nebraska's state children's health insurance program to changes allowed by the federal State Children's Health Insurance Program			
204	Interim study to prepare additional legislation relating to the Uniform Credentialing Act		X	
153	Interim study to examine procedures used by the State Board of Health when disciplining medical professionals or allowing medical professionals to practice in the state		X	
158	Interim study to examine development of voluntary emergency medical personnel to assist in responding to natural disasters		X	
119	Interim study to review the availability of cost estimates in health care pricing and possible legislation to provide good faith estimates of costs by health care providers and insurers to a consumer upon request		X	
85	Interim study to direct the Health and Human Services Committee to study the availability of autism treatment programs in the state		X	
165	Interim study to examine the service needs of victims of domestic violence, sexual assault, and stalking and identify cost-effective system enhancements for prevention and intervention		X	
128	Interim study to examine administrative processes and laws which would permit the establishment of a parent and child relationship in the event of a gestational surrogacy		X	
195	Interim study to examine and provide recommendations relating to the state's operation of facilities that provide twenty-four-hour care to the citizens of Nebraska		X	
196	Interim study to review the		X	

	findings of the Nebraska Juvenile Correctional Facilities Master Plan Update			
156	Interim study relating to people with developmental disabilities and proposed changes to the methodology used for payment of service providers		X	
130	Interim study to examine requirements necessary to implement an effective statewide comprehensive tobacco prevention and cessation program		X	
170	Interim study to examine issues relating to the gardasil vaccine that is used to prevent certain deadly strains of human papillomavirus		X	
208	Interim study to provide additional recommendations relating to the reorganization of the Nebraska Health and Human Services System		X	

## Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
91	Interim study to examine if more can be done through legislation to protect citizens from the crime of identity theft			X
97	Interim study to direct the Judiciary Committee to review the North Carolina statewide guardian ad litem system			X
99	Interim study to examine policies relating to the incarceration of persons with mental illness in Nebraska's correctional facilities, including juvenile facilities		X	
112	Interim study to determine the need for additional financial assistance to address staffing issues and treatment of inmate substance abuse and mental health needs within the Dept. of Correctional Services			X

121	Interim study to examine the feasibility of the adoption of juvenile certification legislation to provide that the juvenile court have original jurisdiction for juveniles who have committed crimes		X	
144	Interim study to examine issues relating to dangerous dogs		X	
145	Interim study to examine the Income Withholding for Child Support Act			X
153	Interim study to examine procedures used by the State Board of Health when disciplining medical professionals or allowing medical professionals to practice in the state			X
178	Interim study to examine the nature and consistency of local firearm regulation		X	
199	Interim study to examine the existing first degree sexual assault and statutory rape statute			X
200	Interim study to examine the guardian ad litem statutes and proposals for reform of the juvenile legal services system			X
219	Interim study to examine the history of stem cell research, human reproductive cloning, and human therapeutic cloning		X	

Natural Resources Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
77	Examination of the issue of electronic recycling		X	
79	Examination of net-metering and draft legislation which creates a net-metering program		X	
89	Examination of discarded televisions and recycling the same rather than discarded in landfills		X	
94	Examination of issues relating to the rapid urbanization of the Papillion Creek Watershed		X	

105	Examine mining with respect to water		X	
106	Examination of the effects of vegetation on river-flow in river basins in Nebraska		X	
107	Examination of the effects of the elimination of the park entry permit		X	
108	Examine issues relating to the laws governing the generation of electric power using renewable energy		X	
113	Issues relating to urban storm water runoff		X	
174	Examination of the coordination between Natural Resources Districts, state agencies, and state and federal government officials with respect to surface water flows during times of great need		X	
175	Examination of every major river and stream in Nebraska with respect to stream flows			X
176	Examination of identification of areas of historical surplus of surface water			X
177	Examination of ground water model development as set forth from the Final Settlement Stipulation of the Republican River Compact regarding inputs and accounting		X	
198	Examination of information collected from flow meters installed to measure ground water use and surface water use		X	
210	Examination of issues under the jurisdiction of the Natural Resources Committee			X

## Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
101	Interim study to review the actuarial assumptions used to perform the annual actuarial valuation for the retirement		X	

	systems administered by the Public Employees Retirement Board			
102	Interim study to examine the employee retirement systems administered by the Public Employees Retirement Board	X		
127	Interim study to review the state funds under the responsibility of the state investment officer			X
160	Interim study to examine the results of the law enforcement retirement survey		X	
182	Interim study to examine retirement benefits provided to public employees		X	

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
114	Interim study to examine the burden of proof and standard of review of valuation cases appealed to the Tax Equalization and Review Commission	X		
116	Interim study to examine residential, business, and agricultural tax burdens in Nebraska	X		
115	Interim study to examine an income-based method of placing a value on agricultural and horticultural land	X		
191	Interim study to examine the effect of lowering the property tax lid on cities of the second class and villages		X	
189	Interim study to examine exempting car washes from sales tax			X

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
67	Blocked railroad crossings		X	
179	REAL ID Act		X	

86	Auto liability insurance			X
181	Municipal wireless systems		X	
180	Off-road vehicles		X	
90	Licensing and registration process		X	
124	Issues of committee			X
132	Distribution of transit aid			X

## Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
94	Interim study to examine issues relating to the rapid urbanization of the Papillion Creek Watershed		X	
142	Interim study to undertake a review of the Nebraska Industrial Development Corporation Act		X	
143	Interim study to review issues raised by LR 2CA which proposed to broaden authority for cities and counties to use tax increment financing		X	
150	Interim study to review the manner in which Nebraska's first class cities provide fire protection and emergency response services		X	
151	Interim study to examine the statutory authority for representation on and the size of certain city governing bodies		X	
152	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee		X	
186	Interim study to examine laws regarding the authority for metropolitan class cities to collect occupation taxes		X	

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 796.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to radiation control; to amend sections 38-1907, 38-1915, 71-3503, 71-3505, 71-3507, 71-3508.03, and 71-3517, Revised Statutes Supplement, 2007; to change provisions relating to



credentials; to provide for medical radiographer-computed tomography licenses; to change certain fees relating to X-ray machines; to eliminate credentialing provisions relating to radon measurement technicians and radon mitigation technicians; to provide for fingerprinting and criminal background checks as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 797.** Introduced by Health and Human Services Committee: Johnson, 37, Chairperson; Erdman, 47; Gay, 14; Hansen, 42; Howard, 9; Pankonin, 2; Stuthman, 22.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-1901, 71-7003.01, 71-7010, and 71-7013, Reissue Revised Statutes of Nebraska, sections 71-5663, 71-5665, and 71-5668, Revised Statutes Cumulative Supplement, 2006, and sections 68-906, 68-1017, 71-5662, 71-7012, 71-8249, 81-671, and 86-570, Revised Statutes Supplement, 2007; to change a date within the Medical Assistance Act relating to acceptance of federal provisions; to change and eliminate provisions relating to organization of the Department of Health and Human Services, the Rural Health Systems and Professional Incentive Act, mammography, the statewide trauma registry, and release of health information; to provide for disqualification for certain public assistance programs; to eliminate the Governor's Roundtable and repeal obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 68-1736, 68-1737, 71-7002, 71-7003, 71-7004, 71-7005, 71-7006, 71-7007, 71-7008, and 71-7009, Reissue Revised Statutes of Nebraska, and section 71-7001, Revised Statutes Supplement, 2007; and to declare an emergency.

**LEGISLATIVE BILL 798.** Introduced by Loudon, 49.

A BILL FOR AN ACT relating to relating to water; to amend sections 46-283 and 46-287, Reissue Revised Statutes of Nebraska, and section 46-286, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to irrigation water reuse pits; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 799.** Introduced by Loudon, 49.

A BILL FOR AN ACT relating to water; to amend section 46-291, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to applications for transfer of appropriations; and to repeal the original section.

**LEGISLATIVE BILL 800.** Introduced by Loudon, 49.

A BILL FOR AN ACT relating to water; to amend section 46-299, Reissue Revised Statutes of Nebraska; to change provisions relating to intentional underground water storage permittees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 801.** Introduced by Louden, 49.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-715, Revised Statutes Supplement, 2007; to change provisions relating to integrated management plans as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 802.** Introduced by Louden, 49.

A BILL FOR AN ACT relating to irrigation; to amend section 46-233, Reissue Revised Statutes of Nebraska; to provide for diversion of water from streams during times of flooding as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 803.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to elections; to amend sections 32-107, 32-108, 32-114, 32-115, 32-221, 32-302, 32-307, 32-813, 32-816, 32-902, 32-907, 32-910, 32-917, 32-918, 32-919, 32-920, 32-922, 32-923, 32-925, 32-927, 32-929, 32-933, 32-934, 32-937, 32-1503, 32-1504, 32-1508, 32-1512, 32-1528, and 32-1532, Reissue Revised Statutes of Nebraska, sections 32-101, 32-311.01, 32-314, 32-321, 32-325, 32-807, 32-901, 32-915, 32-916, 32-921, 32-936, 32-938, 32-940, 32-941, 32-945, 32-1502, and 32-1530, Revised Statutes Cumulative Supplement, 2006, and sections 32-906, 32-914, 32-1001, and 32-1002, Revised Statutes Supplement, 2007; to provide for voter registration on election day for statewide general elections as prescribed; to change provisions relating to registration and voting; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 804.** Introduced by Burling, 33; Nelson, 6; White, 8.

A BILL FOR AN ACT relating to juries; to permit jurors to take notes; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 805.** Introduced by Wallman, 30; Avery, 28.

A BILL FOR AN ACT relating to the Propane Education and Research Council; to amend section 66-1618, Reissue Revised Statutes of Nebraska; to change membership provisions; and to repeal the original section.

**LEGISLATIVE BILL 806.** Introduced by Wallman, 30; Kopplin, 3.

A BILL FOR AN ACT relating to animals; to amend sections 15-220, 16-206, 17-526, 20-126.01, 20-128, 20-131.02, 20-131.04, 28-1313, 28-1314, 49-801, 54-603, and 54-614, Reissue Revised Statutes of Nebraska, and sections 14-102, 20-127, 20-129, and 28-1009.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to dog

guides, hearing aid dogs, and service dogs; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 807.** Introduced by Aguilar, 35; Johnson, 37.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-901, Revised Statutes Cumulative Supplement, 2006; to state findings; to require coverage of tobacco-use cessation counseling and pharmaceuticals as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 808.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to motor vehicle homicide; to amend section 28-306, Revised Statutes Cumulative Supplement, 2006; to change penalty provisions; and to repeal the original section.

**LEGISLATIVE BILL 809.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to metabolic screening; to amend section 71-519, Revised Statutes Supplement, 2007; to provide for an exemption; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 810.** Introduced by Kruse, 13; Aguilar, 35; Burling, 33; Carlson, 38; Kopplin, 3; Lathrop, 12; Nelson, 6; Pankonin, 2.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Alcoholic Liquor Liability Act.

**LEGISLATIVE BILL 811.** Introduced by Kruse, 13; Howard, 9; Louden, 49; Nelson, 6; Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Public Transportation Act; to amend section 13-1209, Reissue Revised Statutes of Nebraska; to state intent to appropriate five million dollars to the public transportation assistance program; and to repeal the original section.

**LEGISLATIVE BILL 812.** Introduced by Kruse, 13; Cornett, 45; Engel, 17; Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,268, Reissue Revised Statutes of Nebraska; to eliminate the requirements that occupant protection system laws be enforced as a secondary action; to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska; and to repeal the original section.

**LEGISLATIVE BILL 813.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to municipalities; to authorize urban growth

districts and provide bond authority.

**LEGISLATIVE BILL 814.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1704.02, 77-1716, and 77-1802, Reissue Revised Statutes of Nebraska; to change provisions relating to notification and collection of delinquent property taxes; and to repeal the original sections.

**LEGISLATIVE BILL 815.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-467, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to public records and confidential information; and to repeal the original section.

**LEGISLATIVE BILL 816.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Supplement, 2007; to change the number of district court judges; and to repeal the original section.

**LEGISLATIVE BILL 817.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to constitutional officers; to require certain executive officers to devote their full time to the duties of their offices.

**LEGISLATIVE BILL 818.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-915, 68-1713, and 68-1724, Revised Statutes Supplement, 2007; to change provisions relating to eligibility; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 819.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; McGill, 26; Rogert, 16; Wallman, 30.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-648, 48-648.01, and 48-654, Revised Statutes Cumulative Supplement, 2006, and sections 48-612.01 and 48-649, Revised Statutes Supplement, 2007; to change provisions relating to information disclosure and electronic payment; and to repeal the original sections.

**LEGISLATIVE BILL 820.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; McGill, 26; Rogert, 16; Wallman, 30.

A BILL FOR AN ACT relating to labor; to amend sections 48-1202, 48-1802, 48-1804, 48-1805, and 48-1806, Reissue Revised Statutes of Nebraska, and section 48-1809, Revised Statutes Supplement, 2007; to

redefine a term in the Wage and Hour Act; to change provisions of the Nebraska Amusement Ride Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 821.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; McGill, 26; Rogert, 16; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to amend sections 81-8,210, 81-8,212, 81-8,213, 81-8,220, 81-8,227, 81-8,228, 81-8,300, and 81-8,305, Reissue Revised Statutes of Nebraska, and sections 81-8,211 and 81-8,224, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Risk Manager, the State Claims Board, and claim procedures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 822.** Introduced by Legislative Performance Audit Committee: Schimek, 27, Chairperson; Heidemann, 1; McDonald, 41; Preister, 5; Stuthman, 22.

A BILL FOR AN ACT relating to government; to amend sections 50-1204, 50-1205.01, and 50-1206, Revised Statutes Cumulative Supplement, 2006, and section 84-304, Revised Statutes Supplement, 2007; to change references to auditing standards and a federal office; to change a provision relating to requests for performance audits; and to repeal the original sections.

**LEGISLATIVE BILL 823.** Introduced by Legislative Performance Audit Committee: Schimek, 27, Chairperson; Flood, 19; Heidemann, 1; McDonald, 41; Preister, 5; Stuthman, 22.

A BILL FOR AN ACT relating to the Information Technology Infrastructure Act; to amend sections 86-506, 86-516, 86-520, 86-521, 86-526, 86-527, 86-528, 86-529, and 86-530, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to enterprise projects, the Nebraska Information Technology Commission, the Chief Information Officer, the technical panel, and the Information Technology Infrastructure Fund; to provide powers and duties to the Nebraska Information Technology Commission and the Chief Information Officer; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 824.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state administrative departments; to provide a gender balance requirement for appointive boards, commissions, committees, and councils of the state.

**LEGISLATIVE BILL 825.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to insurance; to require coverage for

cochlear implants as prescribed.

**LEGISLATIVE BILL 826.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Revised Statutes Cumulative Supplement, 2006; to provide a residency exception for members of the United States Armed Forces as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 827.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,161, Revised Statutes Cumulative Supplement, 2006; to change the retention period for motor vehicle registration records; and to repeal the original section.

**LEGISLATIVE BILL 828.** Introduced by Ashford, 20; Lathrop, 12; Pedersen, 39.

A BILL FOR AN ACT relating to courts; to amend sections 8-1,134, 8-1725, 8-1736, 9-817, 9-821, 9-832, 12-1119, 21-315, 21-317, 21-323.02, 21-325.02, 21-1909, 21-19,140, 21-19,142, 21-19,160, 21-2009, 21-20,161, 21-20,163, 21-20,181, 21-2215, 29-3528, 37-708.01, 44-1528, 44-2140, 44-2141, 44-2142, 44-2151, 44-2707, 44-32,166, 44-4804, 44-4809, 44-4810, 44-4812, 44-4813, 44-4816, 44-4817, 44-4828, 44-4831, 44-4833, 44-4847, 44-4849, 44-4850, 44-4851, 44-4852, 44-4853, 44-6023, 44-6111, 44-6115, 44-6115.01, 44-6115.02, 44-6121, 44-6131, 44-6141, 45-191.08, 45-921, 45-924, 48-638, 48-813, 54-1914, 59-1611, 59-1725, 67-441, 69-306, 69-2116, 69-2710, 70-604.05, 70-1019, 75-140, 75-158, 75-369.04, 75-369.06, 75-1012, 76-1315, 76-2118, 76-2119, 77-915, 77-2798, 79-1166, 81-8,214, 81-8,305, 83-1223, 84-213, 84-911, and 87-219.01, Reissue Revised Statutes of Nebraska, sections 8-1016, 8-1017, 9-701, 13-2042, 23-2522, 25-21,206, 25-21,264, 45-717, 45-717.02, 66-1529.02, 75-156, 77-27,127, 77-5726, 81-8,211, 83-1224, and 87-142, Revised Statutes Cumulative Supplement, 2006, and sections 28-738, 44-8216, 71-2408, 76-2223, 77-5011, and 85-1418, Revised Statutes Supplement, 2007; to change limitations of jurisdiction to the Lancaster County District Court as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 8-1,135, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 829.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-126, Reissue Revised Statutes of Nebraska, sections 86-324 and 86-465, Revised Statutes Cumulative Supplement, 2006, and section 86-435, Revised Statutes Supplement, 2007; to provide powers and duties to the commission regarding rates for telecommunications services; to eliminate obsolete language; to harmonize provisions; and to repeal the

original sections.

**LEGISLATIVE BILL 830.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to prescriptions; to amend section 68-901, Revised Statutes Cumulative Supplement, 2006; to adopt the Prescription Drug Cost Savings Act; to state intent regarding appropriations; to provide a duty for the Department of Health and Human Services; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 831.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Credit Report Protection Act; to amend sections 8-2602, 8-2607, and 8-2609, Revised Statutes Supplement, 2007; to define a term; to change provisions relating to security freezes; and to repeal the original sections.

**LEGISLATIVE BILL 832.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil procedure; to amend section 43-1729, Reissue Revised Statutes of Nebraska, and section 42-371, Revised Statutes Supplement, 2007; to adopt the Uniform Foreign-Country Money Judgments Recognition Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 833.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to unemployment compensation; to amend section 48-624, Revised Statutes Supplement, 2007; to change the weekly benefit amount; and to repeal the original section.

**LEGISLATIVE BILL 834.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to certificates of title; to amend section 37-1282, Reissue Revised Statutes of Nebraska, and section 60-164, Revised Statutes Supplement, 2007; to change provisions relating to notation of liens; and to repeal the original sections.

**LEGISLATIVE BILL 835.** Introduced by Preister, 5; Aguilar, 35; Howard, 9; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to children; to define terms; to prohibit transfer of certain items containing a toxic substance; to provide penalties; and to provide severability.

**LEGISLATIVE BILL 836.** Introduced by Howard, 9; Kruse, 13; Pedersen, 39; Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2006, and section 60-4,182, Revised Statutes Supplement, 2007; to prohibit smoking in a vehicle when minors are present; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 837.** Introduced by Karpisek, 32; Louden, 49.

A BILL FOR AN ACT relating to railroads; to amend section 74-1334, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to railroad crossings; and to repeal the original section.

**LEGISLATIVE BILL 838.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to elections; to amend sections 32-202, 32-953, 32-954, and 32-957, Reissue Revised Statutes of Nebraska, and section 32-947, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to identification envelopes for early voting and voting by mail; to eliminate the requirement of a secrecy envelope for elections held by mail; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 32-955, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 839.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1247 and 28-1250, Reissue Revised Statutes of Nebraska, and section 28-1241, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the approval of fireworks and the license revocation period for violators of fireworks provisions; to define and redefine terms; to provide powers and duties to the State Fire Marshal; and to repeal the original sections.

**LEGISLATIVE BILL 840.** Introduced by McDonald, 41; Dubas, 34; Friend, 10; Lathrop, 12; McGill, 26; Pahls, 31; Pirsch, 4; Rogert, 16; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-405, Revised Statutes Supplement, 2007; to change provisions relating to the Uniform Controlled Substances Act; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 841.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to certificates of title; to amend section 60-141, Revised Statutes Cumulative Supplement, 2006, and section 60-168.02, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to reassignments; to repeal the original sections; and to declare an emergency.



**LEGISLATIVE BILL 842.** Introduced by Karpisek, 32; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services; and to state intent.

**LEGISLATIVE BILL 843.** Introduced by Pedersen, 39; Burling, 33; Chambers, 11; Kruse, 13; Nantkes, 46; Preister, 5; Synowiecki, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Revised Statutes Cumulative Supplement, 2006, and section 28-101, Revised Statutes Supplement, 2007; to change sentencing requirements with respect to certain minors; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 844.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-441, 29-431, 29-433, and 53-180.05, Reissue Revised Statutes of Nebraska, sections 28-416 and 29-434, Revised Statutes Cumulative Supplement, 2006, and section 28-101, Revised Statutes Supplement, 2007; to change and transfer certain drug and alcohol penalty provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 845.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor carriers; to amend section 75-369.06, Reissue Revised Statutes of Nebraska, and sections 75-363 and 75-369.03, Revised Statutes Supplement, 2007; to create a penalty for out-of-service order violations and to authorize administrative fines for such violations; to correct obsolete provisions; and to repeal the original sections.

**LEGISLATIVE BILL 846.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-4,103, 66-697, and 66-6,109, Reissue Revised Statutes of Nebraska, sections 39-2215, 66-482, 66-485, 66-488, 66-489.01, 66-495.01, 66-4,105, 66-4,114, 66-4,145, 66-4,146, 66-6,107, 66-6,111, and 66-726, Revised Statutes Cumulative Supplement, 2006, and section 66-489, Revised Statutes Supplement, 2007; to provide a tax on motor fuels and change a tax on motor fuels; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 847.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2483, Reissue Revised Statutes of Nebraska; to provide for notice of appointment of a personal representative as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 848.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to cooperatives; to amend sections 21-2901, 21-2903, 21-2922, 21-2929, 21-2935, 21-2939, 21-2945, 21-2949, 21-2950, 21-2951, 21-2952, 21-2953, 21-2955, 21-2956, 21-2959, 21-2960, 21-2978, 21-2980, 21-2992, 21-29,110, 21-29,117, and 21-29,125, Revised Statutes Supplement, 2007; to change provisions relating to the Nebraska Limited Cooperative Association Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 849.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to schools and school districts; to eliminate authority to provide life and health insurance for board members; and to outright repeal section 79-502, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 850.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-502, Reissue Revised Statutes of Nebraska; to change provisions relating to insurance coverage for school board members; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 221.** Introduced by Fulton, 29.

**PURPOSE:** To examine the implementation of a statewide stroke registry to monitor, evaluate, and provide guidance to health care quality improvement efforts for the evaluation, diagnosis, and treatment of acute strokes in hospitals statewide. The study shall include, but not be limited to, examination of:

(1) The costs associated with implementation and federal funding opportunities through the Cardiovascular Health Program of the Department of Health and Human Services;

(2) Opportunities for public and private partnership in the recording of data and dissemination of information;

(3) The ability to diagnose and treat acute strokes in Nebraska hospitals;

(4) The development and maintenance of a secure data system capable of accurate collection and storage of acute stroke information;

(5) The methods for case identification and the core data elements to be collected for cases of acute stroke and transient ischemic attack; and

(6) The best methods for transmitting the information to the hospitals and public in a timely and appropriate manner.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 222.** Introduced by Pirsch, 4.

WHEREAS, Omaha's famed Boys Town children's home recently celebrated its 90th anniversary; and

WHEREAS, Boys Town was founded in 1917 by Reverend Edward Flanagan; and

WHEREAS, the Legislature recognizes Boys Town for its work with abused, abandoned, and neglected children; and

WHEREAS, Boys Town offers care that strengthens children's mind, body, and spirit.

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

1. That the Legislature congratulates Boys Town on celebrating its 90th anniversary.

2. That a copy of this resolution be sent to Boys Town.

Laid over.

**ANNOUNCEMENT**

Senator Rogert designates LB253 as his priority bill.

**AMENDMENT - Print in Journal**

Senator Loudon filed the following amendment to LB202:  
AM1540

- 1 1. On page 2, strike lines 9 through 15, and insert the
- 2 following new subsection:
- 3 (2) Beginning August 1, 2008, only elected officials
- 4 who are members or alternate members of the governing body of
- 5 a joint entity or joint public agency created pursuant to the
- 6 Interlocal Cooperation Act or the Joint Public Agency Act that
- 7 provides services under the Integrated Solid Waste Management Act
- 8 are authorized to vote on whether a lien should be imposed on
- 9 real property for nonpayment of rates and charges under subsection
- 10 (4) of section 13-2020. Notwithstanding any other requirements for
- 11 action by the governing body, a vote in favor of imposing such a
- 12 lien by a majority of the members eligible to vote on whether a
- 13 lien should be imposed is required to impose such a lien.

**VISITORS**

The Doctor of the Day was Dr. David Filipi from Omaha.

**ADJOURNMENT**

At 11:05 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Friday, January 11, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRD DAY - JANUARY 11, 2008**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
SECOND SESSION**

**THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 11, 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 Senators Christensen, Cornett, and Harms who were excused; and Senators Engel and Karpisek who were excused until they arrive.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB706	General File
LB707	General File
LB708	Revenue
LB709	Transportation and Telecommunications
LB710	Revenue
LB711	Nebraska Retirement Systems
LB712	Transportation and Telecommunications
LB713	Health and Human Services
LB714	Revenue
LB715	Banking, Commerce and Insurance
LB716	Banking, Commerce and Insurance
LB717	Banking, Commerce and Insurance
LB718	Revenue
LB719	Education
LB720	Government, Military and Veterans Affairs
LB721	Government, Military and Veterans Affairs
LB722	Revenue
LB723	General Affairs
LB724	Natural Resources

LB725	Natural Resources
LB726	Natural Resources
LB727	Natural Resources
LB728	General Affairs
LB729	Agriculture
LB730	Health and Human Services
LB731	Education
LB732	Revenue
LB733	Revenue
LB734	Banking, Commerce and Insurance
LB735	Judiciary
LB736	Judiciary
LB737	Revenue
LB738	Health and Human Services
LB739	Government, Military and Veterans Affairs
LB740	Transportation and Telecommunications
LB741	Transportation and Telecommunications
LB742	Health and Human Services
LB743	Natural Resources
LB744	Government, Military and Veterans Affairs
LB745	Government, Military and Veterans Affairs
LB746	Government, Military and Veterans Affairs
LB747	Government, Military and Veterans Affairs
LB748	Government, Military and Veterans Affairs
LB749	Health and Human Services
LB750	Government, Military and Veterans Affairs
LB751	Agriculture
LB752	Government, Military and Veterans Affairs
LB753	Health and Human Services
LB754	Revenue
LB755	Transportation and Telecommunications
LB756	Transportation and Telecommunications
LB757	Revenue
LB758	Revenue
LB759	Health and Human Services
LB760	General Affairs
LB761	Government, Military and Veterans Affairs
LB762	Revenue
LB763	Government, Military and Veterans Affairs
LB764	Judiciary
LB765	Health and Human Services
LB766	Judiciary
LB767	Government, Military and Veterans Affairs
LB768	Urban Affairs
LB769	Judiciary
LB770	Revenue
LB771	Transportation and Telecommunications
LB772	Judiciary
LB773	Judiciary

LB774 Judiciary  
 LB775 Judiciary  
 LB776 Government, Military and Veterans Affairs  
 LB777 Revenue  
 LB778 Revenue  
 LB779 Banking, Commerce and Insurance  
 LB780 Transportation and Telecommunications  
 LB781 Judiciary  
 LB782 Health and Human Services  
 LB783 Revenue  
 LB784 Revenue  
 LB785 Banking, Commerce and Insurance  
 LB786 Transportation and Telecommunications  
 LB787 Judiciary  
 LB788 Agriculture  
 LB789 Agriculture  
 LB790 Agriculture  
 LB791 Agriculture  
 LB792 Banking, Commerce and Insurance  
 LB793 Health and Human Services  
 LB794 Judiciary  
 LB795 Appropriations  
 LR220CA Revenue

Adams, Scot - Director within HHS - Nebraska Department of Health and Human Services - Health and Human Services  
 Albin, Ronald - Foster Care Review Board - Health and Human Services  
 Allan, Tamas - State Fair Board - Agriculture  
 Anderson, Clark - Coordinating Commission for Postsecondary Education - Education  
 Anderson, Douglas - Environmental Quality Council - Natural Resources  
 Anthony, Donald - Beginning Farmer Board - Agriculture  
 Baker, John - Environmental Quality Council - Natural Resources  
 Bauer, James - Board of Public Roads Classifications and Standards - Transportation and Telecommunications  
 Baumgartner, Shawn - Board of Emergency Medical Services - Health and Human Services  
 Berggren, Lynn - Nebraska Game and Parks Commission - Natural Resources  
 Bishop, Riko - Coordinating Commission for Postsecondary Education - Education  
 Black, Tawanna - Child Abuse Prevention Fund Board - Health and Human Services  
 Books, Ronald - State Highway Commission - Transportation and Telecommunications  
 Boswell, Kathy - Rural Health Advisory Commission - Health and Human Services  
 Brown, Larry - Foster Care Review Board - Health and Human Services

- Brown, Rebecca - Child Abuse Prevention Fund Board - Health and Human Services
- Buscher, Michael - Board of Emergency Medical Services - Health and Human Services
- Casmer, Esther - Nebraska Board of Parole - Judiciary
- Catalan, David - Nebraska Arts Council - General Affairs
- Chaumont, Vivianne - Director within HHS - Nebraska Department of Health and Human Services - Health and Human Services
- Dillon, Sid - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
- Dilly, Douglas A. - Nebraska Rural Health Advisory Commission - Health and Human Services
- Dokken, Steven - Nebraska Rural Health Advisory Commission - Health and Human Services
- Dudley, Phillip, Jr. - Nebraska Educational Telecommunications Commission - Education
- Dunn, Robert - Board of Emergency Medical Services - Health and Human Services
- Else, Tim - Nebraska Ethanol Board - Natural Resources
- Fagerland, Jerome - State Highway Commission - Transportation and Telecommunications
- Fattig, Martin L. - Nebraska Rural Health Advisory Commission - Health and Human Services
- Fiala, Ann - Board of Emergency Medical Services - Health and Human Services
- Figard, Roger - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
- Forney, Kent - Nebraska Game and Parks Commission - Natural Resources
- Frohman, Ann - Director - Department of Insurance - Banking, Commerce and Insurance
- Graff, Mark - Beginning Farmer Board - Agriculture
- Hanson, Steve - Nebraska Ethanol Board - Natural Resources
- Hastings, Donna - Nebraska Arts Council - General Affairs
- Hayes, Mike - Climate Assessment Response Committee - Agriculture
- Hilgert, John - Director within HHS - Nebraska Department of Health and Human Services - Health and Human Services
- Hiller, John F. - State Electrical Board - General Affairs
- Hodges, Timothy - Coordinating Commission for Postsecondary Education - Education
- Hotz, Rob - Tax Equalization and Review Commission - Revenue
- Hoyt, Leigh - Environmental Quality Council - Natural Resources
- Jensen, S. Michael "Mick" - Nebraska Game and Parks Commission - Natural Resources
- Jensen, Sam - Commission of Industrial Relations - Business and Labor
- Jirak, James - Commission for the Blind and Visually Impaired - Health and Human Services
- Johnson, Julie - Commission for the Blind and Visually Impaired - Health and Human Services



- Kadavy, Timothy - Adjutant General - Military Department - Government, Military and Veterans Affairs
- Keim, Lon - Environmental Quality Council - Natural Resources
- Kinter, John - Environmental Quality Council - Natural Resources
- Klein, Gene - Foster Care Review Board - Health and Human Services
- Landis, Frank - Nebraska Railway Council - Transportation and Telecommunications
- Landry, Todd - Director within HHS - Nebraska Department of Health and Human Services - Health and Human Services
- Lauritzen, Mary - Coordinating Commission for Postsecondary Education - Education
- Lund, John F. - Board of Educational Lands and Funds - Education
- Madsen, Patricia - Child Abuse Prevention Fund Board - Health and Human Services
- Majerus, Wesley - Commission for the Blind and Visually Impaired - Health and Human Services
- Mark, Darrell - Beginning Farmer Board - Agriculture
- Markley, Sandra - Child Abuse Prevention Fund Board - Health and Human Services
- McDonald, Parrish - Child Abuse Prevention Fund Board - Health and Human Services
- Meter, Judy - Foster Care Review Board - Health and Human Services
- Michels, Dale - State Board of Health - Health and Human Services
- Nelson, Richard - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs
- Newman, Murray - Nebraska Arts Council - General Affairs
- Osborn, Gregory - State Personnel Board - Government, Military and Veterans Affairs
- Peters, Randy - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
- Peterson, Christine - Chief Executive Officer - Nebraska Department of Health and Human Services - Health and Human Services
- Pierce, Richard - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
- Ramirez, Alfredo - Foster Care Review Board - Health and Human Services
- Rasmussen, Gary - Nebraska Railway Council - Transportation and Telecommunications
- Rebensdorf, John - Nebraska Railway Council - Transportation and Telecommunications
- Reed, Todd - Beginning Farmer Board - Agriculture
- Reiser, Richard - State Highway Commission - Transportation and Telecommunications
- Riffel, Norm - Nebraska Investment Council - Nebraska Retirement Systems
- Rolfmeier, Douglas - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
- Ruby, Richard - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

Salmon, Nancy J. - Tax Equalization and Review Commission - Revenue  
Schaefer, Joann - Chief Medical Officer - Nebraska Department of Health  
and Human Services - Health and Human Services  
Smith, Nana - Nebraska Arts Council - General Affairs  
Sorensen, Ruth A. - Property Tax Administrator - Property Assessment and  
Taxation - Revenue  
Stone, Fred - Motor Vehicle Industry Licensing Board - Transportation and  
Telecommunications  
Stuhr, Elaine - Public Employees Retirement Board - Nebraska Retirement  
Systems  
Suarez, Michelle - Board of Trustees of the Nebraska State Colleges -  
Education  
Sykes, Leon - Board of Emergency Medical Services - Health and Human  
Services  
Tagge, Darold - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications  
Thieman, Henry - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications  
Thomas, Patrick J. - Nebraska Liquor Control Commission - General Affairs  
Turnbull, John - Environmental Quality Council - Natural Resources  
Uhing, Richard - Coordinating Commission for Postsecondary Education -  
Education  
Valasek, Melvin - Beginning Farmer Board - Agriculture  
Vandegrift, Sharon - Nebraska Rural Health Advisory Commission - Health  
and Human Services  
Vierk, Richard - Nebraska Arts Council - General Affairs  
Wickersham, William R. - Tax Equalization and Review Commission -  
Revenue  
Williams, Donald - Environmental Quality Council - Natural Resources  
Wootton, Edward - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications  
Wyvill, John C. - Director within HHS - Nebraska Department of Health  
and Human Services - Health and Human Services  
Zeiger, Ronald - Environmental Quality Council - Natural Resources  
Zink, Carol - Coordinating Commission for Postsecondary Education -  
Education

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

### ANNOUNCEMENT

Senator Burling designates LB269 as his priority bill.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 851.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to banking and finance; to amend section 8-224, Reissue Revised Statutes of Nebraska, sections 8-115.01, 8-116, 8-120, 8-122, and 8-223, Revised Statutes Cumulative Supplement, 2006, and sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Supplement, 2007; to change provisions relating to bank charters, undivided profits, and trust companies and trust departments; to revise powers of state-chartered banks, building and loan associations, and credit unions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 852.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to financial services; to amend sections 45-703, 45-704, 45-907, 45-922, and 45-1006, Revised Statutes Cumulative Supplement, 2006, and sections 45-702 and 45-722, Revised Statutes Supplement, 2007; to change provisions relating to the Mortgage Bankers Registration and Licensing Act, the Delayed Deposit Services Licensing Act, and the Nebraska Installment Loan Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 853.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to insurance; to amend sections 44-349, 44-356, 44-789, 44-1101, 44-1103, 44-1105, 44-1106, 44-1107, 44-1108, 44-1109, 44-1110, 44-1111, 44-1112, 44-1113, 44-1114, 44-1115, 44-1521, 44-32,106, 44-3901, 44-3902, 44-3904, 44-3909, 44-3910, 44-3911, 44-4064, 44-6009, and 44-6016, Reissue Revised Statutes of Nebraska, sections 13-206 and 44-7508.02, Revised Statutes Cumulative Supplement, 2006, and sections 44-1102, 44-1104, and 44-4521, Revised Statutes Supplement, 2007; to change provisions relating to rules and regulations, certain insurance policy requirements, insurance coverage for bone and joint treatment, the Viatical Settlements Act, the Unfair Insurance Trade Practices Act, holding companies, health maintenance organizations, the Insurance Producers Licensing Act, long-term care insurance, the Insurers and Health Organizations Risk-Based Capital Act, rates and forms, and financial conglomerates; to provide powers and duties for the Director of Insurance; to define and redefine terms; to harmonize provisions; to provide an

operative date; and to repeal the original sections.

**LEGISLATIVE BILL 854.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6603 and 44-6604, Reissue Revised Statutes of Nebraska, and section 28-631, Revised Statutes Cumulative Supplement, 2006; to adopt the Discount Medical Plan Organization Act; to change provisions relating to fraudulent insurance acts; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 855.** Introduced by Banking, Commerce and Insurance Committee: Pahls, 31, Chairperson; Carlson, 38; Christensen, 44; Gay, 14; Hansen, 42; Langemeier, 23; Pankonin, 2; Pirsch, 4.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1601, 44-1603, 44-1604, 44-1605, 44-1606.01, 44-1607, 44-1607.01, 44-1613, and 44-1614, Reissue Revised Statutes of Nebraska, and section 44-1602, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to group life insurance; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 856.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to elections; to amend section 32-564, Revised Statutes Cumulative Supplement, 2006; to provide for a special election for congressional representatives as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 857.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to elections; to amend section 32-712, Reissue Revised Statutes of Nebraska; to change provisions relating to certification of candidates for President and Vice President; and to repeal the original section.

**LEGISLATIVE BILL 858.** Introduced by Engel, 17.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-1301 and 32-1302, Reissue Revised Statutes of Nebraska; to change provisions relating to the applicability of the recall process; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 859.** Introduced by Pankonin, 2; Adams, 24; Aguilar, 35; Burling, 33; Carlson, 38; Christensen, 44; Engel, 17; Gay, 14; Janssen, 15; Johnson, 37; Karpisek, 32; Kruse, 13; Lautenbaugh, 18; Loudon, 49; McDonald, 41; Nelson, 6; Pedersen, 39; Wallman, 30;

Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

**LEGISLATIVE BILL 860.** Introduced by Burling, 33; Dierks, 40.

A BILL FOR AN ACT relating to grain; to amend sections 75-903.02 and 88-528.01, Revised Statutes Cumulative Supplement, 2006; to remove the requirement for fingerprinting for licensees under the Grain Dealer Act and the Grain Warehouse Act; and to repeal the original sections.

**LEGISLATIVE BILL 861.** Introduced by Agriculture Committee: Erdman, 47, Chairperson; Chambers, 11; Dubas, 34; Karpisek, 32; McDonald, 41; Preister, 5.

A BILL FOR AN ACT relating to agriculture; to amend section 2-101, Revised Statutes Cumulative Supplement, 2006; to change state fair provisions; and to repeal the original section.

**LEGISLATIVE BILL 862.** Introduced by Agriculture Committee: Erdman, 47, Chairperson; Chambers, 11; Dierks, 40; Dubas, 34; Karpisek, 32; McDonald, 41; Preister, 5; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend section 54-857, Reissue Revised Statutes of Nebraska, and sections 2-958, 2-958.01, and 81-201.05, Revised Statutes Cumulative Supplement, 2006; to change funding provisions relating to noxious weeds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 863.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.02, Revised Statutes Supplement, 2007; to change income tax calculations; and to repeal the original section.

**LEGISLATIVE BILL 864.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5016, Revised Statutes Supplement, 2007; to change the standard of review for appeals; and to repeal the original section.

### **MOTION - Adopt Permanent Rules**

Senator Hudkins moved to adopt the permanent rules for the One Hundredth Legislature, Second Session.

The Rules Committee renewed their proposed rules changes, found on pages

123 and 124, to Rule 3, Sec. 5(c)(iii), Rule 3, Sec. 15(b), and Rule 5, Sec. 5(c).

### **SPEAKER FLOOD PRESIDING**

The Rules Committee's proposed rules changes were adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

The Rules Committee renewed their proposed rules change, found on page 124, to Rule 3, Sec. 5(b).

The Rules Committee's proposed rules change was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

The Rules Committee renewed their proposed rules change, found on page 124, to Rule 4, Sec. 3.

The Rules Committee's proposed rules change was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Senator Hudkins renewed her motion, found in this day's Journal, to adopt the permanent rules for the One Hundredth Legislature, Second Session, as amended.

Senator Chambers requested a record vote on the motion to adopt the permanent rules, as amended.

Voting in the affirmative, 35:

Aguilar	Flood	Hudkins	Louden	Pirsch
Ashford	Friend	Johnson	McDonald	Raikes
Avery	Fulton	Karpisek	McGill	Rogert
Carlson	Gay	Kopplin	Nelson	Schimek
Engel	Hansen	Kruse	Pahls	Synowiecki
Erdman	Heidemann	Lathrop	Pankonin	Wallman
Fischer	Howard	Lautenbaugh	Pedersen	Wightman

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Adams	Burling	Dubas	Nantkes	Stuthman
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Excused and not voting, 8:

Christensen	Dierks	Janssen	Preister
Cornett	Harms	Langemeier	White

The Hudkins motion to adopt permanent rules, as amended, prevailed with 35 ayes, 1 nay, 5 present and not voting, and 8 excused and not voting.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 865.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to raptors; to amend section 37-513, Revised Statutes Supplement, 2007; to allow trapping of raptors within the county road right-of-way; and to repeal the original section.

**LEGISLATIVE BILL 866.** Introduced by McDonald, 41; Hudkins, 21.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Chronic Disease Drug Repository Program Act; and to declare an emergency.

**LEGISLATIVE BILL 867.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to abandoned motor vehicles; to amend section 60-1901, Revised Statutes Cumulative Supplement, 2006; to redefine abandoned vehicle; and to repeal the original section.

**LEGISLATIVE BILL 868.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 45-101.04, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2007; to prohibit delayed deposit services; to define terms; to provide a penalty; to eliminate the Delayed Deposit Services Licensing Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 45-902, 45-903, 45-904, 45-905, 45-908, 45-909, 45-913, 45-914, 45-918, 45-921, 45-923, 45-924, 45-926, 45-928, and 45-929, Reissue Revised Statutes of Nebraska, sections 45-901, 45-906, 45-907, 45-910, 45-911, 45-912, 45-915, 45-915.01, 45-916, 45-917, 45-919, 45-922, and 45-925, Revised Statutes Cumulative Supplement, 2006, and sections 45-920 and 45-927, Revised Statutes Supplement, 2007.

**LEGISLATIVE BILL 869.** Introduced by Nantkes, 46; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to state government; to amend sections 73-501, 73-502, 73-504, and 73-506, Reissue Revised Statutes of Nebraska; to require disclosures relating to contracts for services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 870.** Introduced by Avery, 28; at the request of the Governor.

A BILL FOR AN ACT relating to lobbying; to amend section 49-1492, Reissue Revised Statutes of Nebraska; to prohibit certain former officeholders from being lobbyists as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 871.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Commission on Mexican-Americans; to amend sections 81-8,262, 81-8,265, and 81-8,270, Reissue Revised Statutes of Nebraska, and section 81-8,271.01, Revised Statutes Cumulative Supplement, 2006; to rename the commission and a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 872.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to motor vehicle homicide; to amend sections 28-306 and 28-394, Revised Statutes Cumulative Supplement, 2006; to change penalty provisions; and to repeal the original sections.

**LEGISLATIVE BILL 873.** Introduced by Kopplin, 3; Gay, 14; Pedersen, 39.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, and 79-1007.02, Revised Statutes Supplement, 2007; to provide for a student growth adjustment and student growth correction; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 874.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,288 and 60-6,289, Reissue Revised Statutes of Nebraska, and sections 60-6,290 and 60-6,294, Revised Statutes Cumulative Supplement, 2006; to allow certain self-propelled specialized mobile equipment to be transported on highways; and to repeal the original sections.

**LEGISLATIVE BILL 875.** Introduced by Fulton, 29; Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 77-5203, 77-5209, and 77-5215, Revised Statutes Cumulative Supplement, 2006; to change provisions of the Beginning Farmer Tax Credit Act; and to repeal the original sections.

**LEGISLATIVE BILL 876.** Introduced by Pahls, 31.



A BILL FOR AN ACT relating to insurance; to amend section 44-6408, Reissue Revised Statutes of Nebraska, and section 60-310, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to motor vehicle liability policies; and to repeal the original sections.

**LEGISLATIVE BILL 877.** Introduced by Wightman, 36; Carlson, 38; Hansen, 42; Nantkes, 46; Synowiecki, 7; Wallman, 30.

A BILL FOR AN ACT relating to public assistance; to amend sections 43-512 and 68-1721, Revised Statutes Supplement, 2007; to change provisions relating to education; to harmonize provisions; and to repeal the original sections.

### **SENATOR STUTHMAN PRESIDING**

**LEGISLATIVE BILL 878.** Introduced by Engel, 17; Adams, 24; Aguilar, 35; Ashford, 20; Friend, 10; Gay, 14; Kruse, 13; Lathrop, 12; Nantkes, 46; Pahls, 31; Pankonin, 2; Pedersen, 39; Raikes, 25; Rogert, 16; Synowiecki, 7; Wightman, 36.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-1301, 32-1302, 32-1303, 32-1304, 32-1306, and 32-1308, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to recall; to require notification as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 879.** Introduced by Kopplin, 3; Gay, 14; Pedersen, 39.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 and 79-1007.02, Revised Statutes Supplement, 2007; to provide for a construction, expansion, or alteration adjustment; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 880.** Introduced by Kopplin, 3; Gay, 14.

A BILL FOR AN ACT relating to natural resources districts; to provide for issuance of watershed enhancement bonds as prescribed; to provide powers and duties; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 881.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 39-2215, Revised Statutes Cumulative Supplement, 2006; to impose an excise tax on ethanol and provide for its use; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 882.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to mental health; to amend section 83-380.01, Reissue Revised Statutes of Nebraska; to change provisions relating to prescription medication for indigent persons; and to repeal the original section.

**LEGISLATIVE BILL 883.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-1910, Revised Statutes Supplement, 2007; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 884.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to state government; to amend section 84-1611, Reissue Revised Statutes of Nebraska, and section 84-1602, Revised Statutes Cumulative Supplement, 2006; to change powers of the Director of Personnel; to change a provision relating to the state contribution for employee health benefits; and to repeal the original sections.

**LEGISLATIVE BILL 885.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to pharmacy; to amend sections 38-2840 and 71-1,142, Revised Statutes Supplement, 2007; to redefine prescription; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 71-1,142, Revised Statutes Supplement, 2007, as amended by section 2 of this legislative bill.

**LEGISLATIVE BILL 886.** Introduced by Gay, 14; Kopplin, 3.

A BILL FOR AN ACT relating to schools; to amend section 79-611, Revised Statutes Supplement, 2007; to change provisions relating to student transportations; and to repeal the original section.

**LEGISLATIVE BILL 887.** Introduced by Burling, 33; Gay, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Reissue Revised Statutes of Nebraska; to change the corporate tax rate; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 888.** Introduced by Burling, 33; Gay, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Reissue Revised Statutes of Nebraska; to change corporate income tax calculations; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 889.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 79-2001, 79-2002, 79-2003, 79-2004, 79-2005, 79-2006, 79-2007, 79-2008, 79-2009, 79-2010, 79-2011, 79-2012, 79-2013, and 79-2015, Reissue Revised Statutes of Nebraska; to transfer and rename the Nebraska Schools Construction Alternatives Act; to provide construction alternatives for political subdivisions; to eliminate limitations on contracts; to repeal the original sections; and to outright repeal section 79-2014, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 890.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.11, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2007; to exempt postage charges and certain magazine or journal subscriptions from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 891.** Introduced by Gay, 14; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2007; to provide an income tax credit for certain health-related expenditures; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 892.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 60-1301, 71-1557, 71-1558, 71-1559, 71-1563, 71-1564, 71-1567, 71-4603, and 71-4604, Reissue Revised Statutes of Nebraska, and sections 71-4604.01 and 71-4608, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Nebraska Uniform Standards for Modular Housing Units Act and the Uniform Standard Code for Manufactured Homes and Recreational Vehicles; to provide for administrative fines; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 893.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to real estate; to amend sections 77-1834, 77-1914, and 77-1917, Reissue Revised Statutes of Nebraska; to change provisions relating to tax deeds and foreclosures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 894.** Introduced by Gay, 14; Engel, 17; Fulton, 29; Nelson, 6; Pahls, 31; Pankonin, 2; Pirsch, 4.

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

77-2716, Revised Statutes Supplement, 2007; to increase deductions allowed for contributions and investment earnings made under the Long-Term Care Savings Plan Act as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 895.** Introduced by Janssen, 15; Adams, 24; Burling, 33; Dierks, 40; Gay, 14; Langemeier, 23; Preister, 5; White, 8; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5701, 77-5703, 77-5708, 77-5712, 77-5714, 77-5723, 77-5726, 77-5727, and 77-5731, Revised Statutes Cumulative Supplement, 2006, and sections 77-5715 and 77-5725, Revised Statutes Supplement, 2007; to change provisions of certain tax incentive laws; to define and redefine terms; to change fees; to provide for applicability; to harmonize provisions; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 896.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2007; to update references to the Internal Revenue Code of 1986; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 897.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1502.01, Reissue Revised Statutes of Nebraska, sections 77-123, 77-1301, 77-1303, 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1502, 77-1507, 77-1510, 77-1613.04, 77-3506.02, 77-5019, 77-5024.01, 77-5027, and 77-5029, Revised Statutes Cumulative Supplement, 2006, and sections 77-1311.03, 77-1345, 77-1504, 77-1514, and 77-5028, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to property tax assessment and equalization; to create the State Property Taxpayer Referee Division of the Department of Revenue; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-1504.01, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 898.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Unfair Cigarette Sales Act; to amend sections 59-1502 and 59-1505, Reissue Revised Statutes of Nebraska; to redefine a term; to change the presumed cost of doing business; and to repeal the original sections.

**LEGISLATIVE BILL 899.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to the Land Reutilization Act; to amend sections 77-3201, 77-3203, 77-3205, 77-3206, 77-3207, 77-3210, 77-3211,

and 77-3212, Reissue Revised Statutes of Nebraska, and section 77-3204, Revised Statutes Cumulative Supplement, 2006; to authorize the creation of an authority by a city of the metropolitan class; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 900.** Introduced by Flood, 19; Chambers, 11; Friend, 10; Langemeier, 23; Rogert, 16; White, 8.

A BILL FOR AN ACT relating to insurance; to prohibit the use of credit information and discriminatory practices as prescribed; to define terms; to eliminate the Model Act Regarding Use of Credit Information in Personal Insurance; to provide an operative date; and to outright repeal sections 44-7701, 44-7702, 44-7703, 44-7704, 44-7705, 44-7706, 44-7707, 44-7708, 44-7709, 44-7710, 44-7711, and 44-7712, Reissue Revised Statutes of Nebraska.

### **NOTICE OF COMMITTEE HEARING**

Nebraska Retirement Systems

Room 1525

Friday, January 18, 2008 8:30 a.m.

Elaine Stuhr - Public Employees Retirement Board

(Signed) John Synowiecki, Chairperson

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 223.** Introduced by Avery, 28; Dierks, 40.

WHEREAS, the United States Congress enacted the Native American \$1 Coin Act to require the United States Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States; and

WHEREAS, the Native American \$1 Coin Act provides for the redesign and issuance of circulating \$1 coins to accomplish this purpose; and

WHEREAS, the \$1 coins are to have as the design on the obverse the "Sacagawea" design and on the reverse various images celebrating the important contributions made by Native Americans to the development of the United States and the history of the United States; and

WHEREAS, the designs selected for the reverse of the coins may depict individuals and events and shall be chosen by the Secretary of the Treasury after consultation with the Committee on Indian Affairs of the Senate, the Congressional Native American Caucus of the House of Representatives, the Commission of Fine Arts, and the National Congress of American Indians; and

WHEREAS, the case of Standing Bear vs. Crook was an important development in the history of Indian-white relations and was a catalyst for far-reaching changes in federal policy affecting thousands of Native Americans throughout the United States; and

WHEREAS, Standing Bear vs. Crook stands for the propositions "that an Indian is a person within the meaning of the laws of the United States, and has therefore the right to sue out a writ of habeas corpus in a federal court and before a federal judge, in all cases where he may be confined, or in custody under color of authority of the United States, or where he is restrained of liberty in violation of the constitution or laws of the United States," and "that the Indians possess the inherent right of expatriation as well as the more fortunate white race, and have the inalienable right to "life, liberty and the pursuit of happiness," so long as they obey the laws and do not trespass on forbidden ground."

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

1. That the Legislature urges the Secretary of the Treasury to select Standing Bear as one of the designs for the reverse of the Native American \$1 coin to commemorate Standing Bear's important contribution.

2. That a copy of this resolution be sent to the United States Secretary of the Treasury, the Director of the United States Mint, and the members of the Nebraska congressional delegation.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR223 was referred to the Reference Committee.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 224.** Introduced by Fulton, 29.

WHEREAS, the State of Nebraska holds an interest in preventing illegal immigration and securing the public health, safety, and welfare against terrorism and criminal activity; and

WHEREAS, protection of the public health, safety, and welfare is most effectively accomplished by the utilization of federal, state, and local law enforcement resources; and

WHEREAS, section 287(g) of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorizes the Secretary of Homeland Security to enter into agreements with municipal, county, and state law enforcement agencies granting designated officers of those agencies the authority to perform immigration law enforcement functions, pursuant to a Memorandum of Agreement; and

WHEREAS, the Memorandum of Agreement allows municipal, county, and state law enforcement officers to receive appropriate training in immigration law enforcement from United States Immigration and Customs Enforcement officers; and

WHEREAS, the Memoranda of Agreement between the secretary and municipal, county, and state law enforcement agencies have improved immigration law enforcement in several other states.

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

1. That the Legislature encourages all municipal, county, and state law enforcement agencies in Nebraska to enter into Memoranda of Agreement, as authorized by section 287(g) of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996, with the Secretary of Homeland Security to perform immigration law enforcement functions.

2. That a copy of this resolution be delivered to all municipal, county, and state law enforcement agencies in the State of Nebraska.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR224 was referred to the Reference Committee.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 225CA.** Introduced by Karpisek, 32.

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 I, section 22:

I-22 (1) All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

(2) Elections shall be conducted by marking paper ballots which shall all be officially tabulated at domicile election precincts with a manual count by a multipartisan counting board.

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 require all elections to be conducted with paper ballots manually counted at the precinct by a multipartisan counting board.

For

Against.

Referred to the Reference Committee.

**MOTION - Print in Journal**

Senator Fulton filed the following motion to LB740:

MO104

Withdraw.

**AMENDMENTS - Print in Journal**

Senator Johnson filed the following amendment to LB395:

AM1530

(Amendments to Final Reading copy)

- 1 1. Strike sections 16, 17, and 22.
- 2 2. On page 3, line 1, strike "21" and insert "19"; and in
- 3 line 8 after "law" insert ", ordinance, or resolution".
- 4 3. On page 5, strike beginning with the second "retail"
- 5 in line 6 through line 8 and insert "store that sells only tobacco
- 6 and products directly related to tobacco. Products directly related
- 7 to tobacco do not include alcohol, coffee, soft drinks, candy,
- 8 groceries, or gasoline."; and strike beginning with "sections" in
- 9 line 9 through "17" in line 10 and insert "section 15".
- 10 4. On page 8, strike beginning with "or" in line 12
- 11 through "department" in line 13.
- 12 5. On page 1, line 3, strike beginning with the first
- 13 "to" through the second semicolon.
- 14 6. Strike beginning with page 1, line 8, through page
- 15 2, line 2, and page 10, lines 3 through 8 and insert "and
- 16 sections 71-5707, 71-5710, 71-5711, and 71-5713, Revised Statutes
- 17 Supplement, 2007."

Senator Johnson filed the following amendment to LB480:

AM1534

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 71-7605, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-7605 Sections 71-7605 to ~~71-7614~~ 71-7611 shall be
- 6 known and may be cited as the Nebraska Health Care Funding Act.
- 7 Sec. 2. Section 71-7611, Revised Statutes Supplement,
- 8 2007, is amended to read:
- 9 71-7611 (1) The Nebraska Health Care Cash Fund is
- 10 created. The State Treasurer shall transfer fifty-five million
- 11 dollars annually no later than July 15 from the Nebraska Medicaid
- 12 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement
- 13 Trust Fund to the Nebraska Health Care Cash Fund, except that
- 14 such amount shall be reduced by the amount of the unobligated
- 15 balance in the Nebraska Health Care Cash Fund at the time the
- 16 transfer is made. The state investment officer upon consultation
- 17 with the Nebraska Investment Council shall advise the State
- 18 Treasurer on the amounts to be transferred from the Nebraska



19 Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco  
20 Settlement Trust Fund under this section in order to sustain such  
21 transfers in perpetuity. The state investment officer shall report  
22 to the Legislature on or before October 1 of every even-numbered  
23 year on the sustainability of such transfers. Except as otherwise  
1 provided by law, no more than fifty-five million dollars may be  
2 appropriated or transferred from the Nebraska Health Care Cash Fund  
3 in any fiscal year.

4 (2) Any money in the Nebraska Health Care Cash Fund  
5 available for investment shall be invested by the state investment  
6 officer pursuant to the Nebraska Capital Expansion Act and the  
7 Nebraska State Funds Investment Act.

8 (3) One million dollars in the Nebraska Health Care Cash  
9 Fund is designated each year for the Autism Treatment Program  
10 Act for five fiscal years beginning in fiscal year 2007-08 and  
11 shall be distributed in each fiscal year as follows: (a) First,  
12 to the Department of Health and Human Services for costs related  
13 to application and implementation of the waiver; (b) second, to  
14 the department for other medical costs for children who would  
15 not otherwise qualify for medicaid except for the waiver; and (c)  
16 third, the balance to the Autism Treatment Program Cash Fund. The  
17 State Treasurer shall transfer the balance of the funding to the  
18 Autism Treatment Program Cash Fund based on the estimated costs  
19 of administrative and other medical costs as determined by the  
20 Legislature through the appropriation process. The transfers to  
21 the Autism Treatment Program Cash Fund in any fiscal year shall  
22 be contingent upon the receipt of private matching funds under  
23 the Autism Treatment Program Act, with no less than one dollar of  
24 private funds received for every two dollars transferred from the  
25 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash  
26 Fund.

27 (4) The University of Nebraska and postsecondary  
1 educational institutions having colleges of medicine in Nebraska  
2 and their affiliated research hospitals in Nebraska, as a condition  
3 of receiving any funds appropriated or transferred from the  
4 Nebraska Health Care Cash Fund, shall not discriminate against any  
5 person on the basis of sexual orientation.

6 Sec. 3. This act becomes operative on July 15, 2008.

7 Sec. 4. Original section 71-7605, Reissue Revised  
8 Statutes of Nebraska, and section 71-7611, Revised Statutes  
9 Supplement, 2007, are repealed.

10 Sec. 5. The following sections are outright repealed:  
11 Sections 71-7601, 71-7602, 71-7604, 71-7609, and 71-7614, Reissue  
12 Revised Statutes of Nebraska, section 71-7610, Revised Statutes  
13 Cumulative Supplement, 2006, and section 71-7603, Revised Statutes  
14 Supplement, 2007.

15 Sec. 6. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.

Senator Stuthman filed the following amendment to LB157:  
AM1539

(Amendments to Standing Committee amendments, AM250)

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

3 Section 1. (1) If a mother seeking safe-haven care  
4 voluntarily delivers a child seventy-two hours old or younger to  
5 a hospital staff member who engages in the admission, care, or  
6 treatment of patients, when such hospital staff member is at a  
7 hospital, the hospital staff member shall, without a court order,  
8 take temporary physical custody of the child.

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

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

16 (b) Notify the Department of Health and Human Services  
17 within four hours; and

18 (c) Place such child with an agency as defined in section  
19 43-121.

20 (3) A hospital shall incur no civil or criminal liability  
21 for any good faith acts or omissions performed by a hospital staff  
22 member pursuant to this section.

1 (4) For purposes of this section, generally accepted  
2 standards of professional practice means medical treatment or care  
3 of the type, quality, and amount that a hospital staff person would  
4 be expected to provide according to the professional standards of  
5 care for hospital staff with regard to the medical treatment and  
6 care of infants.

7 Sec. 2. Upon receipt of notice pursuant to section 1 of  
8 this act, the Department of Health and Human Services shall contact  
9 the Nebraska State Patrol to determine if the child is a missing  
10 person as defined in section 43-2003.

11 Sec. 3. (1) The Department of Health and Human Services  
12 shall maintain and update on a monthly basis a report of the number  
13 of children who have been left with safe-haven providers pursuant  
14 to this section and the number of children abandoned by other  
15 means.

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

20 Sec. 4. The Department of Health and Human Services shall  
21 develop and implement a public information program to inform the  
22 general public of the provisions of sections 1 to 3 of this  
23 act. The department shall also work in conjunction with other  
24 departments and agencies of the state and the Nebraska Hospital

25 Association or its successor entity in development of the program.  
26 The program may include, but need not be limited to, educational  
27 and informational materials in print, audio, video, electronic,  
1 and other media, public service announcements and advertisements,  
2 and the establishment of a toll-free hotline. The department shall  
3 develop a method that would allow the parent of any newborn  
4 infant placed under such sections to provide information about the  
5 medical history of the infant, including family medical history,  
6 anonymously.

7 Sec. 5. The Department of Health and Human Services  
8 shall explore the possibility of expending funds received from  
9 the United States Department of Health and Human Services pursuant  
10 to the Promoting Safe and Stable Families Program in order to  
11 implement the public information program required by section 4 of  
12 this act and to alleviate the burden such program may have on the  
13 department's appropriation from the state. When implementing its  
14 public information program, the department shall prioritize those  
15 areas of the state that have been identified as having the highest  
16 teen pregnancy rates.

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

19 28-705 (1) Any person who abandons and neglects or  
20 refuses to maintain or provide for his or her spouse or his or  
21 her child or dependent stepchild, whether such child is born in or  
22 out of wedlock, commits abandonment of spouse, child, or dependent  
23 stepchild.

24 (2) It is not a violation of this section for a mother  
25 to leave a child who is seventy-two hours old or younger with  
26 a hospital staff member pursuant to section 1 of this act if  
27 the mother provides the hospital staff member with proof of her  
1 identity.

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

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

9 (4)-(5) A designation of assets for or use of income by  
10 an individual in accordance with section 68-922 shall be considered  
11 just cause for failure to use such assets or income to provide  
12 medical support of such individual's spouse.

13 (5)-(6) Abandonment of spouse, child, or dependent  
14 stepchild is a Class I misdemeanor.

15 Sec. 7. Original section 28-705, Revised Statutes  
16 Cumulative Supplement, 2006, is repealed.

Senator Friend filed the following amendment to LR5CA:  
AM1536

1 1. On page 1, line 3, strike "2008" and insert "2010".

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

Senator Rogert asked unanimous consent to add his name as cointroducer to LB501. No objections. So ordered.

Senators Johnson and McDonald asked unanimous consent to add their names as cointroducers to LB718. No objections. So ordered.

Senator Pankonin asked unanimous consent to add his name as cointroducer to LB738. No objections. So ordered.

Senator Stuthman asked unanimous consent to add his name as cointroducer to LB765. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Susan and Emily Kotas from Hastings.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

### **ADJOURNMENT**

At 10:12 a.m., on a motion by Senator Kopplin, the Legislature adjourned until 10:00 a.m., Monday, January 14, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**FOURTH DAY - JANUARY 14, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 14, 2008

**PRAYER**

The prayer was offered by Pastor Wayne Hayward, Seventh Day Adventist Churches of Alliance, Hemingford, and Hyannis.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Harms who was excused; and Senators Dierks, Dubas, McDonald, and Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the third day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB771	Appropriations (referred)
LB796	Health and Human Services
LB797	Health and Human Services
LB798	Natural Resources
LB799	Natural Resources
LB800	Natural Resources
LB801	Natural Resources
LB802	Natural Resources
LB803	Government, Military and Veterans Affairs
LB804	Judiciary
LB805	Natural Resources
LB806	Health and Human Services
LB807	Health and Human Services
LB808	Judiciary

LB809	Health and Human Services
LB810	Judiciary
LB811	Appropriations
LB812	Transportation and Telecommunications
LB813	Urban Affairs
LB814	Revenue
LB815	Transportation and Telecommunications
LB816	Judiciary
LB817	Government, Military and Veterans Affairs
LB818	Health and Human Services
LB819	Business and Labor
LB820	Business and Labor
LB821	Business and Labor
LB822	Government, Military and Veterans Affairs
LB823	Transportation and Telecommunications
LB824	Government, Military and Veterans Affairs
LB825	Banking, Commerce and Insurance
LB826	Judiciary
LB827	Transportation and Telecommunications
LB828	Judiciary
LB829	Transportation and Telecommunications
LB830	Health and Human Services
LB831	Banking, Commerce and Insurance
LB832	Judiciary
LB833	Business and Labor
LB834	Transportation and Telecommunications
LB835	Health and Human Services
LB836	Health and Human Services
LB837	Transportation and Telecommunications
LB838	Government, Military and Veterans Affairs
LB839	Judiciary
LB840	Judiciary
LB841	Transportation and Telecommunications
LB842	Appropriations
LB843	Judiciary
LB844	Judiciary
LB845	Transportation and Telecommunications
LB846	Revenue
LB847	Judiciary
LB848	Banking, Commerce and Insurance
LB849	Education
LB850	Education

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

### ANNOUNCEMENT

Senator Nantkes designates LB235 as her priority bill.

**NOTICE OF COMMITTEE HEARING**

Agriculture

Room 1524

Tuesday, January 22, 2008 1:30 p.m.

LB729

LB788

LB790

LB791

(Signed) Philip Erdman, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 11, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Abboud, Chris, Public Affairs Group  
Agri-Business Association, Nebraska  
Brain Injury Association of America  
Manheims Omaha Auto Auction  
Monsanto  
Omaha Police Union, Local 101

Adair, Peggy  
CASA for Douglas County  
League of Women Voters of Nebraska

Adams, Donald D., Jr.  
Nebraskans First, Inc.

Adams, John H.  
International Gamco, Inc.

Adams, Robert P.  
Alliance for Marriage Foundation

Alberts, Dan  
Third Planet Windpower

American Communications Group, Inc.  
American Cancer Society

American Heart Association  
Amputee Coalition of Nebraska  
Behavioral Health Organizations, Nebraska Association of  
Center for Rural Affairs  
City of Lincoln  
Emergency Medical Service Association, Nebraska  
Engineers and Architects, Nebraska Board of  
Girl Scout Legislative Monitoring Network, Nebraska  
Goodwill Industries, Nebraska  
Iowa/Nebraska Primary Care Association  
Nebraskans for Research  
Pappio-Missouri Natural Resources District, Nebraska  
Physical Therapy Association, Nebraska Chapter of American  
Physician Assistants, Nebraska Academy of  
Psychological Association, Nebraska  
Public Employees, AFSCME Local 61, Nebraska Association of  
Public Health, Friends of in Nebraska  
Research Nebraska!  
Respiratory Care, Nebraska Society for  
Speech, Language, & Hearing Association, Nebraska  
Teamsters Local Union 554  
YMCA of Nebraska

Andersen, Robert C.  
Cooperative Council, Nebraska

Anderson, Robert L.  
Agri-Business Association, Nebraska  
Anderson Management Services, Inc.

Anderson, Shannon M.  
Alegent Health

Anderson, Tim W.  
Central Nebraska Public Power & Irrigation District

Ashburn, Bill  
ALLTEL Communications

Austin, Jordan  
National Rifle Association Institute for Legislative Action

Baack, Dennis G.  
Community College Association, Nebraska

Bailey, Jon M.  
Center for Rural Affairs

Baker, R.J.



## Elkhorn Valley Economic Development Council

- Barrett, John  
Cox Nebraska Telcom, LLC
- Bateman, Joseph R.  
Union Pacific Railroad
- Beattie, George  
Bankers Association, Nebraska
- Beck, Curt  
General Contractors of America, NE Chapter, Associated
- Becker, Jill  
Aquila
- Beermann, Allen J.  
Press Association, Nebraska
- Belcher, Barbara N.  
Merck & Company
- Bell, David  
Loup River Public Power District
- Berryman, Scott  
Interior Design Coalition of Nebraska
- Boehm, John M.  
Mortgage Association, Nebraska
- Bohrer, Bruce J.  
Lincoln Chamber of Commerce
- Bonaiuto, John A.  
School Boards, Nebraska Association of
- Boryca, Kelly J.  
Pfizer, Inc.
- Boucher, Richard  
Sheriffs Association, Nebraska
- Boyer, Steve  
Third Planet Windpower
- Brady, Justin J.  
Radcliffe, Walter H. of Radcliffe & Associates

- Brandt, Horan, Hallstrom and Stilmock  
Bankers Association, Nebraska  
Bankers Insurance and Services Company, Nebraska (NBISCO)  
Firefighters Association, Nebraska State Volunteer  
National Federation of Independent Business  
Nebraskans For Workers Compensation Equity  
NETWORKS, Inc.  
Pharmacists Association, Nebraska
- Brashear, Kermit A.  
Metro Student Achievement Steering Committee
- Bromm, Curt  
AFLAC  
Cable Communications Association, Nebraska  
Verizon Wireless
- Brown, Margaret S.  
League of Women Voters of Nebraska
- Bruning, Deonne L.  
Cox Nebraska Telcom, LLC  
Embarq Corp.  
Northern Natural Gas  
U. S. Cellular
- Buntain, David R.  
Medical Association, Nebraska
- Burroughs, Sheila K.  
Certified Public Accountants, Nebraska Society of
- Burson, Kathleen  
PRIDE-Omaha, Inc.
- Campbell, Mary M./Campbell & Associates  
AIA Nebraska  
Beverage Distributors of Nebraska, Associated  
Cable Communications Association, Nebraska  
Columbus Public Schools  
Conservation Voters, Nebraska League of  
Educational Service Units Administrators Association  
Friends of Nebraska Nonprofit Hospitals  
Industrial Energy Users of Nebraska  
Lincoln Public Schools  
Marriage and Family Therapy, The Nebraska Association for  
Nature Conservancy Action Fund, The  
Region II and V Services

State Troopers Association of Nebraska, Inc.  
University of Nebraska  
Waste Management  
Wholesale Liquor Distributors Association, Nebraska

Carmody, Patrick L.  
Land America Financial Group

Carstenson, Eric B.  
Telecommunications Association, Nebraska

Carter, Jennifer  
Appleseed Center for Law in the Public Interest, Nebraska

Cavanaugh Law Firm, PC, LLO  
Creighton University  
Explore Information Services, LLC  
Independent Insurance Agents of Nebraska  
National Confectioners Association  
Tenet Health System

Cavanaugh, James P.  
Cavanaugh Law Firm PC, LLO

Cavanaugh, Patrick B.  
Cavanaugh Law Firm PC, LLO

Cheloha, John A. 'Jack'  
City of Omaha

Christiansen, Craig R.  
Education Association, Nebraska State

Clark, Douglas R.  
Metropolitan Utilities District

Clayburn, Neal  
Education Association, Nebraska State

Connealy, Matt  
Democratic Party, Nebraska

Courtney, Robert  
AARP

Cover, Joni R.  
Pharmacists Association, Nebraska

Crawford, Kristin Lawson

Kissel/E&S Associates, LLC

Cunningham, Douglas  
Affiliated Foods Midwest

Cunningham, James R.  
Catholic Conference, Nebraska

Curtis, Carol A.  
AstraZeneca Pharmaceuticals

Cutshall & Nowka  
BryanLGH Health System  
Chief Probation Officers Coalition  
College Systems, Board of Trustees of Nebraska State  
Community Lottery System, Inc.  
County Attorneys Association, Nebraska  
Credit Advisors  
Dietetic Association, Nebraska  
Elkhorn Public Schools  
Family Physicians, Nebraska Academy of  
Funeral Directors Association, Nebraska  
Home & Community Health Agencies, Nebraska Association of  
Lincoln Medical Education Partnership  
Metropolitan Utilities District  
Nebraska Public Power District  
NET Foundation for Television  
Peetz & Company  
Pfizer, Inc.  
Police Officers' Association of Nebraska  
Pork Producers Association, Nebraska  
Poultry Industries, Inc., Nebraska  
Radiologic Technologists, Nebraska Society of  
Resources Districts, Nebraska Association of  
Rural Community School Association, Nebraska  
Southern Public Power District  
Trucking Association, Nebraska  
Union Pacific Railroad  
Water Coalition, Nebraska

Cutshall, Bruce A.  
Cutshall & Nowka

DeCamp, John W.  
Chiropractic Physicians Association, Nebraska

DeMay, James  
Citigroup Management Corp.

- Dibbern, Chris M.  
Nebraska Municipal Power Pool
- Dittmer, Judy  
AARP
- Dix, Larry  
County Officials, Nebraska Association of
- Dobler, James B.  
Farmers Mutual of Nebraska
- Dudley, William H.  
AFLAC
- Dulaney, Michael S.  
School Administrators, Nebraska Council of
- Eckel, Gene  
Slusky Public Affairs  
TixCap, Inc.
- Edson, Dean E.  
Resources Districts, Nebraska Association of
- Edwards, Jon  
County Officials, Nebraska Association of
- Eklund, Carrie  
Medical Association, Nebraska
- Elliott, Joseph W.  
Professional Insurance Agents of Nebraska
- Engle, Erin  
State Farm Insurance Companies
- Eret, Don  
Tractor Testing Laboratory, Supporters of Nebraska
- Erickson, Julie S.  
American Communications Group, Inc.
- Ernst, Dan E.  
School Administrators, Nebraska Council of
- Evans, Eric A.  
Advocacy Services, Inc., Nebraska

- Ferdinand, Betty  
Health Care Association, Nebraska
- Ferrell, Beth Bazyn  
County Officials, Nebraska Association of
- Festersen, Pete  
Omaha Chamber of Commerce, Greater
- Fraizer & Fraizer  
AFLAC  
Insurance Association, American  
Mutual of Omaha Insurance Company
- Fraizer, Ted J.  
Fraizer & Fraizer Law Office
- Fraizer, Theodore D. (Tad)  
Fraizer & Fraizer Law Office
- Funk, Christine  
Planned Parenthood of Nebraska & Council Bluffs
- Gangwish, Duane  
Cattlemen, Inc., Nebraska
- Genrich, Richard L.  
Eagles, Fraternal Order of, NE State Aerie  
Veterans & Social Societies, Inc., Nebraska Council of Fraternal
- Gilbertson, Korby M.  
Radcliffe, Walter H. of Radcliffe & Associates  
Wildlife Protectors Association, Inc./Operation Game Thief, Nebraska
- Giles, Elizabeth L.  
Philip Morris USA, Inc. - Altria Corporate Services, Inc.
- Goc, John J.  
Metropolitan Utilities District
- Gordon, James E.  
DeHart & Darr Associates
- Gossman, Abigail  
MedImmune, Inc.
- Gottschalk, Kristen  
Rural Electric Association, Nebraska

- Gould, John 'Jack'  
Common Cause National  
Common Cause Nebraska
- Grotirian, James  
Metropolitan Community College
- Hale, Brian R.  
School Boards, Nebraska Association of
- Hale, Susan  
Center For People In Need
- Hallstrom, Robert J.  
Brandt, Horan, Hallstrom and Stilmock
- Hansen, John K.  
Farmers Union, Nebraska
- Hartmann, William  
One-Call Notification Center, Nebraska Statewide
- Harvey, William F.  
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno  
Vigilnet America Inc.
- Hassebrook, Charles, Jr.  
Center for Rural Affairs
- Haubensak, Richard  
Constellation NewEnergy Gas Division (formerly Cornerstone Energy,  
Inc.)
- Head, Craig J.  
Farm Bureau Federation, Nebraska
- Hedberg, Matthew  
Schering-Plough External Affairs, Inc.
- Hedman, Gary  
Southern Public Power District
- Henry, Patrick  
AARP
- Hernandez, Jennifer  
Children & Families Foundation, Nebraska
- Higgins, Shirley

Nebraska Public Power District

Hoffman, Jerry  
Education Association, Nebraska State

Holmquist, David W.  
American Cancer Society

Holmquist, Jay  
Rural Electric Association, Nebraska

Hood, Jane Renner  
Humanities Council, Nebraska

Horn, Ryan  
Wal-Mart Stores, Inc.

Horne, Virgil L.  
Lincoln Public Schools

Intermill, Mark  
AARP

Jaeschke, Ronda  
SourceGas Distribution, LLC

Jeffers, Thomas E.  
Cooperative Council, Nebraska

Jensen, Ronald L./Jensen Associates, Inc.  
Counseling Association, Nebraska  
Dental Hygienists Association, Nebraska  
Eli Lilly and Company  
Homes & Services for the Aging, Nebraska Association of  
Johnson, DeMaris/The Johnson Group  
Magellan Health Services, Inc.  
Nurse Anesthetists, Nebraska Association of  
Optometric Association, Nebraska  
Philip Morris USA, Inc. - Altria Corporate Services, Inc.  
Podiatric Medical Association, Nebraska  
Radcliffe, Walter H. of Radcliffe & Associates  
Service Providers, Nebraska Association of  
Sportsmen's Alliance, U.S.

Jensen, S. Michael  
Great Plains Communications

Johnson, DeMaris/The Johnson Group  
Cable Communications Association, Nebraska



Check Cashers, Nebraska Association of  
County Attorneys Association, Nebraska  
Geologists, Board of  
Jensen, Ronald/Jensen & Associates  
Water Resources Association, Nebraska

Johnson, Dick  
Builders and Contractors, Inc., Associated

Johnson, Kimberly  
United Parcel Service

Johnson, Larry A.  
Trucking Association, Nebraska

Johnson, Mary A.  
Ruth Mueller Robak LLC

Jones, Randall S.  
American Red Cross

Jordison, John C.  
Great Plains Communications

Jun, Michelle  
Consumers Union

Kamm, Richard D.  
Grand Island Northwest Public Schools

Karl, Jamie T.  
Chamber of Commerce & Industry, Nebraska

Karnes, David  
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno  
Southern Wine & Spirits of Nebraska, Inc.  
Vigilnet America Inc.

Katzberg, Alan  
Rural Community School Association, Nebraska

Kay, Sara A.  
AIA Nebraska

Keigher, Timothy P.  
Keigher/Rasmussen & Associates, LLC  
Petroleum Marketers & Convenience Store Assn., Nebraska

Keigher/Rasmussen & Associates, LLC

Credit Management  
Iowa/Nebraska Equipment Dealers Association  
Land Improvement Contractors Association, Nebraska  
LensCrafters  
Miller Brewing Company  
National Guard Assn. of Nebraska  
Philip Morris USA, Inc. - Altria Corporate Services, Inc.  
SouthWestern Association

Kelley & Lehan, P.C.  
ABATE of Nebraska, Inc.  
Beverage Operators of Nebraska, Responsible  
Douglas County, Nebraska  
Eastern Nebraska Human Services Agency  
Fraternal Order of Police, Nebraska  
Johnson Brothers/Finocchiaro, LLC  
Metro Area Transit  
Omaha Airport Authority  
Omaha Exposition & Racing, Inc.  
Ralston Public School District  
Sarpy County, United Cities of

Kelley, Michael, of Kelley & Lehan, PC  
Kelley & Lehan, PC

Kelsey, Michael D.  
Cattlemen, Inc., Nebraska

Kennedy, Barry L.  
Chamber of Commerce & Industry, Nebraska

Kenny, Timothy R.  
Investment Finance Authority, Nebraska

Kevil, G. Bruce  
Home Builders Association, Nebraska State

Kierstead, Roberta  
Planned Parenthood of Nebraska & Council Bluffs

Kilgarin, Karen  
Education Association, Nebraska State

Kissel, Gordon  
Kissel/E&S Associates, LLC

Kissel/Erickson & Sederstrom Associates, LLC  
Alegent Health  
American Petroleum Institute

Ameristar Casinos, Inc.  
Anheuser-Busch Companies  
CASA Association, Nebraska  
Cooperative Council, Nebraska  
Engineers, Nebraska Society of Professional  
Erickson & Sederstrom, PC  
Hearing Society, Nebraska  
Historical Society, Nebraska State  
Investment Finance Authority, Nebraska  
Lancaster County Board of Commissioners  
Lancaster Event Center  
Lincoln Electric System  
March of Dimes Birth Defects Foundation  
Nebraska Municipal Power Pool  
Professional Engineers Coalition  
Telecommunications Business Users Coalition, Nebraska  
TransCanada Pipelines Limited  
West Corporation

Kohout, Joseph D.  
Kelley & Lehan, PC

Kolterman, Jessica A.  
Farm Bureau Federation, Nebraska

Krannawitter, Brian  
American Heart Association

Krumland, Gary G.  
League of Nebraska Municipalities

Kruse, Dacia D.  
Omaha Chamber of Commerce, Greater

Kruse, Larry D.  
Glaxo Smith Kline

Kulesher, Kate M.  
Brain Injury Group of Nebraska (BIG-N)  
Wyeth

Lamb, Amy  
Occupational Therapy Association, Nebraska

Lange, Robert G.  
Ameritas Life Insurance Corporation

Larsen, Neal Roper  
Verizon Communications, Inc.

- Lemon, Greg  
Tax Research Council, Inc., Nebraska
- Lengel, Patricia  
Wineries and Grape Growers Association, Nebraska
- Lewis, Sarah Ann  
Voices for Children
- Libsack, Fiona  
Regional West Health Services
- Licht, Alice L.  
Agri-Business Association, Nebraska  
Anderson Management Services, Inc.  
Auctioneers Association, Nebraska  
Automotive Recycling Industry of Nebraska  
Aviation Trade Association, Nebraska  
Hotel & Motel Association, Inc., Nebraska  
Pest Control Association, Nebraska State
- Licht, Andrew W.  
Anderson Management Services, Inc.
- Lightner, Patricia  
HSBC GR Corp.
- Lindsay, John  
O'Hara, Lindsay & Associates, Inc.
- Lineweber, Ray L.  
United Transportation Union
- Loeffler, Michael T.  
Northern Natural Gas
- Logsdon, Robert R.  
Cox Nebraska Telcom, LLC
- Lombardi, Richard A.  
American Communications Group, Inc.
- Lowrey, Lon  
Novartis Pharmaceuticals Corporation
- Luetkenhaus, Brandon M.  
Credit Union League and Affiliates, Nebraska

- Mahlman, Dale L.  
Medical Association, Nebraska
- Mainwaring, Brenda  
Union Pacific Railroad
- Marsh, Laurel S.  
ACLU Nebraska
- Marvin, Mike  
Public Employees, AFSCME Local 61, Nebraska Association of
- Mass, Ken E.  
AFL-CIO, Nebraska State
- Mauk, Daniel S.  
Norfolk Area Chamber of Commerce
- McBride, David S.  
Health Underwriters, Nebraska Association of  
Insurance and Financial Advisors, National Association of  
Optometric Association, Nebraska
- McClure, Jeanne L.  
Campbell, Mary M./Campbell & Associates
- McClure, John  
Nebraska Public Power District
- McClymont, Pete  
Cattlemen, Inc., Nebraska
- McCullough, Jacqueline K.  
Engineering Companies/Nebraska, American Council of
- McGuire, Mark D.  
Cameco (formerly Crow Butte) Resources, Inc.  
Education Association, Nebraska State
- McHugh, Jim  
Regional West Health Services
- McKenzie, Janis M.  
Gifted, Nebraska Association For The  
Independent Colleges & Universities of Nebraska (AICUN), Association  
of  
Insurance Federation, Nebraska
- Meek, Randy D.

Brotherhood of Locomotive Engineers, Nebraska State Legislative Board

Menzel, Elaine

County Officials, Nebraska Association of

Meradith, Steve

Windstream

Merritt, Gary James

Auto Dealers Association, Nebraska Independent

Meurrens, Bradley A.

Advocacy Services, Inc., Nebraska

Mikkelsen, Brian

Education Association, Nebraska State

Miller, Amy

ACLU Nebraska

Mills, Jack D.

Risk Management Association, Nebraska Intergovernmental

Mines, Mick

Interior Design Coalition of Nebraska

Mischo, Craig

Bayer Health Care

Miya, Pamela A.

March of Dimes Birth Defects Foundation

Mize, William L. (Len)

SourceGas Distribution, LLC

Moors, H. Jack

3M Traffic Safety Systems

Cameco (formerly Crow Butte) Resources, Inc.

Cargill Inc.

Corn Growers Association, Nebraska

Johnson & Johnson

Syngenta

Tobacco & Candy Distributors, Nebraska Association of

Moul, Maxine

Endow Nebraska

Moylan, James H.

Beverage Association, Nebraska Licensed

Reynolds American (formerly RJ Reynolds Tobacco)

Mueller, William J.

Ruth Mueller Robak LLC

Munguia, Roberto F.

Burlington Northern Santa Fe

Murphy, Jeremy P.

Catholic Conference, Nebraska

Nabb, Douglas

Fremont Public Schools

Napp, Jaimee

Identity Theft Action Council of Nebraska (iTAC)

Nathan, Robbie

AARP

Neville, Brennan S.

National Indemnity Company

Nielsen, Coleen J.

American International Group (AIG)

Criminal Defense Attorneys Association, Nebraska

Insurance Information Service, Nebraska

Medco Health Solutions, Inc.

Merck & Company

State Farm Insurance Companies

Nowka, Trent P.

Cutshall & Nowka

Obst, Robert E.

Qwest Communications

O'Hara, Lindsay & Associates, Inc.

Ambulatory Centers, Nebraska Association of Independent

American Cancer Society

Aquila

Automobile Manufacturers, Alliance of

Beverage Association, Nebraska

Blue Cross & Blue Shield of Nebraska

City of Lincoln

City of Norfolk

City of Omaha

County Judges Association, Nebraska

Endow Nebraska

First National of Nebraska, Inc.  
Hall County Livestock Improvement Association  
Housing & Redevelopment Officials, Nebraska Chapter of the National  
Association of  
Humanities Council, Nebraska  
Nebraskans Against the Death Penalty  
Nucor Corporation  
Omaha Public Power District  
Omaha Public Schools  
Peru State College Foundation  
SourceGas Distribution, LLC  
TicketMaster  
TracFone Wireless, Inc.  
Trial Attorneys, Nebraska Association of  
Valmont Industries, Inc.  
Winnebago Tribe of Nebraska

O'Hara, Paul V.  
O'Hara, Lindsay & Associates, Inc.

Olsen, Keith R.  
Farm Bureau Federation, Nebraska

O'Neill, Thomas J., Jr.  
Independent Colleges & Universities of Nebraska (AICUN), Association  
of

Orton, Leroy  
Irrigation Association, Nebraska State  
Waste Water Assn., Nebraska On-Site  
Well Drillers Association, Nebraska

Othmer, Mark F.  
Iowa/Nebraska Equipment Dealers Association

Otto, James A.  
Restaurant Association, Nebraska  
Retail Federation, Nebraska

Ozanne, Colleen K.  
Center For People In Need

Pack, Mary M.  
Radcliffe, Walter H. of Radcliffe & Associates

Paden, Nicholas  
Cambridge Telephone Company  
Clarks Telecommunications Co.  
Consolidated Telephone Company



Great Plains Communications  
Hamilton Telecommunications  
Hartington Telecommunications, Inc.  
Hershey Coop Telephone Co.  
HunTel Systems, Inc.  
Ignition Interlock Systems of IA, Inc.  
K & M Telephone Company  
Nebraska Central Telephone Company  
Northeast Nebraska Telephone Co.  
Stanton Telecom, Inc.  
Three River Telco

Pallesen, Charles M., Jr.  
Medical Association, Nebraska

Pappas, James E.  
Independent Cattlemen of Nebraska  
League of Human Dignity

Parker, David R.  
Great West Casualty Company

Partington, Jim  
Restaurant Association, Nebraska

Passarelli, Angelo D.  
Millard Public Schools

Pearce, Denise K.  
City of Lincoln

Peck, Kristin  
Cox Nebraska Telcom, LLC

Peetz, Natalie, Peetz & Company  
Apollo Group, Inc./Univ. of Phoenix  
Children & Families Foundation, Nebraska  
Cutshall & Nowka  
Gamebird and Hunting Association, Nebraska  
GWR Wealth Management  
Kiewit Corporation  
Metropolitan Entertainment & Convention Authority (Qwest Center  
Omaha)  
Omaha Community Playhouse  
Pathologists, College of American  
Pathologists, Nebraska Association of

Pence, Jeanne M.  
Civil Air Patrol, NE Wing HQ

- Peters, William E.  
Burlington Northern Santa Fe  
Cigar Association of America, Inc.
- Peterson, Alan E.  
Media of Nebraska, Inc.
- Peterson, Patricia Schuett  
Investment Finance Authority, Nebraska
- Petsch, Jean M.  
General Contractors, Associated (NE Building Chapter)
- Pieper, James S.  
Metro Student Achievement Steering Committee
- Pierson, Darwin R.  
Oil & Gas Association, Nebraska Independent
- Pollock, Andy  
Gottsch Enterprises  
NorthWestern Energy  
Papio Valley Preservation Association
- Pillen, Jim
- Polt, Brendon A.  
Health Care Association, Nebraska
- Popken, Kent T.  
Qwest Communications
- Potter, Cara E.  
National Association of Chain Drug Stores
- Ptacek, Patrick J.  
Grain and Feed Association, Nebraska
- Purcell, Adam  
Progressive Insurance
- Quandahl, Mark  
Republican Party, Nebraska
- Radcliffe, Walter H. of Radcliffe & Associates  
ALLTEL Communications  
Bellevue Public Schools  
Broadcasters Association, Nebraska  
Cable Communications Association, Nebraska

Cemetery Association, Nebraska State  
Certified Public Accountants, Nebraska Society of  
Community Financial Services of America (CFSA) c/o MultiStates  
Associates Inc.  
Compensation Insurance, National Council on (NCCI)  
Fair Board, Nebraska State  
Father Flanagans Boys Home aka Girls and Boys Town  
Father Flanagans Boys Home d/b/a Boys Town National Research  
Hospital  
Financial Services Coalition, Nebraska  
Health Care Association, Nebraska  
Home Builders Association, Nebraska State  
Horsemen's Benevolent & Protective Association  
INTRALOT USA  
League of Nebraska Municipalities  
Lincoln Public Schools  
Media of Nebraska, Inc.  
Medical Center, Nebraska  
Motion Picture Association of America  
Omaha Landlords Association (formerly Omaha Property Owners  
Association)  
Optometric Association, Nebraska  
Pinnacle Bancorp, Inc.  
Property Casualty Insurers Association of America  
Public Health Funding, Nebraskans for  
Pyrotechnics Association, Nebraska  
Realtors Association, Nebraska  
Research and Development Foundation, Nebraska  
Small Smiles of Nebraska c/o Multistate Associates Inc.  
State Troopers Association of Nebraska, Inc.  
Tyson Foods, Inc.  
University of Nebraska  
UST Public Affairs, Inc.  
Waste Connections, Inc.  
Wholesale Liquor Distributors Association, Nebraska  
Windstream

Rasmussen, Dennis  
Keigher/Rasmussen & Associates, LLC

Rea, James M.  
Lincoln Education Association

Redoutey, Laura J.  
Hospital Association, Nebraska

Reiman, Charlene  
SourceGas Distribution, LLC

Rempe, Jay E.

Farm Bureau Federation, Nebraska

Renner, Shawn D.

Media of Nebraska, Inc.

Rex, L. Lynn

League of Nebraska Municipalities

Richards, Thomas

Omaha Public Power District

Rieker, Bruce R.

Hospital Association, Nebraska

Riibe, Diane

Project Extra Mile

Ring, Kenneth T.

AARP

Robak, Kim M.

Ruth Mueller Robak LLC

Robertson, Rob J.

Farm Bureau Federation, Nebraska

Roland, Gene

SourceGas Distribution, LLC

Root, David

Medco Health Solutions, Inc.

Ruth Mueller Robak LLC

2015 Vision

Airport Officials, Nebraska Association of  
American Express Travel Related Services, Inc.

Ash Grove Cement Co.

AT&T Corporation

Bankers Association, Heartland Community

Better Nebraska Association

Chief Industries, Inc.

Children and Family Coalition of Nebraska

Collectors Association, Nebraska

Commercial Property Owners, Nebraska Association of

Constellation NewEnergy Gas Division (formerly Cornerstone Energy,  
Inc.)

Copic Companies

Court Reporters Association, Nebraska

Dental Association, Nebraska  
Dermatology Society, Nebraska  
District Court Judges Association, Nebraska  
Duncan Aviation  
Eastern Nebraska Development Council  
eBay, Inc.  
EHPV (Big Red) Lottery Services, LLC d/b/a Big Red Keno  
Electrical Contractors Association, National  
Engineers, American Society of Civil  
Eye Physicians and Surgeons, Nebraska Academy of  
First Data Corporation  
General Contractors of America, NE Chapter, Associated  
Independent Accountants, Nebraska Society of  
Johnson Controls, Inc.  
Kearney Area Chamber of Commerce  
Lamar Advertising Company  
Land Title Association, Nebraska  
Lincoln Airport Authority  
Lower Republican NRD  
Lyman-Richey Corporation  
Machinery Company, Nebraska  
Madonna Rehabilitation Hospital  
MDS Pharma Services (US), Inc.  
MedImmune Incorporated  
Methodist Health Systems, Nebraska  
Millard Public Schools  
Nebraska Interactive  
Nebraska State Bar Association  
Pharmaceutical Research and Manufacturers of America  
Press Association, Nebraska  
Sanofi Pasteur, (MultiState Associates, Inc on behalf of)  
Southern Wine & Spirits of Nebraska, Inc.  
Viaero Wireless  
Vigilnet America Inc.

Ruth, Larry L.  
Ruth Mueller Robak LLC

Ryan, Beth  
Cutshall & Nowka

Sahling-Zart, Shelley R.  
Lincoln Electric System

Schafer, Andrea R.  
Norris Public Power District

Scherer, Larry  
Education Association, Nebraska State

- Schimek, Herbert H.  
Education Association, Nebraska State
- Schleppenbach, Greg  
Catholic Conference, Nebraska
- Schmit Industries, Inc.  
Advanced Bioenergy, LLC  
Ag Processing, Inc.  
Chiropractic Physicians Association, Nebraska  
Husker Ag, LLC  
KAPPA Ethanol, LLC  
Moylan, James  
NEDAK Ethanol LLC  
US Bio Platte Valley, LLC
- Schmit-Albin, Julie  
Nebraska Right to Life
- Schuller, Lynne  
Horsemens Benevolent & Protective Association
- Schultz, William E.  
Marksmanship Association, Nebraska
- Seacrest, Kent  
2015 Vision
- Sedlacek, Ronald J.  
Chamber of Commerce & Industry, Nebraska  
MoneyGram International (MoneyGram Payment Systems, Inc.)  
Wal-Mart Stores, Inc.
- Setzepfandt, Scott  
HLR Service Corporation
- Sheard, James W., Jr.  
Nebraska Change to Win Coalition c/o Teamsters Local 554
- Sher, Bradley L.  
BryanLGH Health System
- Shultz, Jack L.  
Motorcycle Industry Council, Inc.
- Siefken, Kathy  
Grocery Industry Association, Nebraska  
Shazam

- Skinner, Debra J.  
Nebraska Travel Association
- Slusky Public Affairs LLC  
Omaha Tribe of Nebraska
- Smith, Steve  
Water Claim
- Snyder, Patricia  
Health Care Association, Nebraska
- Sobotta, Russell  
Sanofi-Aventis Group (Aventis, Inc.)
- Stilmock, Gerald M.  
Brandt, Horan, Hallstrom and Stilmock
- Stremming, Troy A.  
Ameristar Casinos, Inc.
- Sullivan, J. Scott  
Credit Union League and Affiliates, Nebraska
- Swertzic, Michelle  
Propane Gas Association, Nebraska
- Thompson, Ben  
Slusky Public Affairs
- Todd, A. Loy, Jr.  
Car & Truck Dealers Association, Nebraska New
- Trent-Vilim, Cathy  
Berkshire Hathaway Homestate Companies
- Troutman, Gary  
City of Bellevue
- Uhe, Fred J.  
Sarpy County Board of Commissioners
- Ullstrom, Galen F.  
Mutual of Omaha Insurance Company
- Valentin, Michaela L.  
Blue Cross & Blue Shield of Nebraska

Vasina, Mark A.

Nebraskans for Peace, Inc.

Veak, Becky

Children & Families Foundation, Nebraska

Vickers, Tom

Community College Association, Nebraska

Educational Lands and Funds, Board of

Nurses Association, Nebraska

Propane Gas Association, Nebraska

Westside Community Schools

Vodvarka, Dan

Certified Public Accountants, Nebraska Society of

Wagner, Connie

Licensed Practical Nurse Association of Nebraska

Warth, Terry

Nebraska Public Power District

Watson, James S.

United Healthcare

Weber, Rocky

Cooperative Council, Nebraska

Werner, Terry

Social Workers, Nebraska Chapter, National Association of

Wesely, Don

City of Norfolk

Downtown Lincoln Association

Humane Society of the United States, The

Motorola, Inc.

Weston, Deborah L.

ARC of Nebraska

White, Rosemary

AAA Nebraska and The Auto Club Group

Wickman-Byrd, Barbara J.

Metro Omaha Builders Association

Wightman, Anna Castner

First National of Nebraska, Inc.



- Williams, David M.  
Ameritas Life Insurance Corporation
- Wimmer, J. Kent  
Western Sugar Cooperative (CO)
- Wininger, Dwight  
Rural Telecommunications Coalition, Nebraska
- Winston, Ken  
Library Association, Nebraska  
Sierra Club, Nebraska
- Withem, Ron  
University of Nebraska
- Wolf, Jesse  
Education Association, Nebraska State
- Woythaler-Runestad, Carly  
Hospital Association, Nebraska
- Wurster, Donald F.  
National Indemnity Company
- Yost, Kurt T.  
Bankers, Nebraska Independent Community  
Central Nebraska Public Power & Irrigation District  
Midwest Check Cashiers, Inc.
- Zaenglein, Norbert  
Autobody Association, Nebraska
- Zumwinkle, Mike  
Cargill Inc.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 901.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to liability limitations; to provide immunity for emergency management workers as prescribed.

**LEGISLATIVE BILL 902.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-410, Revised Statutes Cumulative Supplement, 2006,

and section 28-405, Revised Statutes Supplement, 2007; to change provisions relating to controlled substances; and to repeal the original sections.

**LEGISLATIVE BILL 903.** Introduced by Lathrop, 12; Adams, 24; Ashford, 20; Carlson, 38; Karpisek, 32; Louden, 49.

A BILL FOR AN ACT relating to schools; to amend section 77-3443, Reissue Revised Statutes of Nebraska, and sections 77-3442, 77-3444, 79-1028, 79-1073.01, 79-10,120, and 79-2111, Revised Statutes Supplement, 2007; to adopt the Nebraska Elementary Attendance Region Act; to provide for tax levies as prescribed; to change provisions relating to applicable allowable growth rate; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 904.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-403, Reissue Revised Statutes of Nebraska; to change provisions relating to an application for relief; and to repeal the original section.

**LEGISLATIVE BILL 905.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Commission; to amend sections 79-1312 and 79-1320, Reissue Revised Statutes of Nebraska, and sections 84-612 and 84-613, Revised Statutes Supplement, 2007; to state intent; to create funds; to provide for funding for programming and operational costs; to change provisions relating to the Cash Reserve Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 906.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend sections 71-2619, 71-2620, 71-2621, and 71-5306, Revised Statutes Supplement, 2007; to change provisions relating to laboratories; to harmonize provisions; and to repeal the original sections.

### **MOTION - Withdraw LB740**

Senator Fulton renewed his motion, MO104, found on page 168, to withdraw LB740.

The Fulton motion to withdraw prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 204.** Senator Synowiecki renewed his amendment, AM845, found on page 968, First Session, 2007.

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

The Synowiecki amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Stuthman offered the following amendment:  
AM1497

- 1 1. On page 2, line 27, strike "one full-time employee"
- 2 and insert "four full-time employees".

Senator Stuthman withdrew his amendment.

Senator Burling withdrew his amendments, AM274, AM273, and AM346, found on pages 523, 564, and 567, First Session, 2007.

Senator Burling offered the following amendment:  
AM1552

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 48-2103, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-2103 For purposes of the Contractor Registration Act:
- 5 (1) Commissioner ~~shall mean~~ means the Commissioner of
- 6 Labor;
- 7 (2) Construction ~~shall mean~~ means work on real property
- 8 and annexations, including new work, additions, alterations,
- 9 reconstruction, installations, and repairs performed at one or more
- 10 different sites which may be dispersed geographically;
- 11 (3) Contractor ~~shall mean~~ means a person who engages
- 12 in the business of construction and ~~shall include~~ includes a
- 13 subcontractor, a general contractor, and any other person arranging
- 14 for the performance of construction. A person who earns less than
- 15 ~~one five~~ one thousand dollars annually or who performs work or has work
- 16 performed on ~~the person's his or her own property~~ is not ~~shall not~~
- 17 ~~be a contractor; for purposes of the act;~~
- 18 (4) Department ~~shall mean~~ means the Department of Labor;
- 19 and
- 20 (5) Working days ~~shall mean~~ means Mondays through Fridays
- 21 but ~~shall does~~ does not include Saturdays, Sundays, or federal or state
- 22 holidays. In computing fifteen working days, the day of receipt of
- 23 any notice ~~shall not be~~ is not included and the last day of the
- 1 fifteen working days ~~shall be~~ is included.

- 2 2. On page 4, line 11, after "48-2102," insert
- 3 "48-2103,".
- 4 3. Renumber the remaining sections accordingly.

The Burling amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Senator Synowiecki offered the following amendment:  
AM1559

(Amendments to Standing Committee amendments, AM167)

- 1 1. On page 1, line 10, strike "2008" and insert "2009".

The Synowiecki amendment was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Erdman requested a machine vote on the advancement of the bill.

Senator Synowiecki moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

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

Voting in the affirmative, 25:

Adams	Engel	Kruse	Pankonin	Rogert
Ashford	Fulton	Lathrop	Pedersen	Schimek
Avery	Howard	McGill	Pirsch	Synowiecki
Chambers	Janssen	Nantkes	Preister	Wallman
Cornett	Kopplin	Pahls	Raikes	White

Voting in the negative, 20:

Burling	Erdman	Hansen	Karpisek	McDonald
Carlson	Fischer	Heidemann	Langemeier	Nelson
Christensen	Flood	Hudkins	Lautenbaugh	Stuthman
Dubas	Gay	Johnson	Louden	Wightman

Present and not voting, 2:

Aguilar	Friend
---------	--------

Excused and not voting, 2:

Dierks	Harms
--------	-------

Advanced to Enrollment and Review for Engrossment with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 204A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 171.** ER8124, found on page 1864, First Session, 2007, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 171A.** Senator Kopplin offered the following amendment:

AM1560

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. There is hereby appropriated \$27,500 from the
- 4 General Fund and \$27,500 from federal funds for FY2008-09 to the
- 5 Department of Health and Human Services, for Program 33, to aid in
- 6 carrying out the provisions of Legislative Bill 171, One Hundredth
- 7 Legislature, Second Session, 2008.
- 8 Total expenditures for permanent and temporary salaries
- 9 and per diems from funds appropriated in this section shall not
- 10 exceed \$40,000 for FY2008-09.

The Kopplin amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 177.** ER8125, found on page 1869, First Session, 2007, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 246.** ER8126, found on page 1875, First Session, 2007, was adopted.

Senator Johnson renewed his amendment, AM1519, found on page 121.

The Johnson amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 907.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to corporations and other companies; to amend sections 21-1905, 21-2604, and 21-2611, Reissue Revised Statutes of Nebraska, and section 21-2005, Revised Statutes Supplement, 2007; to change provisions relating to fees and names and certain limited liability company performance failures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 908.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to license plates; to amend sections 60-3,123 and 60-3,124, Revised Statutes Supplement, 2007; to provide for issuance of certain veterans license plates for multiple vehicles as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 909.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-603 and 28-604, Revised Statutes Cumulative Supplement, 2006; to provide for the aggregation of amounts in determining the classification of offenses for forgery in the second degree and criminal possession of a forged instrument; and to repeal the original sections.

**LEGISLATIVE BILL 910.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to government; to amend sections 37-1201 and 83-123, Reissue Revised Statutes of Nebraska, sections 18-1214, 23-186, 60-111, and 60-320, Revised Statutes Cumulative Supplement, 2006, and section 60-101, Revised Statutes Supplement, 2007; to require that titling and registration of vehicles and motorboats be performed by county treasurers as prescribed; to provide powers and duties for the Director of Motor Vehicles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 911.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-479, 60-495, 60-498, 60-4,113, 60-4,114, 60-4,117, 60-4,118.05, 60-4,121, 60-4,122, 60-4,126, 60-4,127, 60-4,148, 60-4,149, 60-4,151, 60-4,156, 60-4,157, and 60-4,181, Reissue Revised Statutes of Nebraska, sections 60-484, 60-484.01, 60-490, 60-4,115, 60-4,118, 60-4,119, 60-4,120, 60-4,141, 60-4,142, 60-4,144, 60-4,145, 60-4,149.01, 60-4,150, and 60-1515, Revised Statutes Cumulative Supplement, 2006, and sections 60-462, 60-463, 60-493, 60-4,120.01, 60-4,123, and 60-4,124, Revised Statutes Supplement, 2007; to define a term; to provide powers for the Department of Motor Vehicles regarding the design, production, issuance, payment, and renewal of operators' licenses and state identification cards; to eliminate county issuance of such licenses and cards; to change fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 912.** Introduced by Avery, 28; Ashford, 20; Cornett, 45; Flood, 19; Fulton, 29; Hudkins, 21; McGill, 26; Nantkes, 46; Preister, 5; Schimek, 27; Wallman, 30.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2603, Revised Statutes Supplement, 2007; to redefine terms as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 913.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2005 and 77-2040, Revised Statutes Supplement, 2007; to change inheritance tax provisions; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 914.** Introduced by Revenue Committee: Janssen, 15, Chairperson; Burling, 33; Cornett, 45; Dierks, 40; Langemeier, 23; Preister, 5; Raikes, 25; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-723, 77-2709, 77-2777, 77-2778, 77-2780, 77-2792, 77-2793, 77-2796, 77-27,100, 77-4104, 77-4928, 77-5405, 77-5534, and 79-1034, Reissue Revised Statutes of Nebraska, sections 21-2612, 66-720, 66-722, 66-1344, 77-2775, 77-5723, and 77-5726, Revised Statutes Cumulative Supplement, 2006, and sections 77-2711 and 77-27,187.02, Revised Statutes Supplement, 2007; to change provisions relating to limited liability companies, timeframes for certain filings and protests, interest and delinquent taxes, and a report; to eliminate funds; to create a fund; to provide operative dates; to repeal the original sections; and to outright repeal section 77-5732, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 915.** Introduced by Revenue Committee: Janssen, 15, Chairperson; Burling, 33; Cornett, 45; Dierks, 40; Langemeier, 23; Preister, 5; Raikes, 25; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2769, Reissue Revised Statutes of Nebraska, sections 77-2727, 77-2734.01, 77-2794, and 77-27,119, Revised Statutes Cumulative Supplement, 2006, and section 77-2717, Revised Statutes Supplement, 2007; to change provisions relating to income tax and disclosure of information; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 916.** Introduced by Revenue Committee: Janssen, 15, Chairperson; Burling, 33; Cornett, 45; Dierks, 40; Langemeier, 23; Preister, 5; Raikes, 25; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.32, 77-2704.26, 77-2704.45, and 77-2705, Reissue Revised

Statutes of Nebraska, section 77-2708, Revised Statutes Cumulative Supplement, 2006, and sections 77-2701, 77-2701.04, 77-2701.16, 77-2703, 77-2703.01, and 77-2704.09, Revised Statutes Supplement, 2007; to change provisions relating to sales and use tax exemptions and refund claims; to provide for sales tax treatment of digital works; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 917.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601, 60-605, and 60-6,294, Revised Statutes Cumulative Supplement, 2006; to define a term; to provide an exception to vehicle weight limits for idle reduction technology; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 918.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the bank holding companies; to amend section 8-2106, Reissue Revised Statutes of Nebraska, and section 8-910, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to bank holding company ownership limitations and interstate mergers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 919.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,198, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Motor Vehicle Registration Act; and to repeal the original section.

**LEGISLATIVE BILL 920.** Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to insurance; to amend section 44-354, Reissue Revised Statutes of Nebraska; to authorize insurance producers to charge incidental fees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 921.** Introduced by Dubas, 34; Schimek, 27.

A BILL FOR AN ACT relating to energy; to amend sections 13-1205, 57-705, 58-221, 66-1004, 66-1009, 66-1337, 66-1701, 70-1003, 81-1108.55, 81-1601, 81-1602, 81-1603, 81-1606, 81-1607.01, 81-1626, 81-1635, 81-1636, 81-1637, 81-1638, 81-1639, 81-1640, 81-1641, and 84-166, Reissue Revised Statutes of Nebraska, sections 2-5302, 72-804, 72-805, 81-1608, 81-1609, 81-1611, 81-1612, 81-1613, 81-1614, 81-1615, 81-1616, 81-1617, 81-1618, 81-1620, 81-1622, 81-1625, and 81-1634, Revised Statutes Cumulative Supplement, 2006, and sections 81-1201.04 and 81-1316, Revised Statutes Supplement, 2007; to adopt the Nebraska Energy Independence Act; to create the Nebraska Energy Council; to rename the



State Energy Office; to transfer powers and duties to the Nebraska Office of Energy Independence; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 81-1605, 81-1607, and 81-1623, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 922.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 57-703, 57-705, 74-1320, and 74-1321, Reissue Revised Statutes of Nebraska; to adopt the Cellulosic Biomass Renewable Energy Initiative; to provide incentives for ethanol production; to impose an excise tax on natural gas; to change taxes on railroads and oil severed from land in Nebraska; to provide a penalty; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 923.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to energy; to amend sections 66-902, 66-910, and 66-911.01, Reissue Revised Statutes of Nebraska; to change provisions relating to leases and easements relating to wind energy and solar power; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 924.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to water; to amend sections 37-807 and 46-2,110, Reissue Revised Statutes of Nebraska, and section 46-713, Revised Statutes Cumulative Supplement, 2006; to provide for offsets to streamflow depletions as prescribed; to change provisions relating to the Nongame and Endangered Species Conservation Act, instream flow appropriations, and evaluation of water supplies under the Nebraska Ground Water Management and Protection Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 925.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to livestock; to amend sections 54-401 and 54-415, Reissue Revised Statutes of Nebraska; to change provisions relating to estrays; and to repeal the original sections.

**LEGISLATIVE BILL 926.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to state employees; to prohibit mandatory overtime for certain employees as prescribed.

**LEGISLATIVE BILL 927.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to counties; to amend section 13-2801, Revised Statutes Cumulative Supplement, 2006; to provide factors favoring

the change of county boundaries as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 928.** Introduced by Johnson, 37; McDonald, 41.

A BILL FOR AN ACT relating to public health and welfare; to repeal the Hepatitis C Education and Prevention Act; and to outright repeal sections 71-545, 71-546, 71-547, 71-548, 71-549, and 71-550, Revised Statutes Supplement, 2007.

**LEGISLATIVE BILL 929.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to animals; to prohibit hunting, trapping, and fishing; and to provide penalties.

**LEGISLATIVE BILL 930.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to dangerous sex offender evaluations; to amend section 83-174.02, Revised Statutes Cumulative Supplement, 2006; to require an opinion on appropriate treatment as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 931.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1248, Reissue Revised Statutes of Nebraska; to change provisions relating to taxation of air carriers; and to repeal the original section.

**LEGISLATIVE BILL 932.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to correctional services; to create the Aging Prison Population Task Force; to provide powers and duties; and to provide a termination date.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 226.** Introduced by Fulton, 29.

WHEREAS, the State of Nebraska holds a great interest in the health and care of its citizens and its elder citizens in particular; and

WHEREAS, the state seeks to foster innovation in the care of its elder citizens; and

WHEREAS, the Coalition for Older Adult Health Promotion has achieved great success in promoting communication and coordination among elder care providers in southeast Nebraska; and

WHEREAS, the coalition exemplifies the innovative approach to elder care necessary to ensure the well-being of Nebraska's elder citizens.

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

1. That the Legislature recognizes the Coalition for Older Adult Health Promotion for its achievements.

2. That a copy of this resolution be sent to the Coalition for Older Adult Health Promotion.

Laid over.

**LEGISLATIVE RESOLUTION 227.** Introduced by Fulton, 29.

WHEREAS, the physical, mental, emotional, and spiritual health needs of Nebraska's infirm and elder residents are often met by family caregivers; and

WHEREAS, family caregivers often lack adequate community resources to optimize the health management of their family members; and

WHEREAS, Ms. Suzy Campbell, Ms. Jan Henderson, Ms. Pat Jarecke, Ms. Judy Smith, Ms. Virdalia Yazzie, and Ms. Marilyn Shaw, officially organized as "The Caregiver Chicks", have provided Nebraska family caregivers with a needed resource for optimal health management in a document known as the Caregiver Organizer; and

WHEREAS, the Coalition for Older Adult Health Promotion has recognized "The Caregiver Chicks" with its volunteers of the year award; and

WHEREAS, "The Caregiver Chicks" continue to work tirelessly in support of Nebraska's family caregivers.

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

1. That the Legislature recognizes "The Caregiver Chicks" for their dedication and achievements.

2. That a copy of this resolution be delivered to the members of "The Caregiver Chicks".

Laid over.

### VISITORS

Visitors to the Chamber were Senator Pedersen's wife, daughter, son-in-law, and granddaughter, Priscilla Pedersen, and Megan, Michael, and Priscilla Catherine Nelson.

### RECESS

At 11:56 a.m., on a motion by Speaker Flood, 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 Harms and Preister who were excused; and Senators Carlson, Cornett, Dierks, and Loudon who were excused until they arrive.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB851	Banking, Commerce and Insurance
LB852	Banking, Commerce and Insurance
LB853	Banking, Commerce and Insurance
LB854	Banking, Commerce and Insurance
LB855	Banking, Commerce and Insurance
LB856	Government, Military and Veterans Affairs
LB857	Government, Military and Veterans Affairs
LB858	Government, Military and Veterans Affairs
LB859	Appropriations
LB860	Agriculture
LB861	Agriculture
LB862	Agriculture
LB863	Revenue
LB864	Revenue
LB865	Natural Resources
LB866	Health and Human Services
LB867	Transportation and Telecommunications
LB868	Judiciary
LB869	Government, Military and Veterans Affairs
LB870	Government, Military and Veterans Affairs
LB871	Government, Military and Veterans Affairs
LB872	Judiciary
LB873	Education
LB874	Transportation and Telecommunications
LB875	Agriculture
LB876	Banking, Commerce and Insurance
LB877	Health and Human Services
LB878	Government, Military and Veterans Affairs
LB879	Education
LB880	Natural Resources
LB881	Revenue
LB882	Health and Human Services
LB883	Health and Human Services
LB884	Government, Military and Veterans Affairs
LB885	Health and Human Services

LB886 Education  
 LB887 Revenue  
 LB888 Revenue  
 LB889 Government, Military and Veterans Affairs  
 LB890 Revenue  
 LB891 Revenue  
 LB892 Health and Human Services  
 LB893 Revenue  
 LB894 Revenue  
 LB895 Revenue  
 LB896 Revenue  
 LB897 Revenue  
 LB898 Revenue  
 LB899 Urban Affairs  
 LB900 Banking, Commerce and Insurance  
 LR223 Government, Military and Veterans Affairs  
 LR224 Judiciary  
 LR225CA Government, Military and Veterans Affairs

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

### GENERAL FILE

**LEGISLATIVE BILL 253.** Title read. Considered.

Senator Rogert asked unanimous consent to withdraw his amendment, AM1525, found on page 121, and replace it with his substitute amendment, AM1551. No objections. So ordered.

AM1551

- 1 1. On page 3, line 25; page 4, line 3; and page 6, lines
- 2 20 and 21, strike "2007" and insert "2008".
- 3 2. On page 4, lines 4 and 7; page 7, lines 6 and 11; page
- 4 11, lines 20 and 22; page 12, lines 18 and 20; page 16, lines 14,
- 5 16, and 24; and page 21, line 16, strike "2008" and insert "2009".
- 6 3. On page 16, line 23, strike "1987" and insert "1988".
- 7 4. On page 22, strike beginning with "to" in line 3
- 8 through the comma in line 5 and show the old matter as stricken;
- 9 and strike beginning with "(4)" in line 23 through line 25 and show
- 10 the old matter as stricken.
- 11 5. On page 23, strike beginning with the first "the" in
- 12 line 1 through the semicolon in line 4 and show the old matter as
- 13 stricken; and in line 4 strike "(5)" and insert "(4)".
- 14 6. On page 26, line 14, strike "2008" and insert "2009".

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 933.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 24-508, Reissue Revised Statutes of Nebraska; to change provisions relating to clerk magistrates; and to repeal the original section.

**LEGISLATIVE BILL 934.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1206, Reissue Revised Statutes of Nebraska; to change provisions relating to possession of a deadly weapon by a felon; and to repeal the original section.

**LEGISLATIVE BILL 935.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 25-534, Reissue Revised Statutes of Nebraska, and sections 84-917 and 86-2,107, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to service of documents other than summons; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 936.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to labor; to amend section 48-219, Reissue Revised Statutes of Nebraska; to provide for a fair share representation contribution by employees who are not members of certain labor organizations for representation provided by the labor organization; to eliminate provisions; to harmonize provisions; to repeal the original section; and to outright repeal sections 48-217 and 48-218, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 937.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Heidemann, 1; Karpisek, 32; Loudon, 49; White, 8.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2306 and 84-1307, Revised Statutes Cumulative Supplement, 2006, and sections 23-2320 and 84-1322, Revised Statutes Supplement, 2007; to change contribution requirements under the County Employees Retirement Act and the State Employee Retirement Act; and to repeal the original sections.

**LEGISLATIVE BILL 938.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Heidemann, 1; Karpisek, 32; Loudon, 49; White, 8.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309.01, 23-2310.05, 84-1310.01, and 84-1311.03, Revised Statutes Cumulative Supplement, 2006; to change contribution allocation provisions relating to the County Employees Retirement Act and the State Employees Retirement Act; and to repeal the original sections.

**LEGISLATIVE BILL 939.** Introduced by Heidemann, 1; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Louden, 49; Wallman, 30.

A BILL FOR AN ACT relating to public lettings; to amend sections 13-824.01, 18-2442, and 70-637, Revised Statutes Supplement, 2007; to change bidding requirements; and to repeal the original sections.

**LEGISLATIVE BILL 940.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to medical assistance program; to state intent relating to pharmacy reimbursements for dispensing fees.

**LEGISLATIVE BILL 941.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,134, Revised Statutes Cumulative Supplement, 2006, and section 60-301, Revised Statutes Supplement, 2007; to provide for use of historical license plates on historical vehicles registered for general purposes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 942.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to parole; to amend section 83-1,121, Reissue Revised Statutes of Nebraska; to change provisions relating to revocation of parole; and to repeal the original section.

**LEGISLATIVE BILL 943.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-484.02, Revised Statutes Cumulative Supplement, 2006; to provide for release of digital images by the Department of Motor Vehicles to parole and probation officers; and to repeal the original section.

**LEGISLATIVE BILL 944.** Introduced by Synowiecki, 7; Adams, 24; Cornett, 45; Johnson, 37; McGill, 26; Nelson, 6; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.56, Revised Statutes Cumulative Supplement, 2006; to exempt purchases by museums of items for live production of performing arts; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 945.** Introduced by Pedersen, 39; Hudkins, 21;

Lautenbaugh, 18; Preister, 5.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3235, Revised Statutes Cumulative Supplement, 2006; to limit the authority of districts as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 946.** Introduced by Burling, 33.

A BILL FOR AN ACT relating to ethanol; to amend sections 61-218, 66-1345, 66-1345.01, and 66-1345.02, Revised Statutes Supplement, 2007; to impose a tax on ethanol production and provide for its use; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 947.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-321 and 17-568.01, Reissue Revised Statutes of Nebraska; to increase minimum bidding amount requirements for cities of the first and second class and villages as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 948.** Introduced by Karpisek, 32; Carlson, 38; Dubas, 34; Rogert, 16; Stuthman, 22; Wallman, 30.

A BILL FOR AN ACT relating to volunteer emergency responders; to adopt the Volunteer Emergency Responders Job Protection Act.

**LEGISLATIVE BILL 949.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2006; to change a sales tax exemption for health clinics; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 950.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-697, 60-698, and 60-6,198, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the duty to stop in the event of an accident and driving under the influence of alcohol or drugs; and to repeal the original sections.

**LEGISLATIVE BILL 951.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to umbilical cord blood; to state intent; to define terms; to provide for pamphlets; and to provide duties for the Department of Health and Human Services and physicians.



**GENERAL FILE**

**LEGISLATIVE BILL 253.** The Rogert amendment, AM1551, found in this day's Journal, was renewed.

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

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

Senator Rogert renewed his amendment, AM1535, found on page 122.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Rogert amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Rogert offered the following amendment:

AM1547

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 60-387, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 60-387 (1) An application for registration of a motor
- 5 vehicle shall be accompanied by proof of financial responsibility
- 6 or evidence of insurance covering the motor vehicle. Proof of
- 7 financial responsibility shall be evidenced by a copy of proof of
- 8 financial responsibility filed pursuant to subdivision (2), (3), or
- 9 (4) of section 60-528 bearing the seal of the department. Evidence
- 10 of insurance shall give the effective dates of the automobile
- 11 liability policy, which dates shall be evidence that the coverage
- 12 is in effect on and following the date of registration, and shall
- 13 designate, by explicit description or by appropriate reference,
- 14 all motor vehicles covered. Evidence of insurance in the form of
- 15 a certificate of insurance for fleet vehicles may include, as an
- 16 appropriate reference, a designation that the insurance coverage is
- 17 applicable to all vehicles owned by the named insured, or wording
- 18 of similar effect, in lieu of an explicit description. Proof of
- 19 financial responsibility also may be evidenced by ~~(4)~~(a) a check
- 20 by the department or its agents of the motor vehicle insurance data
- 21 base created under section 60-3,136 or ~~(2)~~(b) any other automated
- 22 or electronic means as prescribed or developed by the department.
- 23 For purposes of this section, fleet means a group of at least five
- 1 vehicles that belong to the same owner.
- 2 (2) If a motorcycle is being registered, an application
- 3 for registration of the motorcycle shall be accompanied by, in

4 addition to the requirements of subsection (1) of this section,  
 5 proof of current and effective medical reimbursement insurance  
 6 coverage of no less than one million dollars.

7 Sec. 3. Section 60-390, Revised Statutes Cumulative  
 8 Supplement, 2006, is amended to read:

9 60-390 The certificate of registration shall contain upon  
 10 the face thereof the name of the registered owner of the motor  
 11 vehicle or trailer, his or her residential mailing address, a  
 12 description of the motor vehicle or trailer as set forth in the  
 13 application for registration, and whether alternative fuel was used  
 14 to propel the motor vehicle and, if so, the type of fuel. The  
 15 certificate of registration shall have and contain the identical  
 16 registration number denoted on the license plate in connection  
 17 with which such certificate of registration is issued and shall  
 18 be valid only for the registration period for which it is issued.  
 19 On the back of the certificate, the certificate of registration  
 20 shall include a statement in boldface print that an automobile  
 21 liability policy or proof of financial responsibility is required  
 22 in Nebraska. On the back of the certificate for a motorcycle, the  
 23 certificate of registration shall include a statement in boldface  
 24 print that an automobile liability policy or proof of financial  
 25 responsibility and proof of insurance as provided in subsection  
 26 (2) of section 60-387 is required in Nebraska. By paying the  
 required registration fees, every person whose name appears on  
 1 the registration of the motor vehicle or trailer certifies that  
 2 a current and effective automobile liability policy or proof of  
 3 financial responsibility will be maintained for the motor vehicle  
 4 or trailer at the time of registration and while the motor vehicle  
 5 or trailer is operated on a highway of this state and that he or  
 6 she will also provide a current and effective automobile liability  
 7 policy, evidence of insurance, or proof of financial responsibility  
 8 for the motor vehicle or trailer upon demand. By paying the  
 9 required registration fees, every person whose name appears on the  
 10 registration of a motorcycle certifies that a current and effective  
 11 automobile liability policy or proof of financial responsibility  
 12 and proof of insurance as provided in subsection (2) of section  
 13 60-387 will be maintained for the motor vehicle or trailer at  
 14 the time of registration and while the motor vehicle or trailer  
 15 is operated on a highway of this state and that he or she will  
 16 also provide a current and effective automobile liability policy,  
 17 evidence of insurance, or proof of financial responsibility and  
 18 proof of insurance as provided in subsection (2) of section 60-387  
 19 for the motorcycle upon demand.

20 Sec. 5. Section 60-3,167, Revised Statutes Cumulative  
 21 Supplement, 2006, is amended to read:

22 60-3,167 (1) It shall be unlawful for any owner of a  
 23 motor vehicle or trailer which is being operated or towed with  
 24 In Transit stickers pursuant to section 60-376, which is being  
 25 operated or towed pursuant to section 60-365 or 60-369, or which

26 is required to be registered in this state and which is operated  
27 or towed on a public highway of this state to allow the operation  
1 or towing of the motor vehicle or trailer on a public highway  
2 of this state without having a current and effective automobile  
3 liability policy, evidence of insurance, or proof of financial  
4 responsibility. With respect to the operation of a motorcycle under  
5 this subsection, the owner shall also be required to have insurance  
6 coverage as provided in subsection (2) of section 60-387. The owner  
7 shall be presumed to know of the operation or towing of his or her  
8 motor vehicle or trailer on a highway of this state in violation of  
9 this section when the motor vehicle or trailer is being operated or  
10 towed by a person other than the owner.

11 (2) An owner of a motor vehicle or trailer who operates  
12 or tows the motor vehicle or trailer or allows the operation or  
13 towing of the motor vehicle or trailer in violation of this section  
14 shall be guilty of a Class II misdemeanor and shall be advised by  
15 the court that his or her motor vehicle operator's license, motor  
16 vehicle certificate of registration, and license plates will be  
17 suspended by the department until he or she complies with sections  
18 60-505.02 and 60-528. Upon conviction the owner shall have his  
19 or her motor vehicle operator's license, motor vehicle certificate  
20 of registration, and license plates suspended by the department  
21 until he or she complies with sections 60-505.02 and 60-528.  
22 The owner shall also be required to comply with section 60-528  
23 for a continuous period of three years after the violation. This  
24 subsection shall not apply to motor vehicles or trailers registered  
25 in another state.

26 ~~(2)-(3)~~ An owner who is unable to produce a current  
27 and effective automobile liability policy, evidence of insurance,  
1 or proof of financial responsibility upon the request of a law  
2 enforcement officer shall be allowed ten days after the date of  
3 the request to produce proof to the appropriate prosecutor or  
4 county attorney that a current and effective automobile liability  
5 policy or proof of financial responsibility was in existence  
6 for the motor vehicle or trailer at the time of such request.  
7 An owner of a motorcycle who is unable to produce a current  
8 and effective automobile liability policy, evidence of insurance,  
9 or proof of financial responsibility and proof of insurance as  
10 provided in subsection (2) of section 60-387 upon the request of a  
11 law enforcement officer shall be allowed ten days after the date  
12 of the request to produce proof to the appropriate prosecutor or  
13 county attorney that a current and effective automobile liability  
14 policy or proof of financial responsibility and proof of insurance  
15 as provided in subsection (2) of section 60-387 was in existence  
16 for the motor vehicle or trailer at the time of such request. Upon  
17 presentation of such proof, the citation shall be dismissed by the  
18 prosecutor or county attorney without cost to the owner and no  
19 prosecution for the offense cited shall occur.

20 ~~(3)-(4)~~ The department shall, for any person convicted

21 for a violation of this section, reinstate such person's operator's  
 22 license, motor vehicle certificate of registration, and license  
 23 plates and rescind any order requiring such person to comply with  
 24 section 60-528 without cost to such person upon presentation to the  
 25 director that, at the time such person was cited for a violation of  
 26 this section, a current and effective automobile liability policy  
 27 or proof of financial responsibility or proof of insurance as  
 1 provided in subsection (2) of section 60-387 was in existence for  
 2 the motor vehicle or trailer at the time the citation was issued.  
 3 2. Renumber the remaining sections and correct internal  
 4 references accordingly, and correct the operative date provision  
 5 so that the sections added by this amendment become operative on  
 6 January 1, 2009.

Senator Nantkes moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

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

The Rogert 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.

Pending.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 952.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-119, Reissue Revised Statutes of Nebraska, and sections 86-2,106, 86-2,107, and 86-2,108, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to administrative subpoena powers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 953.** Introduced by Nelson, 6.

A BILL FOR AN ACT relating to liens; to amend section 60-107, Revised Statutes Cumulative Supplement, 2006, and sections 60-137, 60-147, and 60-164, Revised Statutes Supplement, 2007; to change provisions relating to mobile homes and manufactured homes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 954.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-531, Reissue Revised Statutes of Nebraska; to change provisions relating to human immunodeficiency virus testing; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 955.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-169.01, Revised Statutes Supplement, 2007; to change provisions relating to a manufacturer's interest in a licensed wholesaler; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 956.** Introduced by Schimek, 27; Ashford, 20; Dubas, 34.

A BILL FOR AN ACT relating to the Job Training Cash Fund; to amend sections 81-1202 and 81-1205, Reissue Revised Statutes of Nebraska, and section 81-1201.21, Revised Statutes Supplement, 2007; to provide for small and rural employer grants; to change provisions relating to job training grants; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 957.** Introduced by Ashford, 20; Aguilar, 35; Flood, 19; Friend, 10; Fulton, 29; Gay, 14; Pirsch, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2264, 29-4001, 29-4003, 29-4004, 29-4005, 29-4006, 29-4007, 29-4009, 29-4011, 29-4016, and 83-174.03, Revised Statutes Cumulative Supplement, 2006, and section 29-4013, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to the Sex Offender Registration Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 29-4010, Revised Statutes Cumulative Supplement, 2006.

### **GENERAL FILE**

**LEGISLATIVE BILL 253.** Senator Johnson offered the following motion:  
MO105  
Bracket until March 15, 2008.

Senator Johnson withdrew his motion to bracket.

Senator Chambers offered the following motion:  
MO106  
Indefinitely postpone.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 958.** Introduced by Ashford, 20; Avery, 28; Howard, 9; Kruse, 13; McGill, 26; Pedersen, 39.

A BILL FOR AN ACT relating to firearms; to amend sections 28-1201, 28-1205, 69-2409.01, and 69-2426, Reissue Revised Statutes of Nebraska, section 69-2404, Revised Statutes Cumulative Supplement, 2006, and section 28-101, Revised Statutes Supplement, 2007; to require reporting of lost or stolen firearms; to provide duties for retail sellers of firearms; to create the Gun Violence Commission and provide powers and duties; to require the tracing of certain firearms by law enforcement agencies as prescribed; to authorize the Nebraska State Patrol to conduct certain firearm public awareness activities; to provide other duties for the patrol; to change provisions relating to handgun purchase certificates; to change provisions relating to firearms information; to change and provide penalties; to harmonize provisions; to provide a termination date; to repeal the original sections; and to declare an emergency.

**AMENDMENTS - Print in Journal**

Senator Rogert filed the following amendment to LB253A:  
AM1543

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated \$34,125 from
- 4 the Department of Motor Vehicles Cash Fund for FY2008-09 to
- 5 the Department of Motor Vehicles, for Program 70, to aid in
- 6 carrying out the provisions of Legislative Bill 253, One Hundredth
- 7 Legislature, Second Session, 2008.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section.
- 11 Sec. 2. There is hereby appropriated (1) \$66,213 from the
- 12 Motorcycle Safety Education Fund and \$47,295 from the Motorcycle
- 13 Safety and Training Fund for FY2008-09 and (2) \$195,269 from the
- 14 Motorcycle Safety and Training Fund for FY2009-10 to the Department
- 15 of Motor Vehicles, for Program 644, to aid in carrying out the
- 16 provisions of Legislative Bill 253, One Hundredth Legislature,
- 17 Second Session, 2008.
- 18 Total expenditures for permanent and temporary salaries
- 19 and per diems from funds appropriated in this section shall not
- 20 exceed \$24,265 for FY2008-09 or \$33,162 for FY2009-10.

Senator Howard filed the following amendment to LB205:  
AM1563

- 1 1. On page 2, line 12, strike "2007" and insert "2009".

Senator Rogert filed the following amendment to LB253:  
 FA152  
 Strike section 21.

Senator Hudkins filed the following amendment to LB663A:  
 AM1561

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated (1) \$208,000 from
- 4 the General Fund for FY2008-09 and (2) \$251,000 from the General
- 5 Fund for FY2009-10 to the Department of Revenue, for Program 112,
- 6 to aid in carrying out the provisions of Legislative Bill 663, One
- 7 Hundredth Legislature, Second Session, 2008.
- 8 Sec. 2. There is hereby appropriated \$4,500,000 from the
- 9 General Fund for FY2009-10 to the State Department of Education,
- 10 for Program 158, to aid in carrying out the provisions of
- 11 Legislative Bill 663, One Hundredth Legislature, Second Session,
- 12 2008.
- 13 There is included in the amount shown for FY2009-10
- 14 \$4,500,000 General Funds which are hereby appropriated to the Tax
- 15 Equity and Educational Opportunities Fund, which fund is hereby
- 16 appropriated to provide state aid to public school districts
- 17 pursuant to the Tax Equity and Educational Opportunities Support
- 18 Act.

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

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB743. No objections. So ordered.

Senators Hansen and Karpisek asked unanimous consent to add their names as cointroducers to LB770. No objections. So ordered.

Senator Kopplin asked unanimous consent to add his name as cointroducer to LB807. No objections. So ordered.

Senators Raikes, Rogert, and Schimek asked unanimous consent to add their names as cointroducers to LB843. No objections. So ordered.

Senator Synowiecki asked unanimous consent to add his name as cointroducer to LB943. No objections. So ordered.

### **VISITORS**

The Doctor of the Day was Dr. Glenn Hurst from Omaha.

**ADJOURNMENT**

At 4:44 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:45 a.m., Tuesday, January 15, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTH DAY - JANUARY 15, 2008**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDREDTH LEGISLATURE**  
**SECOND SESSION**

**FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 15, 2008

**PRAYER**

The prayer was offered by Senator Hudkins.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Harms who was excused; and Senators Ashford, Cornett, and Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Banking, Commerce and Insurance

Room 1507

Tuesday, January 22, 2008 1:30 p.m.

LB715  
LB716  
LB717  
LB851  
LB852

(Signed) Rich Pahls, Chairperson

## Transportation and Telecommunications

Room 1113

Tuesday, January 22, 2008 1:30 p.m.

LB823  
LB755  
LB815  
LB829

(Signed) Deb Fischer, Chairperson

**MOTION - Escort Governor**

Senator Burling moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Engel, Hudkins, Janssen, Preister, and Schimek to serve on said committee.

**STATE OF THE STATE ADDRESS**

"Nebraska is steadily and consistently moving forward.  
We are on a path that will reshape Nebraska's future...  
Together we can make tomorrow better than today."

Mr. President, Mr. Speaker, Members of the Legislature, Distinguished Guests, Friends and Fellow Nebraskans:

I am pleased to be with you at the beginning of another legislative session. Working together, we have made a difference for our state.

Nebraska is steadily and consistently moving forward. We are on a path that will reshape Nebraska's future.

Working together, we have enhanced Nebraska's ability to compete in a free market economy. The Nebraska Advantage is working. During the past two years, 138 companies decided to expand or locate in Nebraska. These businesses will invest over \$4.6 billion in our economy and they will create more than 12,000 new jobs in communities all across Nebraska. The ethanol industry is experiencing a strong expansion and Nebraska is now the second largest ethanol producer in America. Capitalizing on the global demand for our high quality products has resulted in expanded export markets in Taiwan, China, Cuba, Canada, and Mexico for Nebraska businesses. A

forward looking insurance policy environment has significantly grown our insurance industry.

I am pleased to report to you that Nebraska is making progress in creating new jobs for our young people and expanding middle class job opportunities. But we still have more work to do.

Nebraskans want higher paying jobs, better careers, financial security and expanded opportunities for their children. Nebraskans want the ability to compete in a 21<sup>st</sup> century economy that leverages technology, values educational excellence and fosters entrepreneurship.

Imagine what it would be like for our children if Nebraska could create a large number of jobs that pay twice the current Nebraska county average salary.

To accomplish that goal requires 21<sup>st</sup> century leadership that is innovative and creative. That's why I am proposing that Nebraska take a quantum leap forward with a new tier of performance based incentives that reward the creation of higher paying jobs and I'm asking you to make this a priority in this legislative session. This new program is called the Nebraska Super Advantage. The Nebraska Super Advantage is about the next decade and the next generation of Nebraskans. This bold, new plan is our opportunity to keep our young people right here in Nebraska.

Incentives are essential, but alone they aren't enough. Taxes make a difference too. During previous legislative sessions, you have lowered taxes, including last year's tax relief package which was the largest in the history of the state. These bills provided property tax relief, repealed the death tax, eliminated the marriage penalty, expanded the Earned Income Tax Credit, and repealed the sales tax on construction labor.

While we have made progress in lowering taxes, make no mistake about it – taxes are still too high. Whether you are a small business owner, a farmer, a rancher, an entrepreneur, a teacher, a nurse, or a retired person on a fixed income; taxes are too high. That's why I am proposing additional property tax relief in this budget. Tax relief must continue to be a priority for our state.

Competing in a free market economy also requires a pre-kindergarten through college education system that is accountable, affordable, efficient, and student focused. Education is the great equalizer and every Nebraska child deserves the opportunity to achieve a quality education.

Accountability requires measuring school district academic success and Nebraska needs a simplified student measurement system for comparing school district performance. The goal is better testing, not more testing. School district leaders need to focus their time and energy on closing the academic achievement gap. More parents need to be involved in their

children's education. More rigorous academic standards are needed in our schools and overall academic performance must be improved.

State aid to education should be predictable and sustainable. State aid is one of our most important responsibilities and that's why I have recommended fully funding the formula every year that I have been Governor. As we look to the future, it is important that Nebraska has an understandable, stable and affordable school funding formula. This is the long-term challenge that we must address. Nebraska has a very good K-12 education system and we must make it even better in the future.

Nebraska's higher education system should also be more accountable, more integrated and more efficient. The University of Nebraska, our state colleges and our community colleges can work together in a more cooperative manner. Increasing the college attendance rate is critical. Increased enrollments and revenues to our colleges through innovation like UNO's differential tuition rate to attract more students to the University of Nebraska at Omaha are important. Thank you to President Milliken and Chancellor Christensen for your innovation.

The University of Nebraska is a key component to Nebraska's future and they must redefine their priorities to reflect the education and financial challenges of the 21<sup>st</sup> century. Expanded enrollment means increased tuition revenue growth which is necessary given the fiscal realities of the state budget. I believe the University of Nebraska can successfully address its future challenges because of its exceptional leadership team.

Nebraska has other challenges. Imagine a new Department of Health and Human Services that accelerates the reform of the state's child welfare system, behavioral health, Medicaid, and the Beatrice State Developmental Center. Together we can make these changes. There are encouraging signs already. Adoptions are up, community based care is increasing, and out of home placements are down.

You and I want government to operate more efficiently and with greater accountability. Last year this body passed a comprehensive restructuring of the Department of Health and Human Services designed to make the system more effective, more efficient and more accountable.

We are in the process of implementing those changes. The challenges facing Health and Human Services have been decades in the making. Success won't happen overnight but we are beginning to make progress. We have a new leadership team that is committed to change. We have employees who are dedicated to helping their fellow citizens.

We also need changes in health care. This is an issue that affects every Nebraskan and every Nebraska family. Much of what should be done will require a federal-state partnership with the private sector. Our country needs a secure electronic health care system. Nebraska will be part of that effort

with a pilot technology grant for Hebron and Thayer County to better coordinate patient records, to improve a patient's health and to moderate health care costs.

Our health care system should also be consumer driven and focus on prevention and wellness. Obesity is a problem that needs to be addressed in our schools, in our work places, in our homes, and in our communities.

In Nebraska, we must reverse the trend of childhood obesity. By doing this, we will reduce the risk of diabetes, high blood pressure and heart disease for our most precious resource - our children. This issue doesn't require a new law. It's about eating properly and exercising regularly. Both children and adults need to be physically active.

Creating a culture of wellness throughout Nebraska is essential and state government should lead by example. As we reform and improve our health insurance program for state employees, I will be recommending that we focus on prevention and wellness. The long term results will include improved employee health, increased productivity and lower future health care costs.

Now let's turn our attention to a very difficult and emotional issue – immigration. The fact is, the federal government is tasked with the duty to regulate immigration and the federal government has failed, creating problems for states. Their failure has resulted in an ever increasing number of illegal immigrants in our country. States are now beginning to address their specific challenges in their own ways. I believe Nebraska should too.

I want to be very clear. America is the land of opportunity and Nebraskans support legal immigration. Illegal behavior should not be rewarded. It is unfair to immigrants who have become legal American citizens to have illegal immigrants provided the same opportunities. Nebraskans are compassionate but we are also law abiding citizens.

Finally, a fiscally responsible budget requires a prudent cash reserve for when we have a downturn in the economy. Other states are beginning to experience revenue shortfalls. I hope a downturn can be avoided but the Federal Reserve has suggested that our nation's economy may slow down in 2008.

Your Tax Rate Review Committee in its November 20, 2007 report said that "Past history in General Fund revenue growth since 1981 demonstrates a clear pattern of growth rates, clustering of several years above average, followed by several years of below average growth, suggesting FY 2008 – 2009 may be the onset of a below average growth period."

This financial challenge presents a golden opportunity for senators departing at the end of the year. You have the experience and wisdom to appreciate the value of a robust cash reserve. There will be a temptation to spend it, but

your leadership can preserve it. Your legacy can be a Nebraska better prepared for future progress.

Our vision is about limitless dreams and endless possibilities.

Nebraskans are can-do people.

We want a better Nebraska. We want a strong economy that produces more high paying jobs and financial security for our families. We want a quality education for our sons and daughters. We want to improve the health of our Nebraska families.

We believe in the American dream.

We are hopeful and optimistic about Nebraska's future and I know together we can make tomorrow better than today.

Together, we will continue to move Nebraska forward. Thank you.

The committee escorted Governor Dave Heineman from the Chamber.

### EASE

The Legislature was at ease from 10:19 a.m. until 10:30 a.m.

### SENATOR LANGEMEIER PRESIDING

#### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 959.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 319, section 9; Laws 2007, LB 320, sections 29, 30, and 49; Laws 2007, LB 321, sections 32, 37, 48, 49, 50, 55, 69, 88, 124, 177, 180, 183, 184, 187, 215, 244, and 245; to define terms; to provide, change, and eliminate provisions relating to appropriations; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 960.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 321, sections 77, 78, 79, 82, 83, 84, 89, 92, 93, 115, 146, 163, 164, 188, 192, 195, 196, 199, 202, 204, 206, 207, 209, 222, 230, 236, 237, 238, 239, 249, 255, 256, and 275; to state intent; to define terms; to make

appropriations for the cost of employee pay and benefits; to change appropriations; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 961.** Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the transfer of funds; to amend sections 77-4212 and 84-612, Revised Statutes Supplement, 2007, and Laws 2007, LB 321, section 281; to increase the amount of property tax relief granted for tax year 2008; to provide for transfers of funds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 962.** Introduced by Preister, 5; Flood, 19.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1412, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to meetings of a public body; and to repeal the original section.

**LEGISLATIVE BILL 963.** Introduced by Friend, 10; Erdman, 47; Lautenbaugh, 18; Pahls, 31; at the request of the Governor.

A BILL FOR AN ACT relating to governmental agencies; to amend section 85-502, Revised Statutes Cumulative Supplement, 2006; to define terms; to require verification of lawful presence in the United States as prescribed; to provide exemptions and procedures; to provide powers and duties; to require a report; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 964.** Introduced by Revenue Committee: Janssen, 15, Chairperson; Burling, 33; Cornett, 45; Dierks, 40; Langemeier, 23; Preister, 5; Raikes, 25; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1345.01 and 77-5019, Revised Statutes Cumulative Supplement, 2006, and sections 77-5004 and 81-1316, Revised Statutes Supplement, 2007; to change property valuation appeal provisions; to change provisions relating to members and employees of the Tax Equalization and Review Commission; and to repeal the original sections.

**LEGISLATIVE BILL 965.** Introduced by Revenue Committee: Janssen, 15, Chairperson; Burling, 33; Cornett, 45; Dierks, 40; Langemeier, 23; Preister, 5; Raikes, 25; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-115, 77-1201, 77-1202.01, 77-1210, 77-1214, 77-1219, 77-1230, 77-1233.02, 77-1233.03, and 77-1734.01, Reissue Revised Statutes of Nebraska, sections 77-1234, 77-1502, and 77-1504.01, Revised Statutes Cumulative Supplement, 2006, and sections 76-214, 77-1233.04, 77-1233.06, 77-1736.06, 77-4105, and 77-5725, Revised Statutes

Supplement, 2007; to change provisions relating to real estate tax statements, county assessors, tangible personal property tax assessment, refunds, property tax protests, and Tax Commissioner duties; to eliminate a provision relating to a report; to provide operative dates; to repeal the original sections; to outright repeal section 77-202.13, Revised Statutes Supplement, 2007; and to declare an emergency.

### GENERAL FILE

**LEGISLATIVE BILL 253.** Senator Chambers withdrew his motion, MO106, found on page 221, to indefinitely postpone.

Senator Avery offered the following amendment:  
AM1566

- 1 1. Strike original section 6.
- 2 2. On page 15, line 22, strike the new matter.
- 3 3. On page 16, strike line 12 and insert "age and (b)
- 4 carries proof of"; in line 23 after the last comma insert "and";
- 5 and strike beginning with the last comma in line 24 through
- 6 "protection" in line 25.
- 7 4. On page 17, strike beginning with "Except" in line 1
- 8 through "enforcement" in line 2 and insert "Enforcement"; strike
- 9 lines 6 through 10; and in line 11 strike "(6)" and insert "(5)".
- 10 5. On page 26, strike beginning with "and" in line 19
- 11 through the last comma in line 20.
- 12 6. Renumber the remaining sections and correct internal
- 13 references accordingly.

Senator Avery withdrew his amendment.

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

Senator Rogert moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The motion to cease debate prevailed with 26 ayes, 4 nays, 18 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Rogert moved for a call of the house. The motion prevailed with 47 ayes, 0 nays, and 2 not voting.

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

Voting in the affirmative, 23:



Aguilar	Dubas	Hansen	Lautenbaugh	Stuthman
Burling	Erdman	Heidemann	McDonald	Synowiecki
Carlson	Fischer	Hudkins	Nantkes	White
Chambers	Flood	Karpisek	Pahls	
Christensen	Friend	Langemeier	Rogert	

Voting in the negative, 25:

Adams	Engel	Johnson	McGill	Preister
Ashford	Fulton	Kopplin	Nelson	Raikes
Avery	Gay	Kruse	Pankonin	Schimek
Cornett	Howard	Lathrop	Pedersen	Wallman
Dierks	Janssen	Louden	Pirsch	Wightman

Excused and not voting, 1:

Harms

Failed to advance to Enrollment and Review Initial with 23 ayes, 25 nays, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 269.** Title read. Considered.

Committee AM682, found on page 858, First Session, 2007, was considered.

Pending.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 966.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to amend sections 71-5714 and 71-7608, Revised Statutes Supplement, 2007; to change the amount allocated to and use of the Tobacco Prevention and Control Cash Fund; and to repeal the original sections.

**LEGISLATIVE BILL 967.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-909, Reissue Revised Statutes of Nebraska; to change provisions relating to the annual audit as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 968.** Introduced by White, 8.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-933, Reissue Revised Statutes of Nebraska; to change provisions relating to service annuities; and to repeal the original section.

**LEGISLATIVE BILL 969.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to insurance; to require coverage for prosthetics.

**LEGISLATIVE BILL 970.** Introduced by Gay, 14; Kopplin, 3.

A BILL FOR AN ACT relating to schools; to amend sections 79-1008.01 and 79-10,126, Revised Statutes Cumulative Supplement, 2006, and sections 77-3442, 79-1008.02, 79-1015.01, 79-1022, 79-10,120, 79-2104, and 79-2111, Revised Statutes Supplement, 2007; to eliminate certain taxing authority of learning communities; to change state aid calculations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1015, 79-1073, 79-1073.01, and 79-10,126.01, Revised Statutes Supplement, 2007.

**LEGISLATIVE BILL 971.** Introduced by Pedersen, 39; Kopplin, 3.

A BILL FOR AN ACT relating to cities and villages; to amend sections 15-104, 15-111, 15-112, 16-122, and 17-402, Reissue Revised Statutes of Nebraska, section 14-117, Revised Statutes Cumulative Supplement, 2006, and section 16-117, Revised Statutes Supplement, 2007; to require voter approval for actions related to annexation of cities or villages; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 972.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to optometry; to amend sections 38-2609 and 38-2611, Revised Statutes Supplement, 2007; to change provisions relating to reciprocal licensure and continuing competency requirements; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 973.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Community College Foundation and Equalization Aid Act; to amend sections 85-2212, 85-2221, 85-2223, 85-2224, 85-2225, and 85-2228, Revised Statutes Supplement, 2007; to change and eliminate definitions; to change provisions relating to calculation of aid; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-2214, 85-2219, and 85-2226, Revised Statutes Supplement, 2007.

**LEGISLATIVE BILL 974.** Introduced by Gay, 14.

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

77-2715.07 and 77-2734.03, Revised Statutes Supplement, 2007; to provide an income tax credit for health insurance or care expenses of certain employers; and to repeal the original sections.

**LEGISLATIVE BILL 975.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.01, Revised Statutes Supplement, 2007; to change provisions relating to river-flow enhancement bonds; and to repeal the original section.

**LEGISLATIVE BILL 976.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-4,108, Revised Statutes Supplement, 2007; to change provisions relating to dissolution of unified school districts; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 977.** Introduced by Raikes, 25; Friend, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Revised Statutes Supplement, 2007; to change provisions relating to freeholders' petitions; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 978.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-4,119, Revised Statutes Cumulative Supplement, 2006, and section 79-407, Revised Statutes Supplement, 2007; to change provisions relating to boundary changes; and to repeal the original sections.

## RESOLUTION

**LEGISLATIVE RESOLUTION 228.** Introduced by Karpisek, 32.

WHEREAS, the Crete High School football team captured the 2007 Class B state high school football championship; and

WHEREAS, Crete defeated McCook 14-7, in overtime, in a hard-fought contest; and

WHEREAS, this win gives the Cardinals back-to-back state championships; and

WHEREAS, the team and Coach Chuck McGinnis deserve this special recognition for the team work, discipline, and spirit that they displayed throughout the season.

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

1. That the Legislature congratulates the Crete High School football team and Coach Chuck McGinnis.

2. That a copy of this resolution be sent to Crete High School.

Laid over.

### VISITORS

Visitors to the Chamber were 60 seventh- through twelfth-grade students, teachers, and sponsors from Buffalo County; and Buffalo County Community Partners.

### RECESS

At 11:58 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

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

### ROLL CALL

The roll was called and all members were present except Senators Friend and Harms who were excused; and Senators Cornett, Engel, Flood, Heidemann, Hudkins, Johnson, and Kruse who were excused until they arrive.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB901	Judiciary
LB902	Judiciary
LB903	Education
LB904	Government, Military and Veterans Affairs
LB905	Appropriations
LB906	Health and Human Services
LB907	Banking, Commerce and Insurance
LB908	Transportation and Telecommunications
LB909	Judiciary
LB910	Transportation and Telecommunications
LB911	Transportation and Telecommunications
LB912	Revenue
LB913	Revenue
LB914	Revenue
LB915	Revenue
LB916	Revenue
LB917	Transportation and Telecommunications
LB918	Banking, Commerce and Insurance

LB919 Transportation and Telecommunications  
LB920 Banking, Commerce and Insurance  
LB921 Government, Military and Veterans Affairs  
LB922 Revenue  
LB923 Natural Resources  
LB924 Natural Resources  
LB925 Agriculture  
LB926 Business and Labor  
LB927 Government, Military and Veterans Affairs  
LB928 Health and Human Services  
LB929 Judiciary  
LB930 Judiciary  
LB931 Revenue  
LB932 Judiciary  
LB933 Judiciary  
LB934 Judiciary  
LB935 Judiciary  
LB936 Business and Labor  
LB937 Nebraska Retirement Systems  
LB938 Nebraska Retirement Systems  
LB939 Natural Resources  
LB940 Appropriations  
LB941 Transportation and Telecommunications  
LB942 Judiciary  
LB943 Judiciary  
LB944 Revenue  
LB945 Natural Resources  
LB946 Revenue  
LB947 Urban Affairs  
LB948 Business and Labor  
LB949 Revenue  
LB950 Judiciary  
LB951 Health and Human Services  
LB952 Judiciary  
LB953 Banking, Commerce and Insurance  
LB954 Health and Human Services  
LB955 General Affairs  
LB956 Appropriations  
LB957 Judiciary  
LB958 Judiciary

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

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 979.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to county government; to amend section 23-120, Revised Statutes Cumulative Supplement, 2006; to change

provisions relating to county building levies; and to repeal the original section.

**LEGISLATIVE BILL 980.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.21, Reissue Revised Statutes of Nebraska; to change provisions relating to trust accounts; and to repeal the original section.

**LEGISLATIVE BILL 981.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to state government; to amend section 81-108, Reissue Revised Statutes of Nebraska, section 49-1499.03, Revised Statutes Cumulative Supplement, 2006, and section 49-1401, Revised Statutes Supplement, 2007; to define terms; to prohibit nepotism; to eliminate provisions relating to employment of family members; to eliminate a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-1499.01, Revised Statutes Cumulative Supplement, 2006.

### GENERAL FILE

**LEGISLATIVE BILL 269.** Committee AM682, found on page 858, First Session, 2007, and considered in this day's Journal, was renewed.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The committee amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 982.** Introduced by Schimek, 27; Avery, 28; McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to Wyuka Cemetery.

**LEGISLATIVE BILL 983.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,228, 77-27,229, 77-27,230, 77-27,231, 77-27,232, 77-27,233, and

77-27,234, Revised Statutes Cumulative Supplement, 2006, and section 77-2701, Revised Statutes Supplement, 2007; to change provisions relating to income tax credits for planned gifts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 984.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-117, Revised Statutes Supplement, 2007; to eliminate resolution, public hearing, and publication requirements for annexation as prescribed; to harmonize provisions; and to repeal the original section.

### NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

Tuesday, January 22, 2008 1:30 p.m.

LB849

LB850

(Signed) Ron Raikes, Chairperson

Urban Affairs

Room 1510

Tuesday, January 22, 2008 1:30 p.m.

LB768

LB813

LB899

LB947

(Signed) Mike Friend, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 39.** ER8017, found on page 450, First Session, 2007, was adopted.

Senator Schimek withdrew her amendments, AM681 and AM680, found on pages 835 and 837, First Session, 2007.

Senator Schimek renewed her amendment, AM1071, found on page 1494, First Session, 2007.

**SENATOR FISCHER PRESIDING**

**SENATOR LANGEMEIER PRESIDING**

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

The Schimek amendment was adopted with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Fischer requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 30 ayes, 11 nays, 5 present and not voting, and 3 excused and not voting.

**GENERAL FILE****LEGISLATIVE BILL 402.** Considered.

Senator Erdman withdrew his motion, found on page 512, and considered on page 785, First Session, 2007, to recommit to the Executive Board.

Senator Erdman withdrew his amendment, AM425, found on page 606, First Session, 2007.

Senator Schimek offered the following amendment:  
AM1567

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. This act shall be known and may be cited as
- 4 the Redistricting Act.
- 5 Sec. 2. For purposes of the Redistricting Act:
- 6 (1) Committee means the Redistricting Committee of the
- 7 Legislature;
- 8 (2) Director means the Director of Research of the
- 9 Legislature or his or her designee;
- 10 (3) Executive board means the Executive Board of the
- 11 Legislative Council;
- 12 (4) Other district means a legislative district, supreme
- 13 court judicial district, public service commission district, board
- 14 of regents district, or state board of education district; and
- 15 (5) Redistricting plan means a plan for congressional
- 16 districts and other districts prepared pursuant to the requirements
- 17 of the act.
- 18 Sec. 3. (1) The Redistricting Committee of the
- 19 Legislature shall be established as a special committee of
- 20 the Legislature in each year ending in one. The committee may
- 21 introduce and exercise jurisdiction over legislative bills and



22 resolutions relating to redistricting and hold hearings regarding  
23 such legislation.

1 (2) The committee shall be comprised of nine members of  
2 the Legislature, three from each congressional district existing  
3 on January 1 of each year ending in zero. The executive board  
4 shall appoint the members of the committee in January of each year  
5 ending in one. No more than five members appointed to the committee  
6 shall be affiliated with the same political party. A vacancy on  
7 the committee shall be filled by the executive board as soon as  
8 possible after the vacancy occurs.

9 (3) At the first meeting of the committee, the members  
10 shall select from among themselves by majority vote one member  
11 to serve as chairperson of the committee and one member to serve  
12 as vice-chairperson of the committee. The chairperson and the  
13 vice-chairperson shall not be affiliated with the same political  
14 party.

15 (4) The committee shall continue in existence until  
16 all legislative bills containing redistricting plans for which  
17 the Legislature has responsibility are passed and signed by the  
18 Governor. In the event of a successful legal challenge to any  
19 part of a redistricting plan, the committee shall be reconstituted  
20 according to the Redistricting Act for purposes of reformulating  
21 the challenged redistricting plan.

22 (5) The committee shall receive staff support from the  
23 office of the director.

24 Sec. 4. (1) The committee shall be responsible for  
25 administering the Redistricting Act.

26 (2)(a) After reviewing previous redistricting guidelines  
27 used by the Legislature, the committee shall adopt substantive and  
1 procedural guidelines, consistent with the act, that will guide the  
2 Legislature's redistricting process. During the legislative session  
3 of each year ending in one, the substantive guidelines adopted by  
4 the committee shall be presented to the Legislature for approval.

5 (b) The committee shall at the earliest feasible time  
6 make available to the public the guidelines prepared under this  
7 section.

8 Sec. 5. The committee shall introduce legislative bills  
9 pertaining to redistricting congressional districts and other  
10 districts during the legislative session of each year ending  
11 in one. The bills shall be processed utilizing the normal  
12 procedures established for processing legislation introduced in  
13 the Legislature.

14 Sec. 6. (1) Under the direction of the committee, the  
15 director shall (a) acquire appropriate information, (b) review  
16 and evaluate available facilities, and (c) develop programs and  
17 procedures for preparing redistricting plans on the basis of each  
18 federal decennial census. Funds shall be expended for the purchase  
19 or lease of equipment and materials only with prior approval of the  
20 chairperson of the executive board.

21 (2) By December 31 of each year ending in zero,  
 22 the director shall obtain from the United States Department of  
 23 Commerce, Bureau of the Census, information regarding geographic  
 24 and political units in this state for which federal census  
 25 population data has been gathered and will be tabulated.

26 Sec. 7. Based upon the information received from the  
 27 United States Department of Commerce, Bureau of the Census, the  
 1 committee shall formulate redistricting plans for congressional  
 2 districts and other districts. The redistricting plans shall be  
 3 made available to the Legislature and the public.

4 Sec. 8. (1) After the redistricting plans formulated  
 5 under section 7 of this act are made available to the Legislature  
 6 and the public, the committee shall schedule and conduct, as  
 7 expeditiously as reasonably possible, at least one public hearing  
 8 in each congressional district for the purposes of soliciting input  
 9 on the proposed redistricting plans. Video and other methods may be  
 10 used in addition to the procedures outlined for public hearings but  
 11 not in substitution for such procedures.

12 (2) Following the public hearings, the committee shall  
 13 proceed to process the legislative bills introduced under section 5  
 14 of this act.

Senator Erdman offered the following amendment to the Schimek amendment:

AM1570

(Amendments to AM1567)

- 1 1. On page 3, strike beginning with "programs" in line
- 2 16 through "preparing" in line 17 and insert "internal procedures
- 3 for the office of Legislative Audit and Research to assist in the
- 4 preparation of".
- 5 2. On page 4, line 4, strike "(1)"; and strike lines 12
- 6 through 14.

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

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

The Schimek amendment, as amended, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following amendment:

AM1568

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 Section 1. (1) Under the direction of the Executive

4 Board of the Legislative Council, the Director of Research of the  
 5 Legislature or his or her designee shall (a) acquire appropriate  
 6 information, (b) review and evaluate available facilities, and (c)  
 7 develop internal procedures for the office of Legislative Audit  
 8 and Research to assist in the preparation of redistricting plans  
 9 for congressional districts, legislative districts, supreme court  
 10 judicial districts, public service commission districts, board of  
 11 regents districts, and state board of education districts on the  
 12 basis of each federal decennial census. Funds shall be expended for  
 13 the purchase or lease of equipment and materials only with prior  
 14 approval of the chairperson of the Executive Board.  
 15 (2) By December 31 of each year ending in zero,  
 16 the director shall obtain from the United States Department of  
 17 Commerce, Bureau of the Census, information regarding geographic  
 18 and political units in this state for which federal census  
 19 population data has been gathered and will be tabulated.

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

The Erdman amendment was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Erdman withdrew his motion, found on page 608, First Session, 2007, to indefinitely postpone.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 205.** Title read. Considered.

Senator Howard renewed her amendment, AM1563, found on page 222.

Pending.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 985.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1233.04, Revised Statutes Supplement, 2007; to change provisions relating to tangible personal property tax returns; and to repeal the original section.

**LEGISLATIVE BILL 986.** Introduced by Preister, 5; Carlson, 38;

Christensen, 44; Dierks, 40; Dubas, 34; Fischer, 43; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to recycling; to amend section 81-15,160, Revised Statutes Supplement, 2007; to adopt the Electronics Recycling Act; to provide fees; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 987.** Introduced by Raikes, 25; Adams, 24; Ashford, 20; Avery, 28; Flood, 19.

A BILL FOR AN ACT relating to schools; to amend section 79-762, Reissue Revised Statutes of Nebraska, and sections 79-757, 79-758, 79-760.02, and 79-760.03, Revised Statutes Supplement, 2007; to change provisions relating to the Quality Education Accountability Act; to define terms; to create a commission and an office; to change and provide powers and duties; to harmonize provisions; and to repeal the original sections.

### **NOTICE OF COMMITTEE HEARING**

Agriculture

Room 1524

Tuesday, January 22, 2008 1:30 p.m.

LB925

(Signed) Philip Erdman, Chairperson

### **VISITORS**

Visitors to the Chamber were Tyler Thompson from Scottsbluff and Adam Rasmussen from Chadron.

The Doctor of the Day was Dr. Christine Keim from Lincoln.

### **ADJOURNMENT**

At 4:57 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, January 16, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTH DAY - JANUARY 16, 2008**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDREDTH LEGISLATURE**  
**SECOND SESSION**

**SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 16, 2008

**PRAYER**

The prayer was offered by Senator Engel.

**ROLL CALL**

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

The roll was called and all members were present except Senator Harms who was excused; and Senators Ashford, Cornett, Karpisek, Kruse, Loudon, Preister, and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Revenue

Room 1524

Wednesday, January 23, 2008 1:30 p.m.

LB722  
LB914  
LB916  
LB915  
LB898  
LB896

(Signed) Ray Janssen, Chairperson

## Government, Military and Veterans Affairs

Room 1507

Wednesday, January 23, 2008 1:30 p.m.

LB750  
LB856  
LB857  
LB721  
LB752  
LB763

(Signed) Ray Aguilar, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Adams, Ashford, Christensen, Hansen, Howard, Johnson, Lautenbaugh, Pankonin, and Wallman asked unanimous consent to add their names as cointroducers to LB157. No objections. So ordered.

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LB764. No objections. So ordered.

Senator Gay asked unanimous consent to add his name as cointroducer to LB813 and LB826. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB837. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB843. No objections. So ordered.

Senator Christensen asked unanimous consent to add his name as cointroducer to LB844. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LB895 and LB926. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB918. No objections. So ordered.

Senator Karpisek asked unanimous consent to add his name as cointroducer to LB920. No objections. So ordered.

Senators Dierks and Preister asked unanimous consent to add their names as cointroducers to LB921, LB922, and LB923. No objections. So ordered.

Senator Burling asked unanimous consent to add his name as cointroducer to LB948. No objections. So ordered.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 988.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-1023, 79-1025, 79-1029, 79-1065, and 79-1229, Reissue Revised Statutes of Nebraska, sections 79-233, 79-1008.01, 79-1009, 79-1010, 79-1026.01, 79-1030, and 79-1065.02, Revised Statutes Cumulative Supplement, 2006, and sections 77-1327, 77-3442, 79-4,108, 79-1001, 79-1003, 79-1003.01, 79-1007.02, 79-1007.03, 79-1007.04, 79-1007.06, 79-1007.07, 79-1007.08, 79-1007.09, 79-1007.10, 79-1008.02, 79-1013, 79-1014, 79-1015.01, 79-1016, 79-1018.01, 79-1022, 79-1028, 79-1031.01, 79-1073, 79-1083.03, and 79-1241.03, Revised Statutes Supplement, 2007; to change provisions relating to a tax levy for learning communities; to redefine terms; to provide for elementary class size restrictions; to change provisions relating to the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to eliminate a provision relating to recalculation; to repeal the original sections; and to outright repeal section 79-1022.02, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 989.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-557, 77-208, 77-209, 77-1322, and 77-1917.01, Reissue Revised Statutes of Nebraska; to change priority of certain special assessment liens; and to repeal the original sections.

### **GENERAL FILE**

**LEGISLATIVE BILL 205.** Senator Howard renewed her amendment, AM1563, found on page 222 and considered on page 243.

Senator White moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Howard amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Senator Erdman withdrew his motion, found on page 512, First Session, 2007, to indefinitely postpone.

Senator Gay offered the following amendment:

FA154

On page 2, line 10 after "designee" strike the first comma through "at a designated school bus stop."

**SPEAKER FLOOD PRESIDING**

Senator Gay moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Gay requested a roll call vote on his amendment.

Voting in the affirmative, 31:

Adams	Dubas	Gay	Lathrop	Pirsch
Ashford	Engel	Hansen	Lautenbaugh	Stuthman
Avery	Erdman	Heidemann	Louden	Wightman
Burling	Fischer	Johnson	McGill	
Carlson	Flood	Karpisek	Nantkes	
Christensen	Friend	Kopplin	Nelson	
Cornett	Fulton	Langemeier	Pankonin	

Voting in the negative, 12:

Chambers	Janssen	Pedersen	Synowiecki
Howard	McDonald	Raikes	Wallman
Hudkins	Pahls	Schimek	White

Present and not voting, 2:

Kruse	Preister
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Excused and not voting, 4:

Aguilar	Dierks	Harms	Rogert
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The Gay amendment was adopted with 31 ayes, 12 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Erdman withdrew his amendment, AM337, found on page 564, First Session, 2007.

Senator Wightman offered the following amendment:

FA155

Strike line 15, on page 2, which states "The school district shall review the policy annually."

**SENATOR LANGEMEIER PRESIDING**



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

Senator Wightman requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Adams	Engel	Gay	Louden	Rogert
Avery	Erdman	Hansen	Nelson	Wightman
Burling	Fischer	Heidemann	Pahls	
Carlson	Friend	Johnson	Pankonin	
Christensen	Fulton	Lautenbaugh	Pirsch	

Voting in the negative, 19:

Aguilar	Dubas	Karpisek	McDonald	Raikes
Ashford	Howard	Kopplin	McGill	Synowiecki
Chambers	Hudkins	Langemeier	Pedersen	Wallman
Cornett	Janssen	Lathrop	Preister	

Present and not voting, 5:

Kruse	Nantkes	Schimek	Stuthman	White
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Excused and not voting, 3:

Dierks	Flood	Harms
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The Wightman amendment lost with 22 ayes, 19 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 990.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to education; to provide for a certificate of attendance as prescribed.

**LEGISLATIVE BILL 991.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend sections 32-107,

32-108, 32-114, 32-115, 32-221, 32-302, 32-307, 32-813, 32-816, 32-902, 32-907, 32-910, 32-912, 32-917, 32-918, 32-919, 32-920, 32-922, 32-923, 32-925, 32-927, 32-929, 32-933, 32-934, 32-935, 32-937, 32-1302, 32-1307, 32-1403, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska, sections 32-101, 32-306, 32-308, 32-311.01, 32-314, 32-321, 32-325, 32-807, 32-901, 32-915, 32-916, 32-921, 32-936, 32-938, 32-940, 32-941, 32-945, 32-952, 32-1502, and 32-1530, Revised Statutes Cumulative Supplement, 2006, and sections 32-310, 32-904, 32-906, 32-913, 32-914, 32-1001, 32-1002, and 32-1041, Revised Statutes Supplement, 2007; to provide for voter registration on election day as prescribed; to change provisions relating to registration and voting; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 992.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to state funds; to amend section 72-1260, Reissue Revised Statutes of Nebraska, and section 84-1309.01, Revised Statutes Cumulative Supplement, 2006; to provide duties and responsibilities relating to public funds invested in Sudan-related companies; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 993.** Introduced by McDonald, 41.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-117.06, Reissue Revised Statutes of Nebraska; to change provisions relating to a fund; and to repeal the original section.

**LEGISLATIVE BILL 994.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Behavioral Health Oversight Commission; to amend section 71-818, Revised Statutes Cumulative Supplement, 2006; to change a termination date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 995.** Introduced by General Affairs Committee: McDonald, 41, Chairperson; Dierks, 40; Dubas, 34; Janssen, 15; Karpisek, 32.

A BILL FOR AN ACT relating to cemeteries; to amend sections 12-401, 12-806, 12-807, 12-808, 12-810, 12-1202, and 12-1204, Reissue Revised Statutes of Nebraska, and sections 12-402, 12-805, and 12-1401, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to cemetery boards, cemetery funds, abandoned and neglected cemeteries, Indian burial grounds, and pioneer cemeteries; to harmonize provisions; to repeal the original sections; and to outright repeal section 12-806.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 996.** Introduced by General Affairs Committee:

McDonald, 41, Chairperson; Dierks, 40; Dubas, 34; Janssen, 15; Karpisek, 32.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-255.09, 9-255.10, 9-335, 9-340, and 9-635, Reissue Revised Statutes of Nebraska, and sections 9-1,104, 9-226, 9-322, 9-620, and 9-653, Revised Statutes Cumulative Supplement, 2006; to provide for independent testing laboratories for gaming-related equipment and services; to change and eliminate provisions relating to bingo and lotteries; to harmonize provisions; to repeal the original sections; and to outright repeal section 9-237, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 997.** Introduced by McDonald, 41; Aguilar, 35; Dubas, 34.

A BILL FOR AN ACT relating to cities and villages; to amend sections 13-315 and 18-2720, Reissue Revised Statutes of Nebraska, and sections 18-2705, 18-2709, and 18-2717, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to tax levies and economic development programs; and to repeal the original sections.

**LEGISLATIVE BILL 998.** Introduced by Gay, 14; Kopplin, 3; McGill, 26.

A BILL FOR AN ACT relating to the Nebraska Innovation Zone Commission; to amend section 84-612, Revised Statutes Supplement, 2007; to transfer funds from the Cash Reserve Fund; to appropriate funds; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 999.** Introduced by Hansen, 42.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-1,100, Reissue Revised Statutes of Nebraska; to change provisions relating to recorded brands; and to repeal the original section.

**LEGISLATIVE BILL 1000.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.02, 77-4212, and 84-612, Revised Statutes Supplement, 2007; to change income tax calculations; to change funding for the Property Tax Credit Act; to transfer money from the Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1001.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.16 and 77-27,132, Revised Statutes Supplement, 2007; to adopt the Low-Income Home Energy Conservation Act; to provide for a sales and use tax exemption; to harmonize provisions; to repeal the original sections; and

to declare an emergency.

### GENERAL FILE

**LEGISLATIVE BILL 210.** Title read. Considered.

Committee AM252, found on page 503, First Session, 2007, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 312.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 379.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 380.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 383.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

**LEGISLATIVE RESOLUTION 5CA.** Read. Considered.

Senator Friend renewed his amendment, AM1536, found on page 172.

The Friend amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Pending.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 1002.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to insurance; to require disclosure of

information by issuers of group health benefit plans as prescribed; to provide a duty for the Revisor of Statutes.

### **NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Wednesday, January 23, 2008 1:30 p.m.

LB766  
LB772  
LB773  
LB774  
LB775  
LB804

Thursday, January 24, 2008 1:30 p.m.

LB810  
LB844  
LB736  
LB808  
LB794

(Signed) Brad Ashford, Chairperson

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

Senator McDonald asked unanimous consent to add her name as cointroducer to LB157. No objections. So ordered.

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

Senator Pankonin asked unanimous consent to add his name as cointroducer to LB920. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Wightman's wife, Jan, and granddaughter, Emalie Wightman from Omaha; a group from Eagle; and 60 twelfth-grade students, teachers, and sponsors from Syracuse-Dunbar-Avoca, Syracuse.

### **RECESS**

At 11:56 a.m., on a motion by Senator McGill, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Harms, Pankonin, and Pedersen who were excused; and Senators Cornett, Heidemann, Janssen, Kruse, McDonald, Nantkes, and Preister who were excused until they arrive.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB959	Appropriations
LB960	Appropriations
LB961	Appropriations
LB962	Government, Military and Veterans Affairs
LB963	Judiciary
LB964	Revenue
LB965	Revenue
LB966	Appropriations
LB967	Nebraska Retirement Systems
LB968	Nebraska Retirement Systems
LB969	Banking, Commerce and Insurance
LB970	Education
LB971	Urban Affairs
LB972	Health and Human Services
LB973	Education
LB974	Revenue
LB975	Natural Resources
LB976	Education
LB977	Education
LB978	Education
LB979	Revenue
LB980	Banking, Commerce and Insurance
LB981	Government, Military and Veterans Affairs
LB982	Appropriations
LB983	Revenue
LB984	Urban Affairs
LB985	Revenue
LB986	Natural Resources
LB987	Education

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

**ANNOUNCEMENT**

Senator Wallman designates LB575 as his priority bill.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Pahls asked unanimous consent to add his name as cointroducer to LB157. No objections. So ordered.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1003.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7611, Revised Statutes Supplement, 2007; to adopt the Saving the Cure Act; to provide for an accredited laboratory at the University of Nebraska Medical Center to conduct research as prescribed; to provide for funding; to harmonize provisions; and to repeal the original section.

**GENERAL FILE**

**LEGISLATIVE BILL 157.** Senator Chambers withdrew his motion, found on page 1548, First Session, 2007, to bracket until May 25, 2007.

Committee AM250, found on page 689 and considered on pages 799 and 1482, First Session, 2007, was renewed.

Senator Stuthman asked unanimous consent to withdraw his amendment, AM844, found on page 1245 and considered on pages 1483 and 1548, First Session, 2007, and replace it with his substitute amendment, AM1574, to the committee amendment. No objections. So ordered.

AM1574

(Amendments to Standing Committee amendments, AM250)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) If a mother seeking safe-haven care
- 4 voluntarily delivers a child seventy-two hours old or younger to
- 5 a hospital staff member who engages in the admission, care, or
- 6 treatment of patients, when such hospital staff member is at a
- 7 hospital, the hospital staff member shall, without a court order,
- 8 take temporary physical custody of the child.
- 9 (2) If a hospital staff member takes temporary physical
- 10 custody of a child pursuant to this section, the hospital staff
- 11 member shall:
- 12 (a) Perform any act necessary, in accordance with

13 generally accepted standards of professional practice, to protect,  
14 preserve, or aid the physical health or safety of the child during  
15 the temporary physical custody;

16 (b) Notify the Department of Health and Human Services  
17 within four hours; and

18 (c) Place such child with an agency as defined in section  
19 43-121.

20 (3) For purposes of this section, generally accepted  
21 standards of professional practice means medical treatment or care  
22 of the type, quality, and amount that a hospital staff person would  
1 be expected to provide according to the professional standards of  
2 care for hospital staff with regard to the medical treatment and  
3 care of infants.

4 Sec. 2. (1) The mother of a child left with a hospital  
5 staff member pursuant to section 1 of this act may claim the  
6 child within forty-eight hours after delivery of the child to the  
7 hospital staff member. Such claim shall be made to the entity  
8 having physical or legal custody of the child.

9 (2) If the mother does not reclaim such child within the  
10 forty-eight-hour period described in subsection (1) of this act,  
11 she shall be presumed to have (a) intended to leave the child and  
12 (b) consented to termination of her parental rights.

13 Sec. 3. Upon receipt of notice pursuant to section 1 of  
14 this act, the Department of Health and Human Services shall contact  
15 the Nebraska State Patrol to determine if the child is a missing  
16 person as defined in section 43-2003.

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

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

26 Sec. 5. The Department of Health and Human Services shall  
27 develop and implement a public information program to inform the  
1 general public of the provisions of sections 1 to 4 of this  
2 act. The department shall also work in conjunction with other  
3 departments and agencies of the state, the Nebraska Hospital  
4 Association or its successor entity, and the Nebraska Adoption  
5 Agency Association or its successor entity in development of the  
6 program. The program may include, but need not be limited to,  
7 educational and informational materials in print, audio, video,  
8 electronic, and other media, public service announcements and  
9 advertisements, and the establishment of a toll-free hotline. The  
10 department shall develop a method that would allow the parent  
11 of any newborn infant placed under such sections to provide  
12 information about the medical history of the infant, including



13 family medical history, anonymously.

14 Sec. 6. The Department of Health and Human Services  
15 shall explore the possibility of expending funds received from  
16 the United States Department of Health and Human Services pursuant  
17 to the Promoting Safe and Stable Families Program in order to  
18 implement the public information program required by section 5 of  
19 this act and to alleviate the burden such program may have on the  
20 department's appropriation from the state. When implementing its  
21 public information program, the department shall prioritize those  
22 areas of the state that have been identified as having the highest  
23 teen pregnancy rates.

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

26 28-705 (1) Any person who abandons and neglects or  
27 refuses to maintain or provide for his or her spouse or his or  
1 her child or dependent stepchild, whether such child is born in or  
2 out of wedlock, commits abandonment of spouse, child, or dependent  
3 stepchild.

4 (2) It is not a violation of this section for a mother  
5 to leave a child who is seventy-two hours old or younger with  
6 a hospital staff member pursuant to section 1 of this act if  
7 the mother provides the hospital staff member with proof of her  
8 identity.

9 ~~(2)-(3)~~ For the purposes of this section, child shall  
10 mean an individual under the age of sixteen years.

11 ~~(3)-(4)~~ When any person abandons and neglects to provide  
12 for his or her spouse or his or her child or dependent stepchild  
13 for three consecutive months or more, it shall be prima facie  
14 evidence of intent to violate the provisions of subsection (1) of  
15 this section.

16 ~~(4)-(5)~~ A designation of assets for or use of income by  
17 an individual in accordance with section 68-922 shall be considered  
18 just cause for failure to use such assets or income to provide  
19 medical support of such individual's spouse.

20 ~~(5)-(6)~~ Abandonment of spouse, child, or dependent  
21 stepchild is a Class I misdemeanor.

22 Sec. 7. Original section 28-705, Revised Statutes  
23 Cumulative Supplement, 2006, is repealed.

Pending.

**NOTICE OF COMMITTEE HEARINGS**  
Health and Human Services

Room 1510

Wednesday, January 23, 2008 1:30 p.m.

LB713  
LB730  
LB738  
LB797

Judy Meter - Foster Care Review Board  
Christine Peterson - Nebraska Department of Health and Human Services  
Joann Scheafer - Nebraska Department of Health and Human Services  
John C. Wyvill - Nebraska Department of Health and Human Services  
Ronald Albin - Foster Care Review Board  
Gene Klein - Foster Care Review Board  
Alfredo Ramirez - Foster Care Review Board

Thursday, January 24, 2008 1:30 p.m.

LB782  
LB793  
LB796  
LB765

Scot Adams - Nebraska Department of Health and Human Services  
Vivianne Chaumont - Nebraska Department of Health and Human Services

Friday, January 25, 2008 1:30 p.m.

LB806  
LB809

John Hilgert - Nebraska Department of Health and Human Services  
Todd Landry - Nebraska Department of Health and Human Services

(Signed) Joel Johnson, Chairperson

Revenue

Room 1524

Thursday, January 24, 2008 1:30 p.m.

LB710  
LB814  
LB893

LB985  
LB965  
LB964

(Signed) Ray Janssen, Chairperson

Natural Resources

Room 1525

Wednesday, January 23, 2008 1:30 p.m.

LB724  
LB725  
LB726

(Signed) LeRoy Louden, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1004.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2753 and 77-2790, Revised Statutes Supplement, 2007; to change an income tax withholding amount; to harmonize provisions; to repeal the original sections; and to declare an emergency.

### **AMENDMENT - Print in Journal**

Senator Dierks filed the following amendment to LB586:

AM1575

(AMENDMENTS TO STANDING COMMITTEE AMENDMENTS, AM402)

- 1 1. On page 1, strike lines 1 and 2.
- 2 2. Renumber the remaining amendment accordingly.

### **GENERAL FILE**

**LEGISLATIVE BILL 157.** Senator Chambers offered the following motion:

MO107

Recommit to the Judiciary Committee.

### **PRESIDENT SHEEHY PRESIDING**

Senator Chambers withdrew his motion to recommit.

Senator Stuthman withdrew his amendment, AM1574, found in this day's

Journal.

Senator White withdrew his amendment, AM1118, found on page 1270, First Session, 2007.

Senator Stuthman withdrew his amendment, AM1539, found on page 170.

Committee AM250, found on page 689 and considered on pages 799 and 1482, First Session, 2007, and in this day's Journal, was renewed.

The committee amendment was adopted with 35 ayes, 0 nays, 8 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.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1005.** Introduced by Howard, 9; Ashford, 20; Hudkins, 21.

A BILL FOR AN ACT relating to schools; to amend section 79-2110, Revised Statutes Supplement, 2007; to change provisions relating to learning community diversity plans; and to repeal the original section.

**LEGISLATIVE BILL 1006.** Introduced by Aguilar, 35; Johnson, 37.

A BILL FOR AN ACT relating to in-home personal services; to provide for a statewide registry; to require a study of wages; and to require reports.

**LEGISLATIVE BILL 1007.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-520, Revised Statutes Cumulative Supplement, 2006, and sections 13-518 and 77-3442, Revised Statutes Supplement, 2007; to change provisions relating to the Nebraska Budget Act; to change levy limitations; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1008.** Introduced by Wightman, 36; Burling, 33; Fulton, 29; Heidemann, 1; Nantkes, 46; Nelson, 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 32-519, Reissue Revised Statutes of Nebraska, sections 13-520 and 23-3202, Revised Statutes Cumulative Supplement, 2006, and sections 77-1339, 77-1340, 77-1342, and 77-3442, Revised Statutes Supplement, 2007; to change budget limitations; to require reimbursement by counties to the state for property tax assessment services; to provide for reassumption of

the assessment function by counties by July 1, 2011; to change tax levy limitations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 77-1340.01, 77-1340.02, and 77-1340.03, Reissue Revised Statutes of Nebraska, and section 77-1340, Revised Statutes Supplement, 2007, as amended by section 4 of this legislative bill.

**LEGISLATIVE BILL 1009.** Introduced by Avery, 28; Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Reissue Revised Statutes of Nebraska; to provide for a tax levy for school district safety and security purposes; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1010.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708, Revised Statutes Cumulative Supplement, 2006, and section 77-2703, Revised Statutes Supplement, 2007; to change the sales and use tax collection fees; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1011.** Introduced by Langemeier, 23; Erdman, 47.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend section 76-2244, Reissue Revised Statutes of Nebraska, sections 76-2207, 76-2221, 76-2222, and 76-2249, Revised Statutes Cumulative Supplement, 2006, and sections 76-2213.01, 76-2223, 76-2228, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, and 76-2241, Revised Statutes Supplement, 2007; to change provisions relating to appraiser trainees, the Uniform Standards of Professional Appraisal Practice, exemptions under the act, the Real Property Appraiser Board, the classification of appraisers, the restricted use of certain titles, credentialing, and fees as prescribed; to harmonize provisions; and to repeal the original sections.

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

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB157. No objections. So ordered.

Senator Engel asked unanimous consent to add his name as cointroducer to LB997. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Christensen's wife, Kathy, and Jane Moreland from Imperial.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

**ADJOURNMENT**

At 3:07 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, January 17, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTH DAY - JANUARY 17, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 17, 2008

**PRAYER**

The prayer was offered by Senator Carlson.

**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 Harms who was excused; and Senators Cornett, Dierks, Dubas, Heidemann, and Preister who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Banking, Commerce and Insurance

Room 1507

Monday, January 28, 2008 1:30 p.m.

LB918  
LB779  
LB920  
LB792

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

LB853  
LB854  
LB855

Ann Frohman - Department of Insurance

(Signed) Rich Pahls, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, January 24, 2008 1:30 p.m.

LB739

LB744

LB747

LB776

Friday, January 25, 2008 1:30 p.m.

LB767

LB761

LB746

Timothy Kadavy - Military Department

(Signed) Ray Aguilar, Chairperson

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1012.** Introduced by Gay, 14; Nelson, 6; Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2007; to allow an income tax credit for certain long-term care insurance policy premiums; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1013.** Introduced by Gay, 14.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Revised Statutes Supplement, 2007; to adopt the Higher Education Academic Scholarship Program Act; to harmonize provisions; and to repeal the original section.

### **GENERAL FILE**

**LEGISLATIVE RESOLUTION 5CA.** Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.



**NOTICE OF COMMITTEE HEARING**  
Natural Resources

Room 1525

Thursday, January 24, 2008 1:30 p.m.

LB923  
LB939

S. Michael "Mick" Jensen - Nebraska Game and Parks Commission  
Steve Hanson - Nebraska Ethanol Board  
Tim Else - Nebraska Ethanol Board

(Signed) LeRoy Louden, Chairperson

**BILLS ON FIRST READING**

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

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

A BILL FOR AN ACT relating to courts; to amend sections 24-303, 24-730, 24-809.04, 24-1205, 25-1129, 25-1130, 43-1608, 43-1609, 43-1610, 43-1611, 43-1612, and 43-1613, Reissue Revised Statutes of Nebraska, sections 24-312, 24-517, 24-1204, 24-1206, 25-2704, 25-2733, and 25-2740, Revised Statutes Cumulative Supplement, 2006, and sections 24-301.02, 24-503, and 43-2,119, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to judgeships, judicial vacancies, judicial hearings, court duties and authority, jurisdiction, retired judges, referees, the Judicial Resources Commission, and appeals; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 25-1133 and 25-2734, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1015.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,185.07, Reissue Revised Statutes of Nebraska; to change provisions relating to contributory negligence; and to repeal the original section.

**GENERAL FILE**

**LEGISLATIVE BILL 690.** Title read. Considered.

Committee AM77, found on page 626, First Session, 2007, was adopted with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 92.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 467.** Title read. Considered.

Committee AM484, found on page 668, First Session, 2007, was considered.

Pending.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1016.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to adopt the Proper Employee Classification Act.

**LEGISLATIVE BILL 1017.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 44-4317 and 77-3443, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2007; to change provisions relating to tax levies of members of risk management pools; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1018.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to adopt the Children's Behavioral Health Transformation and Prioritization Appropriations Act; and to provide for appropriations.

**LEGISLATIVE BILL 1019.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Lathrop, 12; McGill, 26; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims; and to declare an emergency.

**LEGISLATIVE BILL 1020.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Lathrop, 12; McGill, 26; Wallman,

30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

**LEGISLATIVE BILL 1021.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-234, Reissue Revised Statutes of Nebraska; to change provisions relating to the enrollment option program; and to repeal the original section.

**LEGISLATIVE BILL 1022.** Introduced by Hansen, 42.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Veterinary Drug Distribution Licensing Act; and to provide a penalty.

**LEGISLATIVE BILL 1023.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-1225, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2007; to restrict the tax levy authority of educational service units; and to repeal the original sections.

**LEGISLATIVE BILL 1024.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend section 13-901, Revised Statutes Supplement, 2007; to provide for listings to facilitate filings and service of process; to provide a duty for the Secretary of State; to harmonize provisions; and to repeal the original section.

## GENERAL FILE

**LEGISLATIVE BILL 467.** Committee AM484, found on page 668, First Session, 2007, and considered in this day's Journal, was renewed.

Senator Flood offered the following amendment to the committee amendment:

FA156

Amend AM484

Line 7, after "services" insert "or by any community based mental health service provider that contracts to provide services with any Behavioral Health Region"

Senator Flood withdrew his amendment.

Senator Flood offered the following amendment to the committee amendment:

FA157

Amend AM484

Line 7, after "services" insert "or by any community based mental health services provider that contracts with any Behavioral Health Region to provide services for any individual that was a patient of a state owned and operated Regional Center within the prior twelve months"

### **SENATOR ERDMAN PRESIDING**

### **PRESIDENT SHEEHY PRESIDING**

The Flood amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

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

Senator Ashford offered the following amendment:

AM1585

- 1 1. On page 2, lines 13, 15, and 18; and page 3, line 16,
- 2 strike "county" and insert "county or municipal".

The Ashford amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 467A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1025.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to domestic violence; to amend section 42-925, Reissue Revised Statutes of Nebraska, and section 28-323, Revised Statutes Cumulative Supplement, 2006; to require notice of federal law as prescribed; to change provisions for issuance of protection orders; and to repeal the original sections.

**LEGISLATIVE BILL 1026.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to housing agencies; to amend section 71-1590, Reissue Revised Statutes of Nebraska; to change a provision relating to tax-exempt status of housing agency property; and to repeal the

original section.

**LEGISLATIVE BILL 1027.** Introduced by Erdman, 47; Burling, 33; Dubas, 34; Fulton, 29; Hudkins, 21; Karpisek, 32; Louden, 49; McDonald, 41.

A BILL FOR AN ACT relating to agriculture; to amend sections 77-202 and 77-5201, Revised Statutes Cumulative Supplement, 2006; to provide a personal property tax exemption under the Beginning Farmer Tax Credit Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1028.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 44-708, 45-101.04, and 59-1715, Reissue Revised Statutes of Nebraska, and sections 8-1101, 8-1103, 8-1108.01, 8-1116, and 8-1123, Revised Statutes Cumulative Supplement, 2006; to define terms; to regulate operations of a branch office; to prohibit certain fraudulent activities; to harmonize provisions; and to repeal the original sections.

### NOTICE OF COMMITTEE HEARING

Business and Labor

Room 1524

Monday, January 28, 2008 1:30 p.m.

LB819  
LB820  
LB821  
LB833

(Signed) Abbie Cornett, Chairperson

### AMENDMENT - Print in Journal

Senator Pirsch filed the following amendment to LB619:  
AM1576

- 1 1. On page 2, strike lines 7 and 8 and show as stricken;
- 2 in line 9 strike "(b)", show as stricken, and insert "(a)"; in line
- 3 11 strike "(c)", show as stricken, and insert "(b)"; in line 12
- 4 strike "(d)", show as stricken, and insert "(c)"; in line 15 strike
- 5 "(e)", show as stricken, and insert "(d)"; in line 20 strike "(d)",
- 6 show as stricken, and insert "(c)"; and in line 22 strike "(1)(e)",
- 7 show as stricken, and insert "(1)(d)".

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Fischer asked unanimous consent to add her name as cointroducer to LB157. No objections. So ordered.

**RECESS**

At 12:01 p.m., on a motion by Senator Raikes, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senator Harms who was excused; and Senators Dierks, Erdman, Heidemann, Louden, McDonald, Stuthman, and White who were excused until they arrive.

**SPEAKER FLOOD PRESIDING****REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB988	Education
LB989	Revenue
LB990	Education
LB991	Government, Military and Veterans Affairs
LB992	Nebraska Retirement Systems
LB993	General Affairs
LB994	Health and Human Services
LB995	General Affairs
LB996	General Affairs
LB997	Urban Affairs
LB998	Appropriations
LB999	Agriculture
LB1000	Revenue
LB1001	Revenue
LB1002	Banking, Commerce and Insurance
LB1003	Health and Human Services
LB1004	Revenue
LB1005	Education
LB1006	Health and Human Services
LB1007	Revenue
LB1008	Revenue
LB1009	Revenue

LB1010 Revenue  
 LB1011 Banking, Commerce and Insurance

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

### GENERAL FILE

**LEGISLATIVE BILL 575.** Title read. Considered.

Committee AM750, found on page 892, First Session, 2007, was considered.

Senator Kruse offered the following amendment to the committee amendment:

AM1577

(Amendments to Standing Committee amendments, AM750)

- 1 1. On page 1, line 2, strike "2007" and insert "2008".

The Kruse amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Raikes offered the following amendment:

AM1583

- 1 1. On page 2, line 16, after both commas insert
- 2 "nonprofit"; and in line 17 after the first comma insert
- 3 "nonprofit".

Senator Raikes withdrew his amendment.

Senator Raikes offered the following amendment:

AM1587

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. Section 77-2704.12, Revised Statutes
- 4 Cumulative Supplement, 2006, is amended to read:
- 5 77-2704.12 (1) Sales and use taxes shall not be imposed
- 6 on the gross receipts from the sale, lease, or rental of and the
- 7 storage, use, or other consumption in this state of purchases by
- 8 (a) any nonprofit organization created exclusively for religious
- 9 purposes, (b) any nonprofit organization providing services
- 10 exclusively to the blind, (c) any nonprofit private educational
- 11 institution established under sections 79-1601 to 79-1607, (d) any
- 12 nonprofit private college or university established under sections
- 13 85-1101 to 85-1111, (e) any nonprofit (i) hospital, (ii) health
- 14 clinic when two or more hospitals or the parent corporations of

15 the hospitals own or control the health clinic for the purpose of  
16 reducing the cost of health services or when the health clinic  
17 receives federal funds through the United States Public Health  
18 Service for the purpose of serving populations that are medically  
19 underserved, (iii) skilled nursing facility, (iv) intermediate care  
20 facility, (v) assisted-living facility, (vi) intermediate care  
21 facility for the mentally retarded, (vii) nursing facility, (viii)  
22 home health agency, (ix) hospice or hospice service, or (x) respite  
23 care service licensed under the Health Care Facility Licensure  
1 Act, (f) ~~and organized not for profit~~, any nonprofit licensed  
2 child-caring agency, (g) any nonprofit licensed child placement  
3 agency, or (h) any nonprofit organization certified by the  
4 Department of Health and Human Services to provide community-based  
5 services for persons with developmental disabilities.

6 (2) Any organization listed in subsection (1) of this  
7 section shall apply for an exemption on forms provided by the  
8 Tax Commissioner. The application shall be approved and a numbered  
9 certificate of exemption received by the applicant organization in  
10 order to be exempt from the sales and use tax.

11 (3) The appointment of purchasing agents shall be  
12 recognized for the purpose of altering the status of the  
13 construction contractor as the ultimate consumer of building  
14 materials which are physically annexed to the structure and  
15 which subsequently belong to the owner of the organization or  
16 institution. The appointment of purchasing agents shall be in  
17 writing and occur prior to having any building materials annexed  
18 to real estate in the construction, improvement, or repair. The  
19 contractor who has been appointed as a purchasing agent may apply  
20 for a refund of or use as a credit against a future use tax  
21 liability the tax paid on inventory items annexed to real estate  
22 in the construction, improvement, or repair of a project for a  
23 licensed not-for-profit institution.

24 (4) Any organization listed in subsection (1) of this  
25 section which enters into a contract of construction, improvement,  
26 or repair upon property annexed to real estate without first  
27 issuing a purchasing agent authorization to a contractor or  
1 repairperson prior to the building materials being annexed to  
2 real estate in the project may apply to the Tax Commissioner for  
3 a refund of any sales and use tax paid by the contractor or  
4 repairperson on the building materials physically annexed to real  
5 estate in the construction, improvement, or repair.

6 (5) Any person purchasing, storing, using, or  
7 otherwise consuming building materials in the performance of any  
8 construction, improvement, or repair by or for any institution  
9 enumerated in subsection (1) of this section which is licensed upon  
10 completion although not licensed at the time of construction or  
11 improvement, which building materials are annexed to real estate  
12 and which subsequently belong to the owner of the institution,  
13 shall pay any applicable sales or use tax thereon. Upon becoming



14 licensed and receiving a numbered certificate of exemption,  
 15 the institution organized not for profit shall be entitled to  
 16 a refund of the amount of taxes so paid in the performance  
 17 of such construction, improvement, or repair and shall submit  
 18 whatever evidence is required by the Tax Commissioner sufficient  
 19 to establish the total sales and use tax paid upon the building  
 20 materials physically annexed to real estate in the construction,  
 21 improvement, or repair.

The Raikes amendment was adopted with 32 ayes, 2 nays, 13 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:

FA158

P. 2, line 6 after "created" insert "and operated".

Pending.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 269.** Placed on Select File with amendment.

ER8128

- 1 1. On page 1, strike line 2 and insert "23-148, 23-149,
- 2 23-151, 23-202, 23-292, 23-293, 23-294, 23-295, 23-296, 23-297,
- 3 23-299, and 51-201.03,".

**LEGISLATIVE BILL 402.** Placed on Select File with amendment.

ER8127

- 1 1. On page 1, lines 1 and 2, strike "adopt the
- 2 Redistricting Act" and insert "provide duties for the Director
- 3 of Research of the Legislature".

(Signed) Amanda McGill, Chairperson

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 39.** Placed on Final Reading.

ST9061

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

1. The E & R amendments, ER8017, have been struck.
2. On page 1, line 1, "32-628," has been inserted after "sections".

**LEGISLATIVE BILL 171.** Placed on Final Reading.

**LEGISLATIVE BILL 171A.** Placed on Final Reading.

ST9058

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

1. On page 1, line 3, "First Session, 2007" has been struck and "Second Session, 2008" inserted.

**LEGISLATIVE BILL 177.** Placed on Final Reading.

ST9059

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

1. Because of the enactment of Laws 2007, LB 368, the original sections and all amendments thereto have been struck and the following new sections inserted:

Section 1. Section 77-5903, Revised Statutes Supplement, 2007, is amended to read:

77-5903 For purposes of the Nebraska Advantage Microenterprise Tax Credit Act:

(1) Actively engaged in the operation of a microbusiness means personal involvement on a continuous basis in the daily management and operation of the business;

(2) Distressed area means a municipality, county, unincorporated area within a county, or census tract in Nebraska that has (a) an unemployment rate which exceeds the statewide average unemployment rate, (b) a per capita income below the statewide average per capita income, or (c) had a population decrease between the two most recent federal decennial censuses;

(3) Equivalent employees means the number of employees computed by dividing the total hours paid in a year by the product of forty times the number of weeks in a year;

(4) Microbusiness means any business employing five or fewer equivalent employees at the time of application. Microbusiness does not include a farm or livestock operation unless (a) the person actively engaged in the operation of the microbusiness has a net worth of not more than two hundred thousand dollars, including any holdings by a spouse or dependent, based on fair market value, or (b) the investment or employment is in the processing or marketing of agricultural products, aquaculture, agricultural tourism, or the production of fruits, herbs, tree products, vegetables, tree nuts, dried fruits, organic crops, or nursery crops;

(5) New employment means the amount by which the total compensation plus the employer cost for health insurance for employees paid during the tax year to or for employees who are Nebraska residents exceeds the total compensation paid plus the employer cost for health insurance for employees to or for employees who are Nebraska residents in the tax year prior to application. New employment does not include compensation to any employee that is in excess of one hundred fifty percent of the Nebraska average weekly wage. Nebraska average weekly wage means the most recent average weekly wage paid by all employers as reported by October 1 by the Department of Labor;

(6) New investment means the increase during the tax year over the year prior to the application in the applicant's (a) purchases of buildings and depreciable personal property located in Nebraska, (b) and expenditures on repairs and maintenance on property located in Nebraska, not including neither subdivision (a) or (b) of this subdivision to include vehicles required to be registered for operation on the roads and highways of this state, during the tax year, and (c) expenditures on advertising, legal, and professional services. If the buildings or depreciable personal property is leased, the amount of new investment shall be the increase in average net annual rents multiplied by the number of years of the lease for which the taxpayer is bound, not to exceed ten years;

(7) Related persons means (a) any corporation, partnership, limited liability corporation, cooperative, including cooperatives exempt under section 521 of the Internal Revenue Code of 1986, as amended, limited cooperative association, or joint venture which is or would otherwise be a member of the same unitary group, if incorporated, or any person who is considered to be a related person under either section 267(b) and (c) or section 707(b) of the Internal Revenue Code of 1986, as amended, and (b) any individual who is a spouse, parent if the taxpayer is a minor, or minor son or daughter of the taxpayer; and

(8) Taxpayer means any person subject to the income tax imposed by the Nebraska Revenue Act of 1967, any corporation, partnership, limited liability company, cooperative, including a cooperative exempt under section 521 of the Internal Revenue Code of 1986, as amended, limited cooperative association, or joint venture that is or would otherwise be a member of the same unitary group, if incorporated, which is, or whose partners, members, or owners representing an ownership interest of at least ninety percent of such entity are, subject to such tax, and any other partnership, limited liability company, subchapter S corporation, cooperative, including a cooperative exempt under section 521 of the Internal Revenue Code of 1986, as amended, limited cooperative association, or joint venture when the partners, shareholders, or members representing an ownership interest of at least ninety percent of such entity are subject to such tax.

The changes made to this section by this legislative bill shall be operative for all applications for benefits received on or after the effective date of this act.

Sec. 2. Original section 77-5903, Revised Statutes Supplement, 2007, is repealed.

2. On page 1, line 2, "Cumulative" has been struck; in line 3 "2006" has been struck and "2007" inserted; in line 4 "to" has been struck; and in line 5 "provide an operative date;" has been struck.

**LEGISLATIVE BILL 204.** Placed on Final Reading.  
ST9060

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

1. In lieu of the Burling amendment, AM1552, in the Synowiecki amendment, AM845, on page 1, line 17, "one" has been struck, shown as

stricken, and "five" inserted; in line 18 the comma has been struck; and in line 19 "for purposes of the act;" has been struck, shown as stricken, and an underscored semicolon inserted.

2. On page 1, line 1, "48-2103," has been inserted after the comma.

**LEGISLATIVE BILL 204A.** Placed on Final Reading.  
ST9057

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

1. On page 1, line 3, "First Session, 2007" has been struck and "Second Session, 2008" inserted.

2. On page 2, line 6, "First Session, 2007" has been struck and "Second Session, 2008" inserted; in lines 2 and 9, "FY2007-08" has been struck and "FY2008-09" inserted; and in lines 3 and 9 "FY2008-09" has been struck and "FY2009-10" inserted.

**LEGISLATIVE BILL 246.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1029.** Introduced by Fulton, 29; Ashford, 20; Engel, 17; Erdman, 47; Hansen, 42; Lautenbaugh, 18; Nantkes, 46; Stuthman, 22; Synowiecki, 7; Wightman, 36.

A BILL FOR AN ACT relating to social services; to amend section 68-1206, Revised Statutes Supplement, 2007; to change provisions relating to contracts; and to repeal the original section.

**LEGISLATIVE BILL 1030.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to elections; to amend section 32-606, Revised Statutes Supplement, 2007; to change the filing deadline for candidates for the school board of a Class IV school district; and to repeal the original section.

**LEGISLATIVE BILL 1031.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to protective services; to amend sections 28-377 and 28-726, Revised Statutes Supplement, 2007; to change provisions relating to confidentiality requirements for persons engaged in bona fide research or auditing; and to repeal the original sections.

**LEGISLATIVE BILL 1032.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to crimes and offenses; to amend section

28-101, Revised Statutes Supplement, 2007; to prohibit use of computer programs, software, or devices for purposes of ticket scalping; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1033.** Introduced by Synowiecki, 7; Aguilar, 35; Burling, 33; Flood, 19; Janssen, 15; Lathrop, 12; Preister, 5; Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,196.01, Reissue Revised Statutes of Nebraska, and sections 77-27,187.02 and 77-27,188, Revised Statutes Supplement, 2007; to change application requirements for the Nebraska Advantage Rural Development Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1034.** Introduced by Louden, 49; Adams, 24; Avery, 28; Engel, 17; Erdman, 47.

A BILL FOR AN ACT relating to state roads; to amend section 39-1302, Revised Statutes Cumulative Supplement, 2006; to designate the state expressway system; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1035.** Introduced by Louden, 49; Avery, 28.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-1302, Revised Statutes Cumulative Supplement, 2006, and section 84-612, Revised Statutes Supplement, 2007; to create the Expressway Construction Fund and provide for its use; to designate the state expressway system; to transfer money from the Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1036.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Reissue Revised Statutes of Nebraska; to change provisions relating to a tax levy for health and safety modifications or qualified zone academy bonds; and to repeal the original section.

**LEGISLATIVE BILL 1037.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska; to change the income tax rate and sales tax rate; and to repeal the original sections.

**LEGISLATIVE BILL 1038.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2007; to change an income tax adjustment relating to interest and dividends; to provide an operative date;

and to repeal the original section.

**LEGISLATIVE BILL 1039.** Introduced by Janssen, 15; Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to create a task force related to agricultural land valuation; and to provide duties for the Department of Revenue.

**LEGISLATIVE BILL 1040.** Introduced by Louden, 49; Adams, 24; Carlson, 38; Hansen, 42; Hudkins, 21; Karpisek, 32; Pankonin, 2; Wallman, 30.

A BILL FOR AN ACT relating to ethanol; to amend sections 61-218, 66-1345.01, and 66-1345.02, Revised Statutes Supplement, 2007; to impose a tax on ethanol production and provide for its use; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1041.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water; to protect water purchased or leased by the state and certain natural resources districts; to provide a duty for the Revisor of Statutes; and to declare an emergency.

#### GENERAL FILE

**LEGISLATIVE BILL 575.** The Chambers amendment, FA158, found in this day's Journal, was renewed.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

#### BILL ON FIRST READING

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

**LEGISLATIVE BILL 1042.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to consumer protection; to adopt the Resale of Tickets to Entertainment Events Act; to provide penalties; and to provide severability.

#### MOTION - Print in Journal

Senator Langemeier filed the following motion to LB202:

MO108

Indefinitely postpone.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB51. No objections. So ordered.

Senator Preister asked unanimous consent to add his name as cointroducer to LB809. No objections. So ordered.

Senator Pankonin asked unanimous consent to add his name as cointroducer to LB983. No objections. So ordered.

Senator Christensen asked unanimous consent to add his name as cointroducer to LB1022. No objections. So ordered.

**NOTICE OF COMMITTEE HEARING**

Revenue

Room 1524

Friday, January 25, 2008 1:30 p.m.

LB754  
LB979  
LB1004  
LB718  
LB949  
LB890

(Signed) Ray Janssen, Chairperson

**VISITORS**

Visitors to the Chamber were Starlight Fonseca from Hastings; and Dennis Mitchell from Norfolk and Al Pfeifer from Madison.

The Doctor of the Day was Dr. Kevin Wycoff from Hastings.

**ADJOURNMENT**

At 3:18 p.m., on a motion by Senator Nelson, the Legislature adjourned until 9:00 a.m., Friday, January 18, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTH DAY - JANUARY 18, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 18, 2008

**PRAYER**

The prayer was offered by Beth Llewellyn, Mission Integration - Alegant Health, Omaha.

**ROLL CALL**

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

The roll was called and all members were present except Senators Harms and Johnson who were excused; and Senators Ashford, Chambers, Cornett, Heidemann, Langemeier, and Lathrop who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**PROPOSED RULES CHANGES**

The Rules Committee offered the following proposed rules changes:

1. Amend Rule 3 Sec. 4

Add new subsection (h)

(i) The Redistricting Committee of the Legislature shall be established as a special committee of the Legislature in January of each year ending in one. The committee is authorized to introduce and exercise jurisdiction over legislative bills and resolutions relating to redistricting and hold hearings regarding such legislation.

(ii) The committee shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of each year ending in zero. The Executive Board shall appoint the members of the committee in January of each year ending in one. No more than five

members appointed to the committee shall be affiliated with the same political party. A vacancy on the committee shall be filled by the Executive Board as soon as possible after the vacancy occurs.

(iii) At the first meeting of the committee, the members shall select from among themselves by majority vote one member to serve as chairperson of the committee and one member to serve as vice-chairperson of the committee. The chair and vice chair shall not be a member of the same political party.

(iv) The committee shall continue in existence until all bills containing redistricting plans for which the Legislature has responsibility are passed and signed by the Governor. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall be reconstituted for purposes of reformulating the challenged redistricting plan.

(v) The committee shall receive staff support from the office of the director of Legislative Research.

(vi) The committee shall, after reviewing previous redistricting guidelines used by the Legislature, adopt substantive and procedural guidelines that will guide the Legislature's redistricting process. During the legislative session of each year ending in one, the substantive guidelines adopted by the committee shall be presented to the Legislature for approval.

(vii) The committee shall at the earliest feasible time make available to the public the substantive guidelines prepared by the committee.

(viii) The committee shall introduce legislative bills pertaining to redistricting congressional districts and other districts during the legislative session of each year ending in one.

(ix) Based upon the information received from the United States Department of Commerce, Bureau of the Census, the committee shall formulate redistricting plans for congressional districts and other districts. The statistics and redistricting plans shall be made available to the Legislature and the public.

(x) After the statistics and redistricting plans are made available to the Legislature and the public, the committee shall schedule and conduct, as expeditiously as reasonably possible, at least one public hearing in each congressional district for the purposes of soliciting input on the proposed redistricting plans. Video and other methods may be used in addition to the procedures outlined for public hearings but not in substitution for such procedures.

(xi) In addition to the above procedures, legislation introduced for the purpose of complying with the decennial redistricting process in years

ending in one, shall follow the normal procedures for any legislation introduced in the Nebraska Legislature.

**COMMITTEE REPORT**  
Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

Elaine Stuhr - Public Employees Retirement Board

Aye: 6 Senators Erdman, Heidemann, Karpisek, Loudon, Synowiecki, White. Nay: 0. Absent: 0.

(Signed) John Synowiecki, Chairperson

**AMENDMENT - Print in Journal**

Senator Louden filed the following amendment to LB579:  
AM1591

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Legislature finds that it is in the
- 4 interest of the state to:
- 5 (1) Facilitate investment in customer-owned renewable
- 6 energy resources;
- 7 (2) Stimulate the economic growth of the state;
- 8 (3) Enhance the continued diversification of the energy
- 9 resources used in this state as long as diversification does not
- 10 shift fixed costs to other distribution system customers; and
- 11 (4) Ensure that electric consumers throughout the state
- 12 are treated equitably when providing incentives for renewable
- 13 energy development that benefits the state.
- 14 Sec. 2. For purposes of sections 1 to 6 of this act:
- 15 (1) Customer-generator means the end-use customer that is
- 16 the owner or operator of a qualified generation unit;
- 17 (2) Facility charges means the local distribution
- 18 system's costs associated with providing electric service for the
- 19 customer-generator that are not avoidable by the local distribution
- 20 utility as a result of the operation of a qualified generation unit
- 21 rated above ten kilowatts;
- 22 (3) Local distribution system means any system utilized
- 23 for the distribution of electric energy to the end-use consumer.
- 1 Transmission facilities rated higher than sixty-nine kilovolts
- 2 shall not be considered a component of the local distribution
- 3 system;
- 4 (4) Local distribution utility means a public power
- 5 district, public power and irrigation district, individual

6 municipality, or nonprofit electric cooperative corporation which  
7 is the owner or operator of the local distribution system to which  
8 the customer-generator is interconnected;

9 (5) Qualified generation unit means a facility for the  
10 generation of electricity which:

11 (a) Uses as its energy source solar, wind, biomass, or  
12 hydropower resources;

13 (b) Is located on premises that are owned, operated,  
14 leased, or otherwise controlled by the customer-generator;

15 (c) Operates parallel with the local distribution system;

16 (d) Is intended primarily to offset part of or all of the  
17 customer-generator's requirements for electric energy at the same  
18 location;

19 (e) Is not intended to offset or provide credits for  
20 electric consumption at another location owned, operated, leased,  
21 or otherwise controlled by the customer-generator or for any other  
22 customer; and

23 (f) Meets all applicable safety, performance, and  
24 reliability standards established by the National Electrical Code  
25 filed with the Secretary of State and adopted by the State  
26 Electrical Board under subdivision (5) of section 81-2104, the  
27 National Electrical Safety Code, the Institute of Electrical and  
1 Electronics Engineers, Underwriters Laboratories, Inc., and the  
2 American National Standards Institute and meets the interconnection  
3 standards adopted by the local distribution utility;

4 (6) Customer-generator rate class means a rate class for  
5 customers that interconnect qualified generation units rated above  
6 ten kilowatts to the local distribution system;

7 (7) Excess generation means the energy generated which  
8 exceeds the customer-generator's requirements for electric energy  
9 at the same location; and

10 (8) Net metering means billing the customer-generator  
11 according to the difference between the amount of electricity  
12 supplied by the local distribution utility in a billing period and  
13 the amount of electricity generated from the customer side of the  
14 meter using a qualified generation unit.

15 Sec. 3. (1) A local distribution utility  
16 shall interconnect the qualified generation unit of any  
17 customer-generator that the local distribution utility serves if  
18 the customer-generator pays for any costs incurred by a local  
19 distribution utility for equipment or services required for safety  
20 or performance necessary to meet the standards referred to in  
21 sections 1 to 6 of this act.

22 (2) A local distribution utility shall provide at  
23 no additional cost to any customer-generator with a qualified  
24 generation unit a meter that is capable of measuring the flow of  
25 electricity in both directions at the same rate. Such measurement  
26 for a qualified generation unit rated ten kilowatts or less may  
27 be accomplished through use of a single, bidirectional electric

1 revenue meter that has only a single register for billing purposes.  
2 (3) A local distribution utility may, at its own expense,  
3 install additional monitoring equipment to separately monitor the  
4 flow of electricity in each direction.

5 (4) A local distribution utility may create a  
6 customer-generator rate class or classes for qualified generation  
7 units rated above ten kilowatts. Rate classes shall be based on a  
8 cost of service study, may be designated according to the size of  
9 a qualified generation unit, shall be nondiscriminatory, and may  
10 allow for facility charges to cover the use of the distribution  
11 system. In addition, rates shall be developed for purchases or  
12 deliveries of electricity by the customer-generator for qualified  
13 generation units rated above ten kilowatts. Such rates shall  
14 not be less than the wholesale power supply costs of the local  
15 distribution utility and shall provide monetary credits to the  
16 customer-generator for its excess generation deliveries. Monetary  
17 credits shall be applied to monthly bills of the customer-generator  
18 for the preceding monthly period and shall offset the cost of  
19 energy owed by the customer-generator. If the energy portion of  
20 the customer-generator's bill is less than zero in any month,  
21 monetary credits shall be carried over to future bills of the  
22 customer-generator until the balance is zero. At the end of the  
23 calendar year, any excess monetary credits shall be paid out to  
24 coincide with the final bill of each calendar year.

25 (5) A local distribution utility shall provide net  
26 metering service to any customer-generator with a qualified  
27 generation unit rated at ten kilowatts or less. Excess generation  
1 shall be compensated as a monetary credit not less than the  
2 average wholesale cost per kilowatt hour for the distribution  
3 utility for the month of generation. Monetary credits shall  
4 be applied to monthly bills of the customer-generator for the  
5 preceding monthly period and shall offset the cost of energy  
6 owed by the customer-generator. If the energy portion of the  
7 customer-generator's bill is less than zero in any month,  
8 monetary credits shall be carried over to future bills of the  
9 customer-generator until the balance is zero. At the end of the  
10 calendar year, any excess monetary credits shall be paid out to  
11 coincide with the final bill of each calendar year. Facilities  
12 charges shall not be applied to customer-generators having  
13 qualified generation units less than ten kilowatts. Nothing in this  
14 section shall prevent a local distribution utility from providing  
15 net metering services to customer-generators having qualified  
16 generation units at or above ten kilowatts with the approval of  
17 the governing board.

18 (6) A local distribution utility shall not be required  
19 to provide net metering service to additional customer-generators  
20 regardless of size after the date during a calendar year on which  
21 the total generating capacity of all customer-generators using net  
22 metering served by such local distribution utility is equal to

23 or in excess of one percent of the capacity necessary to meet  
24 the local distribution utility's average aggregate customer monthly  
25 peak demand forecast for that calendar year.

26 (7) A local distribution utility shall not be liable  
27 directly or indirectly for permitting the interconnection of  
1 a qualified generation unit or for acts or omissions of the  
2 customer-generator that cause property damage or injury, including  
3 death, to any third party, to the local distribution utility, or to  
4 the customer-generator. The distribution utility may require proof  
5 of liability insurance coverage.

6 Sec. 4. (1) A customer-generator shall, at its own  
7 expense, provide lockable switching equipment capable of isolating  
8 the qualified generation unit from the local distribution system.  
9 The equipment shall be approved by the local distribution utility  
10 and shall be accessible by the local distribution utility at all  
11 times.

12 (2) A customer-generator shall request an inspection  
13 from the State Electrical Division pursuant to subsection (1)  
14 of section 81-2124 or subsection (1) of section 81-2125 and  
15 shall provide documentation of the completed inspection to the  
16 local distribution utility prior to interconnection with the local  
17 distribution system.

18 (3) A customer-generator is responsible for notifying the  
19 local distribution utility of its intent to install a qualified  
20 generation unit at least sixty days prior to its installation  
21 and is responsible for all costs associated with the qualified  
22 generation unit, including all costs related to any modifications  
23 to the qualified generation unit or the local distribution system  
24 that may be required for the purpose of safety and reliability.

25 (4) A customer-generator owns the renewable energy  
26 credits of the electricity it generates.

27 Sec. 5. No local distribution utility may require a  
1 customer-generator whose qualified generation unit meets the  
2 standards of sections 1 to 6 of this act to comply with additional  
3 safety, performance, or reliability standards or to perform or pay  
4 for additional tests.

5 Sec. 6. Sections 3 to 5 of this act do not apply  
6 to any local distribution utility that, prior to the effective  
7 date of this act, has properly adopted a net metering standard  
8 utilizing the public process set forth in the federal Public  
9 Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601 et seq., as  
10 such act existed on the effective date of this act.

11 Sec. 7. Section 70-1012, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 70-1012 Before any electric generation facilities or any  
14 transmission lines or related facilities carrying more than seven  
15 hundred volts are constructed or acquired by any supplier, an  
16 application, filed with the board and containing such information  
17 as the board shall prescribe, shall be approved by the board,

18 except that such approval shall not be required (1) for the  
19 construction or acquisition of a transmission line extension or  
20 related facilities within a supplier's own service area or for the  
21 construction or acquisition of a line not exceeding one-half mile  
22 outside its own service area when all owners of electric lines  
23 located within one-half mile of the extension consent thereto in  
24 writing and such consents are filed with the board, (2) for any  
25 generation facility when the board finds that: (a) Such facility is  
26 being constructed or acquired to replace a generating plant owned  
27 by an individual municipality or registered group of municipalities  
1 with a capacity not greater than that of the plant being replaced,  
2 (b) such facility will generate less than twenty-five thousand  
3 kilowatts of electric energy at rated capacity, and (c) the  
4 applicant will not use the plant or transmission capacity to supply  
5 wholesale power to customers outside the applicant's existing  
6 retail service area or chartered territory, ~~or~~ (3) for acquisition  
7 of transmission lines or related facilities, within the state,  
8 carrying one hundred fifteen thousand volts or less, if the current  
9 owner of the transmission lines or related facilities notifies the  
10 board of the lines or facilities involved in the transaction and  
11 the parties to the transaction, or (4) for the construction of a  
12 new, or the interconnection of an existing, qualified generation  
13 unit as defined in section 2 of this act.

14 Sec. 8. Original section 70-1012, Reissue Revised  
15 Statutes of Nebraska, is repealed.

**NOTICE OF COMMITTEE HEARING**  
Transportation and Telecommunications

Room 1113

Monday, January 28, 2008 1:30 p.m.

LB827  
LB756  
LB834  
LB910  
LB709

(Signed) Deb Fischer, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 17, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Amack, Angela K.

Electrical Workers, International Brotherhood of  
Grand Island Public Schools

American Communications Group, Inc.

Empyrean Brewing Company

Berryman, Scott

American Civil Rights Coalition  
Swimming Pool Foundation, National

Bunger, Charles K.

Slusky Public Affairs

Burhan, Charles H.

Liberty Mutual Insurance

Kelley & Lehan, P.C.

Elevator Industry Work Preservation

Larsen, Carlin L.

Qwest Communications

Mines, Mick

American Civil Rights Coalition  
Gateway Development Corp.  
League of Nebraska Municipalities  
Swimming Pool Foundation, National

O'Hara, Lindsay & Associates, Inc.

Nebraskans for the Arts

Plucker, Julia

Bennington Public Schools  
Community Alliance, Inc.  
Credit Union League and Affiliates, Nebraska  
Moylan, James  
Nebraska School Activities Association

Slusky Public Affairs LLC

Floodway Project Group, Inc.

Vickers, Tom

Postsecondary Career Schools, Nebraska Council of Private

Wesely, Don

After Trading Corporation



## REPORTS

The following reports were received by the Legislature:

**Investment Finance Authority, Nebraska (NIFA)**

Drinking Water State Revolving Fund Revenue Bonds Series 2007 A,  
Quarterly Reports

**Roads, Department of**

Board of Public Roads Classifications and Standards Minutes for  
November 2007

## BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1043.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to security services; to amend sections 81-1423 and 81-1425, Revised Statutes Cumulative Supplement, 2006; to adopt the Security Services Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1044.** Introduced by Raikes, 25; Avery, 28; Fulton, 29; Hudkins, 21; McGill, 26; Nantkes, 46; Preister, 5; Schimek, 27; Wallman, 30.

A BILL FOR AN ACT relating to the state fair; to amend sections 2-101 and 2-104, Revised Statutes Cumulative Supplement, 2006; to create the State Fair Future Commission and provide powers and duties; to provide for relocation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1045.** Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to insurance; to change provisions relating to coverage changes in property and casualty and automobile liability policies; and to provide a duty for the Revisor of Statutes.

## GENERAL FILE

**LEGISLATIVE BILL 706.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 707.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 235.** Title read. Considered.

Committee AM818, found on page 940, First Session, 2007, was considered.

Senator Nantkes offered the following amendment to the committee amendment:

AM1588

(Amendments to Standing Committee amendments, AM818)

- 1 1. Insert the following new section:
- 2 Section 1. Sections 1 to 5 of this act shall be known and
- 3 may be cited as the Nebraska Advantage Film Production Incentive
- 4 Act.
- 5 2. On page 1, line 3, strike "sections 1 to 4 of this
- 6 act" and insert "the Nebraska Advantage Film Production Incentive
- 7 Act".
- 8 3. On page 2, lines 8 and 9 and 15; and page 5, lines 4
- 9 and 5, strike "Game and Parks Commission" and insert "Department of
- 10 Economic Development".
- 11 4. On page 5, line 6, strike "sections 1 to 3 of this
- 12 act" and insert "the Nebraska Advantage Film Production Incentive
- 13 Act"; in line 7 strike each occurrence of "commission" and insert
- 14 "department"; and in line 9 strike "such sections" and insert "the
- 15 act".
- 16 5. Renumber the remaining sections accordingly.

## **PRESIDENT SHEEHY PRESIDING**

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

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

## **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1012	Revenue
LB1013	Education
LB1014	Judiciary
LB1015	Judiciary

LB1016 Business and Labor  
LB1017 Revenue  
LB1018 Appropriations  
LB1019 Business and Labor  
LB1020 Business and Labor  
LB1021 Education  
LB1022 Health and Human Services  
LB1023 Education  
LB1024 Judiciary  
LB1025 Judiciary  
LB1026 Revenue  
LB1027 Agriculture  
LB1028 Banking, Commerce and Insurance  
LB1029 Health and Human Services  
LB1030 Government, Military and Veterans Affairs  
LB1031 Health and Human Services  
LB1032 Judiciary  
LB1033 Revenue  
LB1034 Transportation and Telecommunications  
LB1035 Appropriations  
LB1036 Education  
LB1037 Revenue  
LB1038 Revenue  
LB1039 Revenue  
LB1040 Revenue  
LB1041 Natural Resources  
LB1042 Judiciary

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

**NOTICE OF COMMITTEE HEARINGS**

Natural Resources

Room 1525

Friday, January 25, 2008 1:30 p.m.

LB880  
LB945

Kent Forney - Nebraska Game and Parks Commission  
Donald Williams - Environmental Quality Council

(Signed) LeRoy Louden, Chairperson

General Affairs

Room 1510

Monday, January 28, 2008 1:30 p.m.

LB723

LB760

LB995

John F. Hiller - State Electrical Board

(Signed) Vickie McDonald, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1046.** Introduced by Burling, 33.

A BILL FOR AN ACT relating to the Nebraska Advantage Rural Development Act; to amend section 77-27,187.02, Revised Statutes Supplement, 2007; to change application provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1047.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to government; to amend section 81-1174, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to reimbursement of travel expenses as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1048.** Introduced by Nantkes, 46; Engel, 17; Fulton, 29.

A BILL FOR AN ACT relating to birth certificates; to amend section 71-601, Revised Statutes Cumulative Supplement, 2006; to provide for birth certificates for stillbirths; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1049.** Introduced by Erdman, 47; Christensen, 44; Dubas, 34; Wallman, 30.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-101, Reissue Revised Statutes of Nebraska; to change provisions relating to membership and terms; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1050.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-101, 37-103, 37-104, 37-105, 37-106, 37-107, 37-108, 37-109, 37-110, 37-312, 37-314, 37-321, 37-323, 37-325, 37-327.01, 37-448, 37-463, 37-493, 37-494, 37-512, 37-562, 37-613, 37-624, 37-705, 37-721, 37-805, 37-806, 37-807, 37-808, 37-809, 37-1219, 37-1220, 60-677, 60-6,190, 66-1701, 72-223, 72-269, and 72-2007, Reissue Revised Statutes of Nebraska, section 2-5003, Revised Statutes Cumulative Supplement, 2006, and sections 37-406, 37-431, 49-617, 81-101, 81-102, 81-15,170, and 86-570, Revised Statutes Supplement, 2007; to change provisions relating to the Game and Parks Commission; to create the Game and Parks Commission Advisory Board; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-8,307 and 81-8,308, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1051.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to maintenance of county roads; to amend sections 39-1811 and 39-1812, Reissue Revised Statutes of Nebraska; to change provisions regarding the mowing of weeds and the trimming of trees; and to repeal the original sections.

**LEGISLATIVE BILL 1052.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development; and to declare an emergency.

**LEGISLATIVE BILL 1053.** Introduced by Erdman, 47; Dierks, 40; Dubas, 34.

A BILL FOR AN ACT relating to agriculture; to create a production incentive for biodiesel; and to create a fund.

**LEGISLATIVE BILL 1054.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-111, 28-115, 28-311, 28-318, 28-319, 28-319.01, 28-320.01, 28-320.02, 28-707, 29-110, 29-119, 29-1926, 29-2028, 29-2221, 29-2290, 29-2923, 29-4003, 29-4103, 42-1203, 71-6908, 79-267, 81-1850, and 83-174.02, Revised Statutes Cumulative Supplement, 2006, and sections 28-101, 43-2933, and 83-4,143, Revised Statutes Supplement, 2007; to create the offense of unlawful sexual intercourse; to provide penalties; to provide an affirmative defense; to harmonize provisions; and to repeal the original sections.

## GENERAL FILE

**LEGISLATIVE BILL 235A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 202.** Title read. Considered.

Committee AM13, found on page 677, First Session, 2007, lost with 4 ayes, 16 nays, 25 present and not voting, and 4 excused and not voting.

Senator Louden renewed his amendment, AM1540, found on page 147.

The Louden amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Langemeier withdrew his motion, MO108, found on page 278, to indefinitely postpone.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 639.** Title read. Considered.

Committee AM483, found on page 685, First Session, 2007, was considered.

Senator Kopplin renewed his amendment, AM729, found on page 885, First Session, 2007, to the committee amendment.

Pending.

### **NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Friday, January 25, 2008 1:30 p.m.

LB929  
LB934  
LB958  
LB826  
LB950  
LB872

(Signed) Brad Ashford, Chairperson

Education

Room 1525

Monday, January 28, 2008 1:30 p.m.

LB987

Riko Bishop - Coordinating Commission for Postsecondary Education

(Signed) Ron Raikes, Chairperson

Agriculture

Room 1524

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

LB875

LB1027

LB789

Melvin Valasek - Beginning Farmer Board

Todd Reed - Beginning Farmer Board

Darrell Mark - Beginning Farmer Board

Mark Graff - Beginning Farmer Board

Donald Anthony - Beginning Farmer Board

(Signed) Philip Erdman, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 639.** The Kopplin amendment, AM729, found on page 885, First Session, 2007, and considered in this day's Journal, to the committee amendment, was renewed.

Senator Ashford offered the following motion:

MO109

Bracket until April 15, 2008.

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

The Ashford motion to bracket prevailed with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1055.** Introduced by McDonald, 41.

A BILL FOR AN ACT relating to dogs; to amend sections 54-608, 54-610, 54-611, 54-613, 54-614, 54-615, 54-616, 54-617, 54-618, 54-619, 54-620, 54-623, and 54-624, Reissue Revised Statutes of Nebraska; to change provisions relating to dogs running at large and dangerous dogs; to provide penalties; to provide powers and duties to counties; to harmonize provisions; to repeal the original sections; to outright repeal sections 54-607 and 54-609, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 1056.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to cities of the first class; to adopt the First-Class City Merger Act.

**LEGISLATIVE BILL 1057.** Introduced by Howard, 9; Raike, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-598, 79-1035, and 79-1035.02, Reissue Revised Statutes of Nebraska, and section 79-1018.01, Revised Statutes Supplement, 2007; to adopt the Common Schools Facilities Equalization Aid Act; to eliminate a prohibition on receiving the state apportionment; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 1058.** Introduced by McDonald, 41; Pankonin, 2.

A BILL FOR AN ACT relating to gambling; to amend sections 71-816 and 71-817, Revised Statutes Cumulative Supplement, 2006, and section 9-812, Revised Statutes Supplement, 2007; to change provisions relating to the distribution of the State Lottery Operation Trust Fund and the use of the Compulsive Gamblers Assistance Fund; to state intent; to rename and change powers and duties of the State Advisory Committee on Problem Gambling and Addiction Services; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1059.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to deer; to amend section 37-448, Reissue Revised Statutes of Nebraska, and sections 37-201 and 37-447, Revised Statutes Supplement, 2007; to change fees for permits to hunt deer; to change provisions relating to special deer depredation seasons; to provide for donation of deer to food banks; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1060.** Introduced by Fulton, 29.



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

## RESOLUTION

**LEGISLATIVE RESOLUTION 229CA.** Introduced by McDonald, 41.

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 XIII, section 2:

XIII-2 Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate ~~from local sources of revenue~~ such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. ~~For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and~~

~~shall not include any funds received by the city or village which are derived from state or federal sources.~~

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 change the powers of municipalities relating to fund sources for economic or industrial development.

For

Against.

Referred to the Reference Committee.

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

Senator Howard asked unanimous consent to add her name as cointroducer to LB807. No objections. So ordered.

Senator Pahls asked unanimous consent to add his name as cointroducer to LB895 and LB987. No objections. So ordered.

### **COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 205.** Placed on Select File with amendment. ER8129

- 1 1. In lieu of the Gay amendment, FA154, on page 2, line
- 2 10, strike "at a designated school bus stop.".

**LEGISLATIVE BILL 210.** Placed on Select File.

**LEGISLATIVE BILL 312.** Placed on Select File.

**LEGISLATIVE BILL 379.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### **NOTICE OF COMMITTEE HEARING**

Education

Room 1525

Monday, January 28, 2008 1:30 p.m.

Carol Zink - Coordinating Commission for Postsecondary Education

(Signed) Ron Raikes, Chairperson

### **VISITOR**

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 11:44 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, January 22, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**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:

<b>LB/LR</b>	<b>Committee</b>
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



**TENTH DAY - JANUARY 23, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 23, 2008

**PRAYER**

The prayer was offered by Pastor Todd Burpo, Crossroads Wesleyan Church, Imperial.

**ROLL CALL**

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

The roll was called and all members were present except Senator Harms who was excused; and Senators Cornett, Engel, Heidemann, Lautenbaugh, Preister, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1047	Government, Military and Veterans Affairs
LB1055	Judiciary

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

**COMMITTEE REPORT**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 715.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Revenue

Room 1524

Wednesday, January 30, 2008 1:30 p.m.

LB758  
LB846  
LB881  
LB946  
LB1040

(Signed) Ray Janssen, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 30, 2008 1:30 p.m.

LB720  
LB817  
LB870  
LB981

(Signed) Ray Aguilar, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1091.** Introduced by Gay, 14; Cornett, 45; Kopplin, 3; Pankonin, 2.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-1333, Reissue Revised Statutes of Nebraska; to provide for private entrances and exits and approach roads on expressways; and to repeal the original section.

**LEGISLATIVE BILL 1092.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,266 and 79-609, Reissue Revised Statutes of Nebraska, and section 60-6,265, Revised Statutes Supplement, 2007; to change provisions relating to occupant protection systems; to require occupant protection systems for school buses as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1093.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

**LEGISLATIVE BILL 1094.** Introduced by Carlson, 38; Christensen, 44.

A BILL FOR AN ACT relating to the Nebraska Resources Development Fund; to amend sections 2-1586 and 2-1589, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to allocations from the fund; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1095.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to the State Natural Gas Regulation Act; to amend section 66-1852, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the extension of natural gas mains and services; and to repeal the original section.

**LEGISLATIVE BILL 1096.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-901, Reissue Revised Statutes of Nebraska; to provide for the hiring of a fire chief in a city of the first class as prescribed; to change provisions relating to the use of a volunteer department trust fund; and to repeal the original section.

**LEGISLATIVE BILL 1097.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to law enforcement; to amend sections 60-3,135 and 60-480.01, Revised Statutes Supplement, 2007; to authorize the issuance of undercover license plates and undercover drivers' licenses to federal law enforcement agencies; and to repeal the original sections.

**LEGISLATIVE BILL 1098.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 35-508, 35-514.02, and 77-3443, Reissue Revised Statutes of Nebraska, and sections 35-509, 77-3442, and 77-3444, Revised Statutes Supplement, 2007; to change levy provisions for rural and suburban fire protection districts; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1099.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to electricity; to amend sections 18-2441, 70-306, 70-1002.03, 70-1018, 70-1504, and 75-719, Reissue Revised Statutes of Nebraska, and section 75-109.01, Revised Statutes Cumulative Supplement, 2006; to adopt the Electrical Power Plant Siting Act and the Electric Transmission Line Siting Act; to change and eliminate certain

powers and duties of the Nebraska Power Review Board and the Public Service Commission; to harmonize provisions; to repeal the original sections; and to outright repeal sections 70-1012, 70-1012.01, 70-1013, 70-1014, 70-1014.01, 70-1015, 75-702, 75-703, 75-704, 75-705, 75-706, 75-707, 75-715, and 75-718, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1100.** Introduced by Adams, 24; Ashford, 20.

A BILL FOR AN ACT relating to teachers; to amend section 79-1035, Reissue Revised Statutes of Nebraska, and sections 9-812, 77-27,132, 79-1003, 79-1018.01, 79-1028, 84-612, and 84-613, Revised Statutes Supplement, 2007; to adopt the Quality Education Trust Act; to create the Professional Teacher Compensation Program and a fund; to provide for appropriations; to create the Professional Teacher Knowledge and Skills Compensation Pilot Program; to provide for grants; to change provisions relating to the Education Innovation Fund, allocation of certain sales and use tax proceeds as prescribed, and the apportionment of school funds; to change provisions relating to funding under the Tax Equity and Educational Opportunities Support Act; to provide for transfers from the Cash Reserve Fund; to harmonize provisions; and to repeal the original sections.

### GENERAL FILE

**LEGISLATIVE BILL 465.** Title read. Considered.

Committee AM485, found on page 691, First Session, 2007, was considered.

### SENATOR FRIEND PRESIDING

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

Senator Stuthman moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The motion to cease debate failed with 19 ayes, 9 nays, 19 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 5 nays, 10 present and not voting, and 2 excused and not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1101.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2101, Revised Statutes Supplement, 2007; to provide financing information requirements for redevelopment plans as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1102.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to the State Natural Gas Regulation Act; to amend section 66-1802, Reissue Revised Statutes of Nebraska, and section 66-1801, Revised Statutes Cumulative Supplement, 2006; to define terms; to provide requirements for infrastructure system replacement mechanisms as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1103.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to farm wineries; to amend section 53-123.13, Reissue Revised Statutes of Nebraska, section 53-123.11, Revised Statutes Cumulative Supplement, 2006, and section 53-103, Revised Statutes Supplement, 2007; to redefine a term; to change requirements for sale and purchase of wines as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1104.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-2001 and 38-2037, Revised Statutes Supplement, 2007; to provide for unlawful billing practices as prescribed; to change disciplinary action provisions relating to unprofessional conduct; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1105.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Revised Statutes Supplement, 2007; to provide that compensation court documents and information are confidential; to provide exceptions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1106.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1310, Revised Statutes Cumulative Supplement, 2006; to create the offense of intimidation by electronic communication device; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 1107.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to courts; to amend sections 24-1301 and 24-1302, Revised Statutes Cumulative Supplement, 2006; to provide for problem solving court programs; to state intent; and to repeal the original sections.

**LEGISLATIVE BILL 1108.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to mental health practitioners; to amend sections 38-2112 and 38-2124, Revised Statutes Supplement, 2007; to redefine a term; to change licensure requirements; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1109.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2604, 37-351, 77-2610, 85-1,114, and 85-327, Reissue Revised Statutes of Nebraska, and sections 77-2602 and 81-638, Revised Statutes Supplement, 2007; to change provisions relating to cigarette tax revenue; to provide for appropriations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1110.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1775.01 and 77-3523, Reissue Revised Statutes of Nebraska, sections 13-509, 18-2147, 77-1315, 77-1315.01, 77-1338, 77-1345.01, 77-1363, 77-1502, 77-1504.01, 77-1507, 77-1510, 77-1510.01, 77-1606, 77-1608, 77-1610, 77-3519, and 77-3520, Revised Statutes Cumulative Supplement, 2006, and sections 25-1901, 49-506, 49-617, 60-3,188, 60-3,189, 77-202.04, 77-202.12, 77-422, 77-612, 77-684, 77-701, 77-702, 77-802.02, 77-1233.06, 77-1249, 77-1311, 77-1327, 77-1330, 77-1344, 77-1347.01, 77-1504, 77-1507.01, 77-1514, 77-1775, and 79-1016, Revised Statutes Supplement, 2007; to adopt the Property Tax Review Court Act; to create the Property Tax Review Court; to repeal the Tax Equalization and Review Commission Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-5002, 77-5006, 77-5007.01, 77-5010, 77-5021, 77-5030, and 77-5031, Reissue Revised Statutes of Nebraska, sections 77-5001, 77-5005, 77-5009, 77-5013, 77-5015, 77-5016.01, 77-5016.02, 77-5016.03, 77-5016.04, 77-5016.05, 77-5016.06, 77-5016.07, 77-5016.08, 77-5016.09, 77-5019, 77-5022, 77-5024.01, 77-5027, 77-5029, and 84-912.03, Revised Statutes Cumulative Supplement, 2006, and sections 77-5003, 77-5004, 77-5007, 77-5008, 77-5011, 77-5016, 77-5017, 77-5018, 77-5020, 77-5023, 77-5026, and 77-5028, Revised Statutes Supplement, 2007.

**LEGISLATIVE BILL 1111.** Introduced by Erdman, 47.



A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend sections 77-5003 and 77-5004, Revised Statutes Supplement, 2007; to change membership of the commission; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1112.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1402, 49-1403, 49-1415, 49-1455, 49-1456, 49-1457, 49-1459, 49-1461, 49-1465, 49-1470, 49-1478, 49-14,122, 49-14,129, and 49-14,141, Reissue Revised Statutes of Nebraska, sections 49-1446, 49-1446.04, 49-1447, 49-1463, 49-1463.01, 49-1467, 49-1469, 49-1479.01, 49-14,124, 49-14,124.01, and 49-14,125, Revised Statutes Cumulative Supplement, 2006, and sections 28-915.01, 49-1401, 49-1458, 49-1478.01, 49-1479.02, 49-14,123, 49-14,124.02, 49-14,126, 49-14,133, and 49-14,140, Revised Statutes Supplement, 2007; to provide limitations on certain campaign contributions; to change provisions relating to filing campaign statements and reports; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 32-1605, 32-1608.02, 32-1609, 32-1610, 32-1611, 32-1613, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1606, 32-1606.01, 32-1607, 32-1608, 32-1608.01, 32-1608.03, and 32-1612, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 1113.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to create and provide duties for the Family Farm Policy Advisory Council; to create a fund; and to declare an emergency.

**LEGISLATIVE BILL 1114.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend section 13-809, Reissue Revised Statutes of Nebraska, section 13-2531, Revised Statutes Cumulative Supplement, 2006, and sections 13-808 and 13-2530, Revised Statutes Supplement, 2007; to require a vote for county fairground bonds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1115.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend section 2-103, Revised Statutes Cumulative Supplement, 2006; to change Nebraska State Fair Board membership; and to repeal the original section.

**LEGISLATIVE BILL 1116.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend section 2-101, Revised Statutes Cumulative Supplement, 2006; to change state fair and

Nebraska State Fairgrounds provisions; and to repeal the original section.

**LEGISLATIVE BILL 1117.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727.03, Reissue Revised Statutes of Nebraska; to change requirements regarding homeowners' associations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1118.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-508, Revised Statutes Cumulative Supplement, 2006; to require political subdivisions to file additional budget and tax levy information; and to repeal the original section.

**LEGISLATIVE BILL 1119.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 1120.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend section 71-5830.01, Reissue Revised Statutes of Nebraska; to change provisions relating to exemptions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1121.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Medicaid Insurance for Workers with Disabilities Act.

**LEGISLATIVE BILL 1122.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-911, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to coverage of dental services; and to repeal the original section.

**LEGISLATIVE BILL 1123.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to infants; to amend section 43-4001, Revised Statutes Supplement, 2007; to change provisions relating to membership on the Children's Behavioral Health Task Force; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1124.** Introduced by Engel, 17.

A BILL FOR AN ACT relating to mobile home parks; to amend sections 71-4629, 71-4631, 71-4632, and 71-4634, Reissue Revised Statutes of Nebraska; to provide for health and safety standards; to provide for inspections and fees; to provide for enforcement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1125.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to early childhood education endowments; to amend sections 79-1104.01 and 79-1104.02, Revised Statutes Cumulative Supplement, 2006, and section 79-1104.04, Revised Statutes Supplement, 2007; to change provisions relating to funds; to eliminate references to educational service units; to change provisions relating to membership on a board of trustees; and to repeal the original sections.

**LEGISLATIVE BILL 1126.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2007; to exempt depositions, bills of exceptions, and transcripts prepared by a court reporter and copies of medical records from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1127.** Introduced by Christensen, 44; Carlson, 38.

A BILL FOR AN ACT relating to the Water Resources Cash Fund; to amend section 61-218, Revised Statutes Supplement, 2007; to change permitted uses of the fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1128.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-15,139, Reissue Revised Statutes of Nebraska; to change provisions relating to the termination of tenancy as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1129.** Introduced by Flood, 19; Adams, 24; Cornett, 45; Dubas, 34; Erdman, 47; Heidemann, 1; Janssen, 15; Johnson, 37; Langemeier, 23; Pankonin, 2; Rogert, 16; Stuthman, 22.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-1365.01, Reissue Revised Statutes of Nebraska; to change provisions relating to highway planning; and to repeal the original section.

**LEGISLATIVE BILL 1130.** Introduced by Synowiecki, 7; Pedersen, 39.

A BILL FOR AN ACT relating to probation and parole; to amend sections 29-2249, 29-2251, 29-2253, 29-2260, 29-2262.03, 29-2262.04, 29-2262.05,

29-2265, 29-2270, 33-154, 43-250, 43-253, 43-260, 43-260.05, 43-274, 43-286, 43-294, 43-2,108, 43-707, 43-3505, 43-3507, 47-628, 47-629, 83-170, 83-171, 83-188, 83-195, 83-197, 83-1,101, 83-1,116, 83-1,119, 83-1,120, 83-1,128, and 83-932, Reissue Revised Statutes of Nebraska, sections 20-150, 20-151, 24-205, 24-227.01, 25-2407, 28-322, 28-929, 28-930, 28-931, 28-931.01, 29-2246, 29-2248, 29-2250, 29-2252, 29-2252.01, 29-2254, 29-2257, 29-2258, 29-2259, 29-2259.01, 29-2259.02, 29-2260.01, 29-2262, 29-2262.06, 29-2262.07, 29-2263, 29-2266, 29-2272, 29-2935, 29-4009, 29-4019, 43-271, 43-3001, 47-624, 47-627, 60-6,211.05, 60-6,211.09, 81-1848, 83-174.03, 83-174.04, 83-174.05, 83-1,100, 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,107, 83-1,107.01, 83-1,107.02, and 83-933, Revised Statutes Cumulative Supplement, 2006, and sections 29-2261, 43-2,113, 43-2411, 47-623, 68-1732, 71-961, 81-1401, and 83-901, Revised Statutes Supplement, 2007; to adopt the Office of Adult Probation and Parole Services Act and the Court Services Act; to provide for merger of adult probation and parole services as prescribed; to harmonize provisions; to eliminate the Probation and Parole Services Study Act; to provide operative dates; to repeal the original sections; and to outright repeal sections 29-2249.04, 29-2255, 29-2256, 83-1,100.01, and 83-1,104, Reissue Revised Statutes of Nebraska, section 71-1228, Revised Statutes Cumulative Supplement, 2006, and sections 47-635, 47-636, 47-637, 47-638, and 47-639, Revised Statutes Supplement, 2007.

**LEGISLATIVE BILL 1131.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Revised Statutes Supplement, 2007; to provide for a collection fee; and to repeal the original section.

**LEGISLATIVE BILL 1132.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources; to amend section 2-3226.05, Revised Statutes Supplement, 2007; to change provisions relating to river-flow enhancement bonds; and to repeal the original section.

**LEGISLATIVE BILL 1133.** Introduced by Karpisek, 32; Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Public Employees Retirement Board.

**LEGISLATIVE BILL 1134.** Introduced by Langemeier, 23; Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.46, Reissue Revised Statutes of Nebraska; to redefine animal life for sales tax purposes; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1135.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to schools; to prohibit certain regulatory actions against student-athletes as prescribed.

**LEGISLATIVE BILL 1136.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to counties; to amend section 23-1114.01, Reissue Revised Statutes of Nebraska; to change the requirement of and purpose for county classification; and to repeal the original section.

**LEGISLATIVE BILL 1137.** Introduced by Preister, 5; Dierks, 40; Pankonin, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 70-1903, 70-1904, 70-1905, 70-1907, and 77-2704.57, Revised Statutes Supplement, 2007; to change a sales tax exemption related to new wind energy projects; and to repeal the original sections.

**LEGISLATIVE BILL 1138.** Introduced by Dierks, 40; Dubas, 34; Preister, 5.

A BILL FOR AN ACT relating to public power; to amend section 70-1014, Reissue Revised Statutes of Nebraska; to change provisions relating to approval of applications for electric generation facilities; and to repeal the original section.

**LEGISLATIVE BILL 1139.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to highways and roads; to amend section 84-612, Revised Statutes Supplement, 2007; to transfer money from the Cash Reserve Fund for specific road construction purposes; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1140.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2007; to exempt social security benefits and government employee retirement benefits from state income taxation; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1141.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to schools; to amend section 79-1601, Reissue Revised Statutes of Nebraska; to provide for evaluation of students in schools which elect not to meet state accreditation or approval requirements; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1142.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to child support; to provide for postsecondary education subsidy orders; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 1143.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Investment Council; to state intent; to provide duties to the council; and to state intent to appropriate funds to the State Investment Officer.

**LEGISLATIVE BILL 1144.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend sections 45-901, 45-906, 45-915, 45-919, and 45-925, Revised Statutes Cumulative Supplement, 2006; to provide for certain prohibited acts; to provide fees; to provide penalties; to create a data base; to provide powers and duties for the Director of Banking and Finance; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1145.** Introduced by Louden, 49.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend sections 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Cumulative Supplement, 2006; to change dates relating to expenditure of a cash fund; and to repeal the original sections.

**LEGISLATIVE BILL 1146.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Karpisek, 32; White, 8.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-902, Revised Statutes Cumulative Supplement, 2006; to redefine compensation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1147.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Karpisek, 32; White, 8.

A BILL FOR AN ACT relating to retirement; to amend sections 79-947.04 and 81-2027.06, Reissue Revised Statutes of Nebraska, sections 24-710.07, 24-710.10, and 81-2027.03, Revised Statutes Cumulative Supplement, 2006, and section 79-947.01, Revised Statutes Supplement, 2007; to change benefit adjustment provisions relating to the Judges Retirement Act, the School Employees Retirement Act, and the Nebraska State Patrol Retirement Act; and to repeal the original sections.

**LEGISLATIVE BILL 1148.** Introduced by Schimek, 27; Chambers, 11.

A BILL FOR AN ACT relating to agriculture; to amend section 28-101,

Revised Statutes Supplement, 2007; to prohibit confinement of a pig as prescribed; to provide a penalty; to harmonize provisions; to provide for severability; and to repeal the original section.

**LEGISLATIVE BILL 1149.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to behavioral health funding; to amend sections 77-2602, 84-612, and 84-613, Revised Statutes Supplement, 2007; to adopt the Behavioral Health Workforce Development Act; to change the cigarette tax and provide for a portion of the proceeds to be used for behavioral health funding; to provide for a portion of the Cash Reserve Fund to be used as an endowment for funding behavioral health workforce development; to change provisions relating to the allocation of interest on the Cash Reserve Fund; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1150.** Introduced by Langemeier, 23; Heidemann, 1; Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Natural Resources.

**LEGISLATIVE BILL 1151.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education; to amend sections 79-1028, 79-1336, and 79-1337, Revised Statutes Supplement, 2007; to provide for an exemption to applicable allowable growth rate for distance education and telecommunications expenditures under the Tax Equity and Educational Opportunities Support Act as prescribed; to change provisions relating to distance education reimbursements and incentives; and to repeal the original sections.

**LEGISLATIVE BILL 1152.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to special education; to amend sections 79-1110, 79-1115, 79-1119, and 79-1140, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, and 79-1007.02, Revised Statutes Supplement, 2007; to provide for a special education allowance within the Tax Equity and Educational Opportunities Support Act; to redefine terms; to provide duties for the State Department of Education relating to rates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1153.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-8,133, 79-8,134, 79-8,135, 79-8,136, 79-8,137, 79-8,139, 79-8,140, 79-1110, and 79-1157, Reissue Revised Statutes of Nebraska, and section 79-215, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to payment for special education services; to provide duties for the

State Board of Education and the State Department of Education; to change provisions relating to the Attracting Excellence to Teaching Program Act and the Special Education Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1154.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to learning communities; to amend section 13-508, Revised Statutes Cumulative Supplement, 2006, and sections 32-546.01, 32-604, 79-611, 79-769, 79-1028, 79-1073, 79-2102, 79-2102.01, 79-2104, 79-2107, 79-2110, 79-2111, 79-2113, 79-2115, 79-2117, and 79-2118, Revised Statutes Supplement, 2007; to change provisions relating to coordinating councils, diversity plans, and open enrollment; to provide for nonvoting learning community coordinating council members as prescribed; to provide for an advisory council; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1155.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to teacher certification; to amend section 79-808, Reissue Revised Statutes of Nebraska, and section 79-810, Revised Statutes Supplement, 2007; to change provisions relating to employment experience in other states; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1156.** Introduced by Synowiecki, 7; Ashford, 20; Howard, 9; Preister, 5.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Supplement, 2007; to adopt the Nebraska Sports Tourism Advantage Act; to transfer money from the Cash Reserve Fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1157.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education; to amend section 79-760.03, Revised Statutes Supplement, 2007; to change provisions relating to statewide assessment and reporting; and to repeal the original section.

**LEGISLATIVE BILL 1158.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to economic development; to provide grants for private, nonprofit organizations in high-poverty areas as prescribed; and to state intent to appropriate funds.

**LEGISLATIVE BILL 1159.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to truancy; to amend sections 43-272.01, 43-1311, 43-1312, 79-209, and 79-210, Reissue Revised Statutes of



Nebraska, sections 43-2404.02, 43-3001, and 79-215, Revised Statutes Cumulative Supplement, 2006, and sections 42-364, 43-2923, and 43-2929, Revised Statutes Supplement, 2007; to change provisions relating to parenting plans and compulsory attendance; to provide and change penalties; to provide for admissibility of certified copies of school records as prescribed; to provide for grants as prescribed; to provide for mediation; and to repeal the original sections.

**LEGISLATIVE BILL 1160.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 29-1816 and 43-276, Reissue Revised Statutes of Nebraska, and sections 43-247 and 43-2,129, Revised Statutes Cumulative Supplement, 2006; to change and provide provisions relating to juvenile court jurisdiction, facilitated conferencing, and determination of criminal charge versus juvenile code adjudication; to eliminate duplicative and conflicting provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 43-261, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1161.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Natural Resources; and to declare an emergency.

**LEGISLATIVE BILL 1162.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-448, 37-451, 37-458, 37-462, 37-463, 37-465, 37-478, 37-479, 37-483, 37-484, 37-497, 37-4,104, 37-4,105, 37-4,106, and 37-4,108, Reissue Revised Statutes of Nebraska, sections 37-415 and 37-438, Revised Statutes Cumulative Supplement, 2006, and section 37-426, Revised Statutes Supplement, 2007; to remove certain statutory minimum fees; and to repeal the original sections.

## GENERAL FILE

**LEGISLATIVE BILL 586.** Title read. Considered.

Committee AM402, found on page 693, First Session, 2007, was considered.

Senator Dierks withdrew his amendment, AM1575, found on page 259.

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

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 619.** Title read. Considered.

Committee AM360, found on page 693, First Session, 2007, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Pirsch offered the following amendment:

AM1610

- 1 1. On page 3, line 23, strike "Treasury Management Cash"
- 2 and insert "General".

The Pirsch amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Pirsch renewed his amendment, AM1576, found on page 269.

The Pirsch amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 620.** Title read. Considered.

Committee AM361, found on page 693, First Session, 2007, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 196.** Title read. Considered.

Committee AM506, found on page 695, First Session, 2007, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1163.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to tanning facilities; to define terms; to require posted and signed warnings; and to provide penalties.

**LEGISLATIVE BILL 1164.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to agriculture; to adopt the Wildlife Damage Act.

**LEGISLATIVE BILL 1165.** Introduced by Nelson, 6; Kruse, 13.

A BILL FOR AN ACT relating to appropriations; to state intent regarding an appropriation to the Nebraska Cultural Preservation Endowment Fund.

**LEGISLATIVE BILL 1166.** Introduced by Nelson, 6.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-117, Revised Statutes Cumulative Supplement, 2006; to provide for the extension of corporate limits into an adjoining county; and to repeal the original section.

**LEGISLATIVE BILL 1167.** Introduced by Pedersen, 39; Ashford, 20.

A BILL FOR AN ACT relating to the Office of Probation Administration; to amend section 60-6,197.03, Revised Statutes Supplement, 2007; to create and provide for participation in the statewide 24/7 sobriety program; to create a fund; to provide duties for the office; to provide for rules and regulations; to change provisions relating to sentencing as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1168.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to direct the use of certain funds previously appropriated to the Department of Health and Human Services.

**LEGISLATIVE BILL 1169.** Introduced by White, 8.

A BILL FOR AN ACT relating to veterans; to authorize health care assistance for certain Nebraska veterans of Operation Enduring Freedom and Operation Iraqi Freedom.

**LEGISLATIVE BILL 1170.** Introduced by White, 8.

A BILL FOR AN ACT relating to labor; to provide a cause of action against employers of illegal immigrants.

**LEGISLATIVE BILL 1171.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to ethanol; to adopt the Agricultural Commodities Protection Act.

**LEGISLATIVE BILL 1172.** Introduced by Dierks, 40; Dubas, 34;

McDonald, 41.

A BILL FOR AN ACT relating to agriculture; to adopt the Food Supply Animal Veterinary Incentive Program Act; and to state funding intent.

**LEGISLATIVE BILL 1173.** Introduced by Dierks, 40; Langemeier, 23.

A BILL FOR AN ACT relating to animals; to amend sections 38-3301, 38-3302, 38-3314, 38-3326, and 38-3329, Revised Statutes Supplement, 2007; to provide for certification of animal therapists; to change provisions relating to supervision of licensed veterinary technicians and unlicensed assistants; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1174.** Introduced by Dierks, 40; Chambers, 11; Dubas, 34; Karpisek, 32; Preister, 5; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend sections 67-409, 76-1520, 76-1521, 76-1523, and 76-1524, Reissue Revised Statutes of Nebraska, and sections 21-2602 and 77-5203, Revised Statutes Cumulative Supplement, 2006; to state intent; to define terms; to restrict entity ownership of agricultural land and farm or ranch operations; to harmonize provisions; to provide for severability; and to repeal the original sections.

**LEGISLATIVE BILL 1175.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3104, 77-3105, and 77-3106, Reissue Revised Statutes of Nebraska, and sections 77-2753 and 77-3102, Revised Statutes Supplement, 2007; to change provisions relating to income tax withholding; to harmonize provisions; and to repeal the original sections.

### GENERAL FILE

**LEGISLATIVE BILL 632.** Title read. Considered.

Committee AM527, found on page 697, First Session, 2007, was considered.

Pending.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 1176.** Introduced by Dubas, 34; Schimek, 27.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-909 and 68-912, Revised Statutes Cumulative Supplement,

2006; to change provisions relating to departmental reports and medicaid benefits; and to repeal the original sections.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 231CA.** Introduced by Erdman, 47.

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 IV, section 28, and Article V, section 1:

~~IV-28 By January 1, 1997, there shall be a Tax Equalization and Review Commission. The members of the commission shall be appointed by the Governor as provided by law. The commission shall have power to review and equalize assessments of property for taxation within the state and shall have such other powers and perform such other duties as the Legislature may provide. The terms of office and compensation of members of the commission shall be as provided by law.~~

A Tax Commissioner shall be appointed by the Governor with the approval of the Legislature. The Tax Commissioner may have jurisdiction over the administration of the revenue laws of the state and such other duties and powers as provided by law. The Tax Commissioner shall serve at the pleasure of the Governor.

V-1 The judicial power of the state shall be vested in a Supreme Court, an appellate court, a property tax appellate court, district courts, county courts, in and for each county, with one or more judges for each county or with one judge for two or more counties, as the Legislature shall provide, and such other courts inferior to the Supreme Court as may be created by law. In accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be the executive head of the courts and may appoint an administrative director thereof.

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 eliminate the Tax Equalization and Review Commission and to establish a property tax appellate court.

For

Against.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 232.** Introduced by Flood, 19; Adams, 24; Cornett, 45; Dubas, 34; Erdman, 47; Heidemann, 1; Janssen, 15; Johnson, 37; Langemeier, 23; Pankonin, 2; Rogert, 16; Stuthman, 22.

WHEREAS, in 1988 the Legislature, with LB 1041, identified the importance of a system of expressways in Nebraska; and

WHEREAS, the expressways were to connect cities with 15,000 inhabitants or more to the Interstate highways; and

WHEREAS, 421 miles of the expressway plan have been completed and 179 miles are awaiting construction; and

WHEREAS, the use of traffic volume, the top priority recognized by the Department of Roads, is a valid planning tool for upgrading the state highway system in general; and

WHEREAS, expressway completion affects the economic health of our rural areas and the cities which they connect; and

WHEREAS, highway construction costs are increasing and federal highway funding is uncertain.

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

1. That the Transportation and Telecommunications Committee of the Legislature hold a public hearing or hearings to address the importance of prioritizing the uncompleted segments of the 1988 expressway plan, to request that the Department of Roads advise the committee of its plans to prioritize these uncompleted segments, and to address the importance of economic development as a factor more urgent than traffic volume in the completion of the 1988 expressway plan.

2. That the Transportation and Telecommunications Committee submit to the One Hundredth Legislature, Second Session, any legislation needed to effectuate the purposes of this resolution.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR232 was referred to the Reference Committee.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 233CA.** Introduced by Christensen, 44.

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 add a new section 30 to Article I:

I-30 (1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(2) This section shall apply only to action taken after the effective date of this section.

(3) Nothing in this section prohibits bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting.

(4) Nothing in this section shall invalidate any court order or consent decree that is in force as of the effective date of this section.

(5) Nothing in this section prohibits action that must be taken to establish or maintain eligibility for any federal program if ineligibility would result in a loss of federal funds to the state.

(6) For purposes of this section, state shall include, but not be limited to, (a) the State of Nebraska, (b) any agency, department, office, board, commission, committee, division, unit, branch, bureau, council, or subunit of the state, (c) any public institution of higher education, (d) any political subdivision of or within the state, and (e) any government institution or instrumentality of or within the state.

(7) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Nebraska's antidiscrimination law.

(8) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the Constitution of the United States, this section shall be implemented to the maximum extent that federal law and the Constitution of the United States permit. Any provision held invalid shall be severable from the remaining portions of this section.

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 prohibit discrimination and preferential treatment on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting by the state or any of its agencies, institutions, or political subdivisions.

For

Against.

Referred to the Reference Committee.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 467.** Placed on Select File with amendment.  
ER8136

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 81-8,240, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-8,240 As used in sections 81-8,240 to 81-8,254, unless
- 6 the context otherwise requires:
- 7 (1) Administrative agency shall mean any department,
- 8 board, commission, or other governmental unit, any official, any
- 9 employee of the State of Nebraska acting or purporting to act

10 by reason of connection with the State of Nebraska, ~~or~~ any  
 11 corporation, partnership, business, firm, governmental entity, or  
 12 person who is providing health and human services to individuals  
 13 under contract with the State of Nebraska and who is subject  
 14 to the jurisdiction of the office of Public Counsel as required  
 15 by section 73-401, and any county or municipal correctional or  
 16 jail facility and employee thereof acting or purporting to act  
 17 by reason of connection with the county or municipal correctional  
 18 or jail facility; but shall not include (a) any court, (b)  
 19 any member or employee of the Legislature or the Legislative  
 20 Council, (c) the Governor or his or her personal staff, (d)  
 21 any political subdivision or entity thereof except a county or  
 22 municipal correctional or jail facility, (e) any instrumentality  
 23 formed pursuant to an interstate compact and answerable to more

1 than one state, or (f) any entity of the federal government; and  
 2 (2) Administrative act shall include every action, rule,  
 3 regulation, order, omission, decision, recommendation, practice, or  
 4 procedure of an administrative agency.

5 Sec. 2. Section 81-8,244, Reissue Revised Statutes of  
 6 Nebraska, is amended to read:

7 81-8,244 The Public Counsel may select, appoint, and  
 8 compensate as he or she sees fit, within the amount available by  
 9 appropriation, such assistants and employees as he or she deems  
 10 necessary to discharge the responsibilities under sections 81-8,240  
 11 to 81-8,254. He or she shall appoint and designate one assistant  
 12 to be a deputy public counsel, one assistant to be a deputy  
 13 public counsel for corrections, one assistant to be a deputy public  
 14 counsel for institutions, and one assistant to be a deputy public  
 15 counsel for welfare services.

16 Such deputy public counsels shall be subject to the  
 17 control and supervision of the Public Counsel.

18 The authority of the deputy public counsel for  
 19 corrections shall extend to all facilities and parts of facilities,  
 20 offices, houses of confinement, and institutions which are operated  
 21 by the Department of Correctional Services and all county or  
 22 municipal correctional or jail facilities.

23 The authority of the deputy public counsel for  
 24 institutions shall extend to all mental health and veterans  
 25 institutions and facilities operated by the Department of Health  
 26 and Human Services or by any community-based mental health services  
 27 provider that contracts with any behavioral health region to  
 1 provide services for any individual that was a patient of a  
 2 state-owned and state-operated regional center within the prior  
 3 twelve months and to all complaints pertaining to administrative  
 4 acts of the department when those acts are concerned with  
 5 the rights and interests of individuals placed within those  
 6 institutions and facilities.

7 The authority of the deputy public counsel for  
 8 welfare services shall extend to all complaints pertaining to



9 administrative acts of administrative agencies when those acts are  
 10 concerned with the rights and interests of individuals involved in  
 11 the welfare services system of the State of Nebraska.

12 The Public Counsel may delegate to members of the  
 13 staff any authority or duty under sections 81-8,240 to 81-8,254  
 14 except the power of delegation and the duty of formally making  
 15 recommendations to administrative agencies or reports to the  
 16 Governor or the Legislature.

17 Sec. 3. Original sections 81-8,240 and 81-8,244, Reissue  
 18 Revised Statutes of Nebraska, are repealed.

19 2. On page 1, line 3, after "county" insert "or  
 20 municipal"; and in line 4 after "facilities" insert "and mental  
 21 health and veterans institutions; to provide for appointment of a  
 22 deputy public counsel for institutions".

**LEGISLATIVE BILL 467A.** Placed on Select File with amendment.  
 ER8137

1 1. On page 1, line 3; and page 2, line 5, strike "First  
 2 Session, 2007" and insert "Second Session, 2008".

3 2. On page 2, lines 2 and 8, strike "FY2007-08" and  
 4 insert "FY2008-09"; and in lines 3 and 8 strike "FY2008-09" and  
 5 insert "FY2009-10".

**LEGISLATIVE BILL 575.** Placed on Select File with amendment.  
 ER8138

1 1. On page 1, line 2, after the semicolon insert "to  
 2 require nonprofit status for a sales and use tax exemption;"; and  
 3 in line 4 after the semicolon insert "to provide an operative  
 4 date;".

**LEGISLATIVE BILL 706.** Placed on Select File.

**LEGISLATIVE BILL 707.** Placed on Select File.

**LEGISLATIVE BILL 235.** Placed on Select File with amendment.  
 ER8140

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

3 Section 1. Sections 1 to 5 of this act shall be known and  
 4 may be cited as the Nebraska Advantage Film Production Incentive  
 5 Act.

6 Sec. 2. For purposes of the Nebraska Advantage Film  
 7 Production Incentive Act:

8 (1) Crew means any person who works on preproduction,  
 9 principal photography, and postproduction, except producers,  
 10 principal cast, and the director;

11 (2) Film means a professional single media or multimedia  
 12 program or feature, which is not child pornography or obscene  
 13 material, including, but not limited to, national advertising  
 14 messages that are broadcast on a national affiliate or cable

15 network, fixed on film or digital video, which can be viewed  
 16 or reproduced and which is exhibited in theaters, licensed for  
 17 exhibition by individual television stations, groups of stations,  
 18 networks, cable television stations, or other means, or licensed  
 19 for home viewing markets;

20 (3) Production company means a person or company that  
 21 produces film for exhibition; and

22 (4) Production cost means:

23 (a) Wages or salaries of persons who are residents of  
 1 this state and who have earned income from working on a film in  
 2 this state, including payments to personal services corporations  
 3 with respect to the services of qualified performing artists, as  
 4 determined under section 62(a)(2)(B) of the Internal Revenue Code  
 5 of 1986, as amended;

6 (b) The cost of construction and operations, wardrobe,  
 7 and accessories;

8 (c) The cost of photography, sound, and lighting;

9 (d) The cost of editing;

10 (e) Rental of facilities, locations, and equipment; and

11 (f) Wages and salaries of persons who are defined and  
 12 registered as Nebraska expatriates by the Film Office of the  
 13 Department of Economic Development, not to exceed ten percent of  
 14 total production cost eligible for the credit.

15 Sec. 3. (1) A rebate as provided in this section in the  
 16 amount of up to twenty-five percent of documented production costs  
 17 incurred in Nebraska for production of a film in this state shall  
 18 be paid to the production company responsible for the production  
 19 if the Film Office of the Department of Economic Development  
 20 determines that the proposed project has a reasonable chance of  
 21 economic success.

22 (2)(a) The amount of rebate paid to a production company  
 23 with a minimum budget for a film of less than thirty million  
 24 dollars shall be:

25 (i) Twenty-five percent if fifty percent or more of the  
 26 crew are residents of Nebraska and are employed in this state;

27 (ii) Fifteen percent if twenty-five percent up to but not  
 1 including fifty percent of the crew are residents of Nebraska and  
 2 are employed in this state; and

3 (iii) Ten percent if less than twenty-five percent of the  
 4 crew are residents of Nebraska and are employed in this state.

5 (b) The amount of rebate paid to a production company  
 6 with a minimum budget for a film of thirty million dollars or more  
 7 shall be twenty-five percent.

8 (3) The rebate program shall be administered by the Film  
 9 Office.

10 (4) To be eligible for a rebate payment:

11 (a) The production company responsible for a film shall  
 12 submit documentation to the Film Office of the amount of wages or  
 13 salaries paid to residents of this state directly relating to the

14 production and the amount of other production costs incurred in  
15 this state directly relating to the production;

16 (b) The production company shall file a Nebraska income  
17 tax return;

18 (c) Except for major studio productions, the production  
19 company shall provide to the Film Office the name of the completion  
20 guarantor and a copy of the bond guaranteeing the completion of  
21 the project or, if a film has not secured a completion bond, the  
22 production company shall provide evidence to the office that all  
23 Nebraska crew and local vendors have been paid and there are no  
24 liens against the production company pending in this state;

25 (d) The minimum budget for the film shall be two million  
26 dollars of which not less than one million two hundred fifty  
27 thousand dollars of the production costs are incurred in this  
1 state. The minimum budget requirements of this subdivision shall be  
2 met by any production company that produces multiple film projects  
3 within one year if each project meets a minimum budget of three  
4 hundred thousand dollars and the total budget of all projects  
5 in one year is not less than two million dollars of which not  
6 less than one million two hundred fifty thousand dollars of the  
7 production costs are incurred in this state;

8 (e) The production company shall provide evidence to the  
9 Film Office of complete financing for production prior to the  
10 receipt of any rebate under this section; and

11 (f) The production company shall provide evidence to the  
12 Film Office of a certificate of general liability insurance with a  
13 minimum coverage of one million dollars and a workers' compensation  
14 policy pursuant to state law which shall include coverage of  
15 employer's liability prior to the receipt of any rebate under this  
16 section.

17 (5) The Film Office shall approve or disapprove all  
18 claims for rebate and shall notify the State Treasurer of such  
19 approval or disapproval. The State Treasurer shall issue payment  
20 for all approved claims from funds in the Film Enhancement Rebate  
21 Program Fund. The amount of rebates paid from the fund in any  
22 single fiscal year shall not exceed five million dollars. If the  
23 amount of approved rebates exceeds the amount specified in this  
24 subsection in a fiscal year, rebate payments shall be made in  
25 the order in which the rebates are approved by the office. If an  
26 approved rebate is not paid, in whole or in part, the unpaid rebate  
27 or unpaid portion may be paid in the following fiscal year subject  
1 to the limitations specified in this subsection.

2 Sec. 4. The Film Enhancement Rebate Program Fund is  
3 created. The fund shall consist of appropriations to the fund and  
4 any public or private donations, contributions, and gifts received  
5 for the benefit of the fund. Any money in the fund available  
6 for investment shall be invested by the state investment officer  
7 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
8 State Funds Investment Act.

- 9     Sec. 5. The Film Office is created within the Department  
 10 of Economic Development. The office shall be responsible for  
 11 administration of the Nebraska Advantage Film Production Incentive  
 12 Act and shall have such other duties as assigned by the department.  
 13 The department may develop forms and adopt and promulgate rules and  
 14 regulations to carry out the act.  
 15     2. On page 1, strike beginning with "revenue" in line  
 16 1 through line 8 and insert "economic development; to adopt the  
 17 Nebraska Advantage Film Production Incentive Act."

**LEGISLATIVE BILL 235A.** Placed on Select File with amendment.  
 ER8141

- 1     1. On page 1, line 3, strike "First Session, 2007" and  
 2 insert "Second Session, 2008".  
 3     2. On page 2, line 3, strike "2007" and insert "2008";  
 4 in line 5 strike "2008" and insert "2009"; in lines 8, 14, and 20  
 5 strike "FY2007-08" and insert "FY2008-09"; in lines 10, 16, and 20  
 6 strike "FY2008-09" and insert "FY2009-10"; and in line 12 strike  
 7 "First Session, 2007" and insert "Second Session, 2008".

**LEGISLATIVE BILL 202.** Placed on Select File with amendment.  
 ER8139

- 1     1. On page 1, line 3, strike "prohibit" and insert  
 2 "provide restrictions on the imposition of".

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
 Natural Resources

Room 1525

Wednesday, January 30, 2008   1:30 p.m.

LB743  
 LB865  
 LB805

Lynn Berggren - Nebraska Game and Parks Commission

(Signed) LeRoy Loudon, Chairperson

Revenue

Room 1524

Thursday, January 31, 2008   1:30 p.m.

LB737

LB757  
LB783  
LB891  
LB974  
LB1012

(Signed) Ray Janssen, Chairperson

Judiciary

Room 1113

Wednesday, January 30, 2008 1:30 p.m.

LB930  
LB957  
LB735  
LB902  
LB840

(Signed) Brad Ashford, Chairperson

Health and Human Services

Room 1510

Wednesday, January 30, 2008 1:30 p.m.

LB759  
LB830  
LB866  
LB882  
LB885

Michael Buscher - Board of Emergency Medical Services  
Kathy Boswell - Rural Health Advisory Commission  
Ann Fiala - Board of Emergency Medical Services  
Robert Dunn - Board of Emergency Medical Services  
Martin L. Fattig - Nebraska Rural Health Advisory Commission  
Sharon Vandegrift - Nebraska Rural Health Advisory Commission

Thursday, January 31, 2008 1:30 p.m.

LB753  
LB807  
LB818  
LB835

Larry Brown - Foster Care Review Board

Douglas A. Dilly - Nebraska Rural Health Advisory Commission

Friday, February 01, 2008 1:30 p.m.

LB749

LB892

(Signed) Joel Johnson, Chairperson

Appropriations

Room 1003

Thursday, January 31, 2008 1:30 p.m.

LB859

LB956

LB998

LB1052

(Signed) Lavon Heidemann, Chairperson

**AMENDMENT - Print in Journal**

Senator Loudon filed the following amendment to LB534:  
AM1579

- 1 1. On page 6, strike beginning with the second "and"
- 2 in line 17 through "practices" in line 18 and insert ". A
- 3 system of credits shall be established for storm water best
- 4 management practices. The city or village shall develop a program
- 5 for pollution prevention and good housekeeping for municipal
- 6 operations, and consideration shall be given to use of appropriate
- 7 storm water best management practices to minimize contamination of
- 8 storm water discharges".
- 9 2. On page 11, strike beginning with the second "and"
- 10 in line 11 through "practices" in line 12 and insert ". A
- 11 system of credits shall be established for storm water best
- 12 management practices. The city or village shall develop a program
- 13 for pollution prevention and good housekeeping for municipal
- 14 operations, and consideration shall be given to use of appropriate
- 15 storm water best management practices to minimize contamination of
- 16 storm water discharges".
- 17 3. On page 13, strike beginning with the first "and"
- 18 in line 4 through "practices" in line 5 and insert ". A
- 19 system of credits shall be established for storm water best
- 20 management practices. The county shall develop a program for
- 21 pollution prevention and good housekeeping for county operations,
- 22 and consideration shall be given to use of appropriate storm water

23 best management practices to minimize contamination of storm water  
1 discharges".

### **MOTION - Print in Journal**

Senator Erdman filed the following motion to LB1141:  
MO111  
Indefinitely postpone.

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

Senator McDonald asked unanimous consent to add her name as cointroducer to LB51. No objections. So ordered.

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB844. No objections. So ordered.

Senator Schimek asked unanimous consent to add her name as cointroducer to LB983. No objections. So ordered.

Senators Burling and Fulton asked unanimous consent to add their names as cointroducers to LB1010. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB1116. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Jared Matzke from Gothenburg; Tuscan and Bryan Fairfield from Elkhorn; and Dennis and Kathy Utter from Hastings.

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

### **ADJOURNMENT**

At 12:02 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, January 24, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature





**ELEVENTH DAY - JANUARY 24, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 24, 2008

**PRAYER**

The prayer was offered by Senator Kruse.

**ROLL CALL**

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

The roll was called and all members were present except Senator Harms who was excused; and Senators Ashford, Chambers, Cornett, Synowiecki, White, and Wightman who were excused until they arrive.

**SPEAKER FLOOD PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the tenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1009	Education (rereferred)
LB1061	Natural Resources
LB1062	Government, Military and Veterans Affairs
LB1063	Judiciary
LB1064	Transportation and Telecommunications
LB1065	Natural Resources
LB1066	Natural Resources
LB1067	Government, Military and Veterans Affairs
LB1068	Transportations and Telecommunications
LB1069	Transportation and Telecommunications
LB1070	Health and Human Services
LB1071	Revenue
LB1072	Urban Affairs

LB1073 Business and Labor  
 LB1074 Health and Human Services  
 LB1075 Appropriations  
 LB1076 Judiciary  
 LB1077 Judiciary  
 LB1078 Judiciary  
 LB1079 Education  
 LB1080 Revenue  
 LB1081 Revenue  
 LB1082 Business and Labor  
 LB1083 Education  
 LB1084 Judiciary  
 LB1085 Judiciary  
 LB1086 Business and Labor  
 LB1087 Transportation and Telecommunications  
 LB1088 Revenue  
 LB1089 Education  
 LB1090 Banking, Commerce and Insurance  
 LR230CA Revenue

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

**NOTICE OF COMMITTEE HEARINGS**  
 Government, Military and Veterans Affairs

Room 1507

Thursday, January 31, 2008 1:30 p.m.

LB803  
 LB991  
 LB1062  
 LR225CA

Friday, February 01, 2008 1:30 p.m.

LB748  
 LB904  
 LB822

(Signed) Ray Aguilar, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 632.** Committee AM527, found on page 697, First Session, 2007, and considered on page 340, was renewed.

**SENATOR LANGEMEIER PRESIDING**

The committee amendment was adopted with 27 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 621.** Title read. Considered.

Committee AM533, found on page 717, First Session, 2007, was considered.

### **SENATOR ERDMAN PRESIDING**

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

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

Advanced to Enrollment and Review Initial with 27 ayes, 5 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 480.** Title read. Considered.

Senator Johnson renewed his amendment, AM1534, found on page 168.

The Johnson amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 386.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

### **PRESIDENT SHEEHY PRESIDING**

**LEGISLATIVE BILL 352.** Title read. Considered.

Committee AM665, found on page 841, First Session, 2007, was considered.

Pending.

**COMMITTEE REPORTS**

Transportation and Telecommunications

**LEGISLATIVE BILL 279.** Placed on General File.

**LEGISLATIVE BILL 59.** Indefinitely postponed.

**LEGISLATIVE BILL 163.** Indefinitely postponed.

**LEGISLATIVE BILL 182.** Indefinitely postponed.

**LEGISLATIVE BILL 287.** Indefinitely postponed.

**LEGISLATIVE BILL 360.** Indefinitely postponed.

**LEGISLATIVE BILL 421.** Indefinitely postponed.

**LEGISLATIVE BILL 660.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Revenue

**LEGISLATIVE BILL 896.** Placed on General File.

**LEGISLATIVE BILL 898.** Placed on General File.

(Signed) Ray Janssen, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Natural Resources

Room 1525

Thursday, January 31, 2008 1:30 p.m.

LB986

LB1061

John Baker - Environmental Quality Council

John Turnbull - Environmental Quality Council

(Signed) LeRoy Louden, Chairperson

Judiciary

Room 1113

Thursday, January 31, 2008 1:30 p.m.

LB787

LB1024

LB847

LB901

LB952

(Signed) Brad Ashford, Chairperson

### AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB386:  
AM1618 is available in the Bill Room.

Senator Langemeier filed the following amendment to LB386:  
AM1620 is available in the Bill Room.

Senator Flood filed the following amendment to LB467:  
AM1624

(Amendments to E & R amendments, ER8136)

- 1 1. On page 1, line 15, after the underscored comma insert
- 2 "any regional behavioral health authority, any community-based
- 3 behavioral health services provider that contracts with a regional
- 4 behavioral health authority."; and in line 22 before the comma
- 5 insert "or a regional behavioral health authority".
- 6 2. On page 2, strike beginning with "or" in line
- 7 26 through line 27 and insert "and to all regional behavioral
- 8 health authorities that provide services and all community-based
- 9 behavioral health services providers that contract with a regional
- 10 behavioral health authority to provide services, for any individual
- 11 who was a patient within the prior twelve months of a state-owned
- 12 and state-operated regional center, and to all complaints
- 13 pertaining to administrative acts of the department, authority,
- 14 or provider when those acts are concerned with the rights
- 15 and interests of individuals placed within those institutions
- 16 and facilities or receiving community-based behavioral health
- 17 services.".
- 18 3. On page 3, strike lines 1 through 6.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 179A.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 179, One Hundredth Legislature, Second Session, 2008.

### GENERAL FILE

**LEGISLATIVE BILL 352.** Committee AM665, found on page 841, First Session, 2007, and considered in this day's Journal, was renewed.

Senator Chambers offered the following amendment to the committee amendment:

FA161

Amend AM665

Line 5 strike beginning with "under" through "occupancy" in line 6.

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

The Chambers amendment was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 465.** Placed on Select File with amendment.  
ER8142

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 29-1928, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 29-1928 The Legislature finds and declares that the
- 6 interests of justice may be thwarted by unreliable testimony at
- 7 trial. There is a compelling state interest in providing safeguards
- 8 against the admission of testimony the reliability of which may be
- 9 or has been compromised through improper inducements.
- 10 The Legislature further finds and declares that the
- 11 testimony of a jailhouse informer is sometimes unreliable. A
- 12 jailhouse informer, due to the receipt or promise of a benefit, is
- 13 presumed to provide testimony that may be unreliable.
- 14 For purposes of sections 29-1928 and 29-1929, a jailhouse
- 15 informer is a person in custody as: An accused defendant, a
- 16 convicted defendant awaiting sentencing, a convicted defendant
- 17 serving a sentence, ~~or~~ a criminal suspect, or a person detained
- 18 for questioning regarding the event for which such person received
- 19 a deal, promise, inducement, or benefit. A jailhouse informer is
- 20 deemed to be in custody whether physically in jail or not.
- 21 Sec. 2. Section 29-1929, Revised Statutes Cumulative
- 22 Supplement, 2006, is amended to read:
- 23 29-1929 Before the testimony of a jailhouse informer is
- 1 admissible in court, the following requirements must be met:
- 2 At least ten days before trial, the state shall disclose
- 3 to the person against whom the jailhouse informer will testify, or
- 4 to such person's counsel:
- 5 (1) The known criminal history of the jailhouse informer;
- 6 (2) Any deal, promise, inducement, or benefit that the
- 7 state or any person acting on behalf of the state has made or may

- 8 make in the future to the jailhouse informer;
- 9 (3) The specific statements allegedly made by the person  
10 against whom the jailhouse informer will testify and the time,  
11 place, and manner of disclosure;
- 12 (4) All cases known to the state in which the jailhouse  
13 informer testified or offered statements against a person but  
14 was not called as a witness, whether or not the statements were  
15 admitted as evidence in the case, and whether the jailhouse  
16 informer received any deal, promise, inducement, or benefit in  
17 exchange for or subsequent to such testimony or statement, and all  
18 investigations in which the jailhouse informer was involved, known  
19 to the prosecutor or the law enforcement authority, during the  
20 course of which the jailhouse informer was offered or received any  
21 deal, promise, inducement, or benefit; and
- 22 (5) Whether at any time the jailhouse informer recanted  
23 testimony or statements and, if so, a transcript or copy of such  
24 recantation.
- 25 Sec. 3. Original sections 29-1928 and 29-1929, Revised  
26 Statutes Cumulative Supplement, 2006, are repealed.

**LEGISLATIVE BILL 586.** Placed on Select File with amendment.  
ER8143

- 1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:
- 3 Section 1. Section 52-401, Reissue Revised Statutes of  
4 Nebraska, is amended to read:
- 5 52-401 Whenever any person employs a physician, nurse,  
6 chiropractor, or hospital to perform professional service or  
7 services of any nature, in the treatment of or in connection  
8 with an injury, and such injured person claims damages from the  
9 party causing the injury, such physician, nurse, chiropractor, or  
10 hospital, as the case may be, shall have a lien upon any sum  
11 awarded the injured person in judgment or obtained by settlement or  
12 compromise on the amount due for the usual and customary charges  
13 of such physician, nurse, chiropractor, or hospital applicable  
14 at the times services are performed, except that no such lien  
15 shall be valid against anyone coming under the Nebraska Workers'  
16 Compensation Act. For persons covered under medical insurance or  
17 another health benefit plan, the amount of the lien shall be  
18 reduced by the discount or other limitation which would have been  
19 applied had the claim been submitted for reimbursement to the  
20 medical insurer or administrator of such other health benefit plan.
- 21 In order to prosecute such lien, it shall be necessary  
22 for such physician, nurse, chiropractor, or hospital to serve a  
23 written notice upon the person or corporation from whom damages  
1 are claimed that such physician, nurse, chiropractor, or hospital  
2 claims a lien for such services and stating the amount due and the  
3 nature of such services, except that whenever an action is pending  
4 in court for the recovery of such damages, it shall be sufficient

5 to file the notice of such lien in the pending action.

6 A physician, nurse, chiropractor, or hospital claiming  
7 a lien under this section shall not be liable for attorney's  
8 fees and costs incurred by the injured person in securing the  
9 judgment, settlement, or compromise, but the lien of the injured  
10 person's attorney shall have precedence over the lien created by  
11 this section.

12 Upon a written request and with the injured person's  
13 consent, a lienholder shall provide medical records, answers  
14 to interrogatories, depositions, or any expert medical testimony  
15 related to the recovery of damages within its custody and control  
16 at a reasonable charge to the injured person.

17 Sec. 2. Original section 52-401, Reissue Revised Statutes  
18 of Nebraska, is repealed.

19 Sec. 3. Since an emergency exists, this act takes effect  
20 when passed and approved according to law.

**LEGISLATIVE BILL 619.** Placed on Select File with amendment.  
ER8144

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

3 Section 1. Section 84-617, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 84-617 (1) There is hereby created the State Treasurer  
6 Administrative Fund. Funds received by the State Treasurer pursuant  
7 to his or her administrative duties shall be credited to the fund.

8 Such funds shall include:

9 ~~(a) Payments for returned check charges or for electronic~~  
10 ~~payments not accepted;~~

11 ~~(b)-(a)~~ Payments for wire transfers initiated by the  
12 State Treasurer at the request of state agencies;

13 ~~(e)-(b)~~ Payments for copies of cashed state warrants;

14 ~~(d)-(c)~~ Payments for copies, including microfilm,  
15 computer disk, or magnetic tape, of listings relating to  
16 outstanding state warrants; and

17 ~~(e)-(d)~~ Payments for copies, including microfilm,  
18 computer disk, or magnetic tape, of listings of owners of unclaimed  
19 property held by the State Treasurer pursuant to the Uniform  
20 Disposition of Unclaimed Property Act.

21 Money in the fund received pursuant to subdivisions

22 (1)(a) through ~~(d)-(c)~~ of this section shall be credited to the  
23 General Fund quarterly. Money in the State Treasurer Administrative

1 Fund received pursuant to subdivision ~~(1)(e)-(1)(d)~~ of this section  
2 shall be credited to the Unclaimed Property Cash Fund. The State

3 Treasurer may retain such amount as he or she deems appropriate  
4 in the State Treasurer Administrative Fund for purposes of making

5 change for cash payments. Any money in the fund available for  
6 investment shall be invested by the state investment officer

7 pursuant to the Nebraska Capital Expansion Act and the Nebraska



8 State Funds Investment Act.

9 (2) The State Treasurer may establish a fee schedule for  
10 any of the services listed in subsection (1) of this section. The  
11 fees shall approximate the cost of providing the service.

12 ~~(3) At any time that the State Treasurer assesses a  
13 returned check charge or a charge for an electronic payment that  
14 is not accepted against a state agency, that agency may assess the  
15 charge to the payor of the check or the person who authorized the  
16 electronic payment. The charges assessed by the state agency shall  
17 be used to make payment to the State Treasurer or to reimburse the  
18 state agency for the assessments.~~

19 Sec. 2. Any time that the State Treasurer assesses a  
20 returned check charge or a charge for an electronic payment that  
21 is not accepted against a state agency, that agency may assess a  
22 charge to the payor of the check or the person who authorized the  
23 electronic payment. The charges assessed by the state agency shall  
24 be used to make payment to the State Treasurer and to reimburse  
25 the state agency for the assessments and any administrative costs  
26 incurred by the agency. The charge assessed by the State Treasurer  
27 or a state agency shall not exceed thirty dollars. The charge  
1 assessed by the State Treasurer shall be credited to the General  
2 Fund and shall be used to offset the expenses incurred in the  
3 collection of state agency bad debt.

4 Sec. 3. Original section 84-617, Revised Statutes  
5 Cumulative Supplement, 2006, is repealed.

**LEGISLATIVE BILL 620.** Placed on Select File with amendment.  
ER8145

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

3 Section 1. Section 43-3342.03, Revised Statutes  
4 Cumulative Supplement, 2006, is amended to read:

5 43-3342.03 (1) All support orders shall direct payment  
6 of support as provided in section 42-369. Any support order  
7 issued prior to the date that the State Disbursement Unit becomes  
8 operative for which the payment is to be made to the clerk of  
9 the district court shall be deemed to require payment to the State  
10 Disbursement Unit after a notice to the obligor is issued.

11 (2) The unit may collect a fee equal to the actual cost  
12 of processing any payments for returned check charges or charges  
13 for electronic payments not accepted, except that the fee shall not  
14 exceed thirty dollars. After a payor has originated two payments  
15 resulting in returned check charges or charges for electronic  
16 payments not accepted within a period of two years, the unit may  
17 issue a notice to the originator that, for the following year,  
18 any payment shall be required to be paid by money order, cashier's  
19 check, or certified check. After a payor has originated ~~three~~ two  
20 payments resulting in returned check charges or electronic payments  
21 not accepted, the unit may issue a notice to the originator that

22 all future payments shall be paid by money order, cashier's check,  
 23 or certified check, except that pursuant to rule and regulation  
 1 and at least two years after such issuance of notice, the unit  
 2 may waive for good cause shown such requirements for methods of  
 3 payment. The fees shall be remitted to the State Treasurer for  
 4 credit to the State Disbursement Unit Cash Fund, which is hereby  
 5 created, which funds shall be used to offset the expenses incurred  
 6 in the collection of child support bad debt. Any money in the fund  
 7 available for investment shall be invested by the state investment  
 8 officer pursuant to the Nebraska Capital Expansion Act and the  
 9 Nebraska State Funds Investment Act.

10 (3) The State Disbursement Unit shall use automated  
 11 procedures, electronic processes, and computer-driven technology  
 12 to the maximum extent feasible, efficient, and economical for the  
 13 collection and disbursement of support payments.

14 (4) Employers with more than fifty employees who have  
 15 an employee with a child support order shall remit child support  
 16 payments electronically.

17 Sec. 2. (1) The State Treasurer, with state agency  
 18 approval, may collect a fee from a debtor of the state agency  
 19 electronically equal to the cost of processing any payments for  
 20 returned check charges or charges for electronic payments not  
 21 accepted, except that the fee shall not exceed thirty dollars. The  
 22 fee shall be remitted to the Treasury Management Cash Fund. The fee  
 23 shall be used to offset the cost incurred by the State Treasurer  
 24 from the collection of bad debt incurred by the state agency.

25 (2) After the payor has originated two bad debt payments  
 26 to a state agency in a period of one year, the state agency may  
 27 refuse to accept future payments by check and may require a money  
 1 order, cash, a cashier's check, or a certified check for payment.

2 Sec. 3. Original section 43-3342.03, Revised Statutes  
 3 Cumulative Supplement, 2006, is repealed.

4 2. On page 1, line 1, strike "child support" and insert  
 5 "debt collection"; and in line 3 after the first "to" insert  
 6 "collection and disbursement of child support by" and after "Unit"  
 7 insert "and collection of debt by state agencies; to provide for  
 8 fees".

**LEGISLATIVE BILL 196.** Placed on Select File with amendment.  
 ER8146

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

3 Section 1. Section 55-133, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 55-133 (1) The Adjutant General shall assign to each  
 6 organization an armory and such other equipment as may be  
 7 necessary to comply with the requirements of United States laws  
 8 or regulations for National Guard units allotted to the State of  
 9 Nebraska.

10 (2)(a) The Adjutant General may designate any publicly  
 11 owned military vehicles of the National Guard described in  
 12 subdivision (b) of this subsection as military emergency vehicles.  
 13 Military emergency vehicles shall be operated as emergency vehicles  
 14 only when responding to a public disaster, war, riot, invasion,  
 15 insurrection, or resistance of process or in case of imminent  
 16 danger of the occurrence of any of such events. The Adjutant  
 17 General shall develop and enforce standard operating procedures for  
 18 military emergency vehicles.

19 (b) Vehicles eligible for designation as military  
 20 emergency vehicles shall be limited to vehicles assigned to:

21 (i) The Civil Support Team, or any successor unit; and

22 (ii) The chemical, biological, radiological, nuclear, and  
 23 high-yield explosives enhanced response force package, commonly  
 1 known as the CERFP unit, or any successor unit.

2 Sec. 2. Section 60-610, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 60-610 Authorized emergency vehicle shall mean such  
 5 fire department vehicles, police vehicles, rescue vehicles, and  
 6 ambulances as are publicly owned, ~~and~~ such other publicly or  
 7 privately owned vehicles as are designated by the Director of Motor  
 8 Vehicles, and such publicly owned military vehicles of the National  
 9 Guard as are designated by the Adjutant General pursuant to section  
 10 55-133.

11 Sec. 3. Section 60-6,230, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:

13 60-6,230 (1) Except as provided in sections 60-6,231 to  
 14 60-6,233 and subsections (4) and (5) of this section, no person  
 15 shall operate any motor vehicle or any equipment of any description  
 16 on any highway in this state with any rotating or flashing light.

17 (2) Except for stop lights and directional signals, which  
 18 may be red, yellow, or amber, no person shall display any color  
 19 of light other than red on the rear of any motor vehicle or any  
 20 equipment of any kind on any highway within this state.

21 ~~(3) Blue and green lights may Amber rotating or flashing~~  
 22 lights shall be displayed on vehicles of the Military Department  
 23 for purpose of convoy control when on any state emergency mission.

24 (4) A single flashing white light may be displayed on  
 25 the roof of school transportation vehicles during extremely adverse  
 26 weather conditions.

27 (5) Blue and amber rotating or flashing lights may be  
 1 displayed on vehicles used for the movement of snow when operated  
 2 by the Department of Roads or any local authority.

3 Sec. 4. Section 60-6,231, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 60-6,231 A flashing or rotating red light or red and  
 6 white light shall be displayed on any authorized emergency vehicle  
 7 whenever operated in this state. A blue light may also be displayed  
 8 with such flashing or rotating red light or red and white light.

9 For purposes of this section, ~~any publicly owned police, fire,~~  
 10 ~~or rescue vehicles and publicly or privately owned ambulances and~~  
 11 ~~funeral escort vehicles shall be considered to be emergency an~~  
 12 ~~authorized emergency vehicle shall include funeral escort vehicles.~~  
 13 Sec. 5. Original sections 55-133, 60-610, 60-6,230, and  
 14 60-6,231, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Amanda McGill, Chairperson

## COMMITTEE REPORTS

Agriculture

**LEGISLATIVE BILL 790.** Placed on General File.

**LEGISLATIVE BILL 791.** Placed on General File.

**LEGISLATIVE BILL 925.** Placed on General File with amendment.  
 AM1607

1 1. Strike section 2.

2 2. On page 4, line 5, strike "sections 54-401 and 54-415"

3 and insert "section 54-401"; and in line 6 strike "are" and insert

4 "is".

(Signed) Philip Erdman, Chairperson

## NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

Monday, February 04, 2008 1:30 p.m.

LB959

LB960

LB961

Agency 10 - State Auditor

Agency 12 - State Treasurer

Agency 16 - Department of Revenue

Agency 75 - Nebraska Investment Council

Agency 93 - Tax Equalization and Review Commission

Tuesday, February 05, 2008 1:30 p.m.

LB1060

LB1075

LB905

Agency 48 - Coordinating Commission for Postsecondary Education

Agency 50 - Nebraska State Colleges

Agency 51 - University of Nebraska

Agency 47 - Educational Telecommunications Commission

(Signed) Lavon Heidemann, Chairperson

General Affairs

Room 1510

Monday, February 04, 2008 1:30 p.m.

LB996

LB1058

LB728

Murray Newman - Nebraska Arts Council

David Catalan - Nebraska Arts Council

Richard Vierk - Nebraska Arts Council

Donna Hastings - Nebraska Arts Council

Nana Smith - Nebraska Arts Council

(Signed) Vickie McDonald, Chairperson

### **VISITORS**

Visitors to the Chamber were 8 seventh-grade student advisory group, teacher, and sponsor from Norfolk Middle School, Norfolk; 14 eleventh- and twelfth-grade students and teachers from Kearney Catholic School, Kearney; and Skip Quint from Omaha.

The Doctor of the Day was Dr. Jeffrey Harrison from Papillion.

### **ADJOURNMENT**

At 12:07 p.m., on a motion by Senator McGill, the Legislature adjourned until 9:00 a.m., Friday, January 25, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWELFTH DAY - JANUARY 25, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 25, 2008

**PRAYER**

The prayer was offered by Father Daniel Seiker, Cathedral of the Risen Christ, Lincoln.

**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 Fischer and Harms who were excused; and Senators Ashford, Cornett, Dubas, Johnson, Lautenbaugh, Schimek, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eleventh day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1091	Transportation and Telecommunications
LB1092	Transportation and Telecommunications
LB1093	Appropriations
LB1094	Natural Resources
LB1095	Urban Affairs
LB1096	Urban Affairs
LB1097	Judiciary
LB1098	Revenue
LB1099	Natural Resources
LB1100	Education
LB1101	Urban Affairs
LB1102	Urban Affairs
LB1103	General Affairs

LB1104	Health and Human Services
LB1105	Business and Labor
LB1106	Judiciary
LB1107	Judiciary
LB1108	Health and Human Services
LB1109	Appropriations
LB1111	Revenue
LB1112	Government, Military and Veterans Affairs
LB1113	Agriculture
LB1114	Agriculture
LB1115	Agriculture
LB1116	Agriculture
LB1117	Urban Affairs
LB1118	Revenue
LB1119	Appropriations
LB1120	Health and Human Services
LB1121	Health and Human Services
LB1122	Health and Human Services
LB1123	Health and Human Services
LB1124	Health and Human Services
LB1125	Education
LB1126	Revenue
LB1127	Natural Resources
LB1128	Judiciary
LB1129	Transportation and Telecommunications
LB1130	Judiciary
LB1131	Natural Resources
LB1132	Natural Resources
LB1133	Appropriations
LB1134	Revenue
LB1135	Education
LB1136	Government, Military and Veterans Affairs
LB1137	Revenue
LB1138	Natural Resources
LB1139	Appropriations
LB1140	Revenue
LB1141	Education
LB1142	Judiciary
LB1143	Nebraska Retirement Systems
LB1144	Banking, Commerce and Insurance
LB1145	Natural Resources
LB1146	Nebraska Retirement Systems
LB1147	Nebraska Retirement Systems
LB1148	Agriculture
LB1149	Revenue
LB1150	Appropriations
LB1151	Education
LB1152	Education
LB1153	Education



LB1154 Education  
 LB1155 Education  
 LB1156 Appropriations  
 LB1157 Education  
 LB1158 Education  
 LB1159 Judiciary  
 LB1160 Judiciary  
 LB1161 Appropriations  
 LB1162 Natural Resources  
 LB1163 Health and Human Services  
 LB1164 Natural Resources  
 LB1165 Appropriations  
 LB1166 Urban Affairs  
 LB1167 Judiciary  
 LB1168 Appropriations  
 LB1169 Health and Human Services  
 LB1170 Judiciary  
 LB1171 Agriculture  
 LB1172 Agriculture  
 LB1173 Health and Human Services  
 LB1174 Agriculture  
 LB1175 Revenue  
 LB1176 Health and Human Services  
 LR232 Transportation and Telecommunications  
 LR233CA Judiciary

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

### MESSAGE FROM THE GOVERNOR

January 17, 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 appointed to the State Emergency Response Commission:

Mark Graf, 407 West Street, Arapahoe, NE 68922  
 Steven Virgil, 2123 S. 106th Street, Omaha, NE 68124  
 Gary Gandara, 9935 West "O" Street, Lincoln, NE 68528

Contingent upon your approval, the following individual is being reappointed to the State Emergency Response Commission:

Keith Deiml, 905 Crest Road, 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

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 24, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Bowling, Karen  
Family Council, Nebraska

Brashear, Kermit A.  
Brownell-Talbot School  
Cox Nebraska Telcom, LLC

Bromm, Curt  
Bellevue Medical Center

Campbell, Mary M./Campbell & Associates  
Nebraska Resources Company, LLC

Ellis, Karen M.  
Embarq Corp.

Hutchinson, M.C.  
Family Council, Nebraska (Withdrawn 01/24/2008)

Jensen, Ronald L./Jensen Associates, Inc.  
National Rifle Association Institute for Legislative Action

Kamm, Richard D.  
Adams Central Junior-Senior High

Langan, Mark  
Humane Society, Nebraska

Likes, Steven C., Esq.  
Investment Finance Authority, Nebraska

Mittenberger, Matt  
Republican Party, Nebraska

Nielsen, Coleen J.  
Consumer Health Alliance

Peters, William E.  
Golden Rule Insurance Company

Pieper, James S.  
Brownell-Talbot School  
Cox Nebraska Telcom, LLC

Radcliffe, Walter H. of Radcliffe & Associates  
Nebraska Expressways for Economic Development (NEED)

Reynolds, Simera  
Mothers Against Drunk Driving, Nebraska

Riskowski, Al  
Family Council, Nebraska

Wesely, Don  
Ayars & Ayars, Inc.

## REPORTS

The following reports were received by the Legislature:

**Correctional Services, Department of**

Work Ethic Camp Annual Report

**Railway Council, Nebraska**

2007 Annual Report

**Roads, Department of**

State Highway Commission Quarterly Report

## NOTICE OF COMMITTEE HEARING

Revenue

Room 1524

Friday, February 01, 2008 1:30 p.m.

LB778

LB897

LB864  
LB989

Ruth A. Sorensen - Property Tax Administrator - Property Assessment and Taxation

Rob Hotz - Tax Equalization and Review Commission

Nancy J. Salmon - Tax Equalization and Review Commission

William R. Wickersham - Tax Equalization and Review Commission

(Signed) Ray Janssen, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 706.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 707.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 269.** ER8128, found on page 273, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 575.** ER8138, found on page 345, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 205.** ER8129, found on page 298, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 210.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 312.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 379.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 380.** ER8130, found on page 308, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 383.** ER8134, found on page 310, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE RESOLUTION 5CA.** ER8133, found on page 312, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 690.** ER8132, found on page 312, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 92.** ER8135, found on page 314, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 467.** ER8136, found on page 343, was adopted.

Senator Flood renewed his amendment, AM1624, found on page 357.

The Flood amendment was adopted with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 467A.** ER8137, found on page 345, was adopted.

Senator Chambers renewed his amendment, AM650, found on page 315.

The Chambers 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 202.** ER8139, found on page 348, was adopted.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 352.** Committee AM665, found on page 841, First Session, 2007, and considered on pages 355 and 357, was renewed.

Senator Chambers offered the following amendment to the committee amendment:

FA162

Amend AM665

Page 1 Strike lines 16-18.

The Chambers amendment was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Senator Chambers offered the following amendment to the committee amendment:

FA163

Amend AM665

Page 1 Strike lines 19-23.

Pending.

### **MOTION - Print in Journal**

Senator Hudkins filed the following motion to LB1099:

MO112

Withdraw.

### **AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB210:

AM1602

- 1 1. On page 2, line 8, strike the new matter; and in
- 2 line 15 strike "Representatives", show as stricken, and insert
- 3 "Members".
- 4 2. On page 3, line 19, after "(3)" insert "The two
- 5 members of the Legislature serving on the state board shall be
- 6 nonvoting, ex officio members. All other members shall be voting
- 7 members.".
- 8 3. On page 4, line 4, before "members" insert "voting".

Senator Louden filed the following amendment to LB801:

AM1629

- 1 1. Insert the following new sections:
- 2 Section 1. Section 46-701, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 46-701 Sections 46-701 to 46-754 and sections 3 to 5 of
- 5 this act shall be known and may be cited as the Nebraska Ground
- 6 Water Management and Protection Act.
- 7 Sec. 2. Section 46-706, Revised Statutes Cumulative
- 8 Supplement, 2006, is amended to read:
- 9 46-706 For purposes of the Municipal and Rural Domestic
- 10 Ground Water Transfers Permit Act, the Nebraska Ground Water
- 11 Management and Protection Act, and sections 46-601 to 46-613.02,
- 12 46-636, 46-637, and 46-651 to 46-655, unless the context otherwise
- 13 requires:
- 14 (1) Person means a natural person, a partnership,
- 15 a limited liability company, an association, a corporation, a
- 16 municipality, an irrigation district, an agency or a political
- 17 subdivision of the state, or a department, an agency, or a bureau
- 18 of the United States;
- 19 (2) Ground water means that water which occurs in or

20 moves, seeps, filters, or percolates through ground under the  
21 surface of the land;

22 (3) Contamination or contamination of ground water means  
23 nitrate nitrogen or other material which enters the ground water  
1 due to action of any person and causes degradation of the quality  
2 of ground water sufficient to make such ground water unsuitable for  
3 present or reasonably foreseeable beneficial uses;

4 (4) District means a natural resources district operating  
5 pursuant to Chapter 2, article 32;

6 (5) Illegal water well means (a) any water well operated  
7 or constructed without or in violation of a permit required by  
8 the Nebraska Ground Water Management and Protection Act, (b) any  
9 water well not in compliance with rules and regulations adopted and  
10 promulgated pursuant to the act, (c) any water well not properly  
11 registered in accordance with sections 46-602 to 46-604, or (d)  
12 any water well not in compliance with any other applicable laws of  
13 the State of Nebraska or with rules and regulations adopted and  
14 promulgated pursuant to such laws;

15 (6) To commence construction of a water well means the  
16 beginning of the boring, drilling, jetting, digging, or excavating  
17 of the actual water well from which ground water is to be  
18 withdrawn;

19 (7) Management area means any area so designated by a  
20 district pursuant to section 46-712 or 46-718, by the Director  
21 of Environmental Quality pursuant to section 46-725, or by  
22 the Interrelated Water Review Board pursuant to section 46-719.  
23 Management area includes a control area or a special ground water  
24 quality protection area designated prior to July 19, 1996;

25 (8) Management plan means a ground water management plan  
26 developed by a district and submitted to the Director of Natural  
27 Resources for review pursuant to section 46-711;

1 (9) Ground water reservoir life goal means the finite or  
2 infinite period of time which a district establishes as its goal  
3 for maintenance of the supply and quality of water in a ground  
4 water reservoir at the time a ground water management plan is  
5 adopted;

6 (10) Board means the board of directors of a district;

7 (11) Acre-inch means the amount of water necessary to  
8 cover an acre of land one inch deep;

9 (12) Subirrigation or subirrigated land means the natural  
10 occurrence of a ground water table within the root zone of  
11 agricultural vegetation, not exceeding ten feet below the surface  
12 of the ground;

13 (13) Best management practices means schedules of  
14 activities, maintenance procedures, and other management practices  
15 utilized for purposes of irrigation efficiency, to conserve or  
16 effect a savings of ground water, or to prevent or reduce present  
17 and future contamination of ground water. Best management practices  
18 relating to contamination of ground water may include, but not

19 be limited to, irrigation scheduling, proper rate and timing  
20 of fertilizer application, and other fertilizer and pesticide  
21 management programs. In determining the rate of fertilizer  
22 application, the district shall consult with the University of  
23 Nebraska or a certified crop advisor certified by the American  
24 Society of Agronomy;

25 (14) Point source means any discernible, confined, and  
26 discrete conveyance, including, but not limited to, any pipe,  
27 channel, tunnel, conduit, well, discrete fissure, container,  
1 rolling stock, vessel, other floating craft, or other conveyance,  
2 over which the Department of Environmental Quality has regulatory  
3 authority and from which a substance which can cause or contribute  
4 to contamination of ground water is or may be discharged;

5 (15) Allocation, as it relates to water use for  
6 irrigation purposes, means the allotment of a specified total  
7 number of acre-inches of irrigation water per irrigated acre per  
8 year or an average number of acre-inches of irrigation water per  
9 irrigated acre over any reasonable period of time;

10 (16) Rotation means a recurring series of use and nonuse  
11 of irrigation wells on an hourly, daily, weekly, monthly, or yearly  
12 basis;

13 (17) Water well has the same meaning as in section  
14 46-601.01;

15 (18) Surface water project sponsor means an irrigation  
16 district created pursuant to Chapter 46, article 1, a reclamation  
17 district created pursuant to Chapter 46, article 5, or a public  
18 power and irrigation district created pursuant to Chapter 70,  
19 article 6;

20 (19) Beneficial use means that use by which water may be  
21 put to use to the benefit of humans or other species;

22 (20) Consumptive use means the amount of water that is  
23 consumed under appropriate and reasonably efficient practices to  
24 accomplish without waste the purposes for which the appropriation  
25 or other legally permitted use is lawfully made;

26 (21) Dewatering well means a well constructed and used  
27 solely for the purpose of lowering the ground water table  
1 elevation;

2 (22) Emergency situation means any set of circumstances  
3 that requires the use of water from any source that might  
4 otherwise be regulated or prohibited and the agency, district,  
5 or organization responsible for regulating water use from such  
6 source reasonably and in good faith believes that such use is  
7 necessary to protect the public health, safety, and welfare,  
8 including, if applicable, compliance with federal or state water  
9 quality standards;

10 (23) Good cause shown means a reasonable justification  
11 for granting a variance for a consumptive use of water that  
12 would otherwise be prohibited by rule or regulation and which the  
13 granting agency, district, or organization reasonably and in good



14 faith believes will provide an economic, environmental, social, or  
 15 public health and safety benefit that is equal to or greater than  
 16 the benefit resulting from the rule or regulation from which a  
 17 variance is sought;

18 (24) Historic consumptive use means the amount of water  
 19 that has previously been consumed under appropriate and reasonably  
 20 efficient practices to accomplish without waste the purposes for  
 21 which the appropriation or other legally permitted use was lawfully  
 22 made;

23 (25) Monitoring well means a water well that is designed  
 24 and constructed to provide ongoing hydrologic or water quality  
 25 information and is not intended for consumptive use;

26 (26) Order, except as otherwise specifically provided,  
 27 includes any order required by the Nebraska Ground Water Management  
 1 and Protection Act, by rule or regulation, or by a decision adopted  
 2 by a district by vote of the board of directors of the district  
 3 taken at any regularly scheduled or specially scheduled meeting of  
 4 the board;

5 (27) Overall difference between the current and fully  
 6 appropriated levels of development means the extent to which  
 7 existing uses of hydrologically connected surface water and ground  
 8 water and conservation activities result in the water supply  
 9 available for purposes identified in subsection (3) of section  
 10 46-713 to be less than the water supply available if the  
 11 river basin, subbasin, or reach had been determined to be fully  
 12 appropriated in accordance with section 46-714;

13 (28) Test hole means a hole designed solely for the  
 14 purposes of obtaining information on hydrologic or geologic  
 15 conditions; ~~and~~

16 (29) Variance means (a) an approval to deviate from a  
 17 restriction imposed under subsection (1), (2), (9), or (10) of  
 18 section 46-714 or (b) the approval to act in a manner contrary to  
 19 existing rules or regulations from a governing body whose rule or  
 20 regulation is otherwise applicable; ~~and-~~

21 (30) Measuring device means a device approved by the  
 22 department used to measure the total volume of water pumped or  
 23 diverted annually. For surface water diversions, the device shall  
 24 be approved by the department. For ground water wells, the device  
 25 shall be approved by the district where the well is located.

26 Sec. 3. To properly identify the amount of water being  
 27 pumped from certain water wells and from surface water diversion  
 1 works located within the state for the preservation of the  
 2 waters of the state for all beneficial uses, including domestic,  
 3 agricultural, and manufacturing uses:

4 (1) Every district shall in either their integrated  
 5 management plan, if one is required, or if an integrated management  
 6 plan is not required, in their ground water management plan,  
 7 include a provision requiring measuring devices to be installed  
 8 on certain water wells within the district before June 30, 2012.

9 This section applies to water wells used for any purpose that are  
 10 capable of pumping fifty gallons per minute or more or are combined  
 11 with or used for the same project with other water wells that  
 12 together pump more than fifty gallons per minute; and

13 (2) The Department of Natural Resources shall require  
 14 appropriate measuring devices to be installed on surface water  
 15 diversion works before June 30, 2012.

16 Sec. 4. Beginning on June 30, 2012, every district shall  
 17 report at a minimum of once every two years to the Department  
 18 of Natural Resources, on a form prescribed by the department, the  
 19 amount of water pumped from water wells within the district that  
 20 are subject to section 3 of this act. The Director of Natural  
 21 Resources may require more frequent reporting. The report, at a  
 22 minimum, shall:

23 (1) Provide information on such water wells;

24 (2) Contain the amount of water pumped by each individual  
 25 water well;

26 (3) Provide aggregate information for each group of  
 27 water wells, including domestic wells, irrigation wells, industrial  
 1 wells, municipal wells, and municipal and industrial combined  
 2 wells;

3 (4) Provide any notation as to whether there were any  
 4 problems with the measuring device during the reporting period;

5 (5) Provide the registration number of the water well;  
 6 and

7 (6) Describe the location of each water well in the  
 8 manner determined by the department.

9 Sec. 5. Beginning on June 30, 2014, and, at a minimum,  
 10 once every two years, the Department of Natural Resources shall  
 11 report to the Legislature as to the total amount of water pumped by  
 12 water wells subject to section 3 of this act and from surface water  
 13 diversion works, identifying the amounts by river basin.

14 2. On page 9, line 11, after "Original" insert "sections  
 15 46-701 and 46-706, Revised Statutes Cumulative Supplement, 2006,  
 16 and".

17 3. Renumber the remaining sections accordingly.

### **MOTIONS - Print in Journal**

Senators Erdman and Langemeier filed the following motion to LB1148:  
 MO113  
 Indefinitely postpone.

Senator Schimek filed the following motion to LB1148:  
 MO114  
 Withdraw.

**AMENDMENTS - Print in Journal**

Senator Nantkes filed the following amendment to LB235A:  
AM1643

- 1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. The State Treasurer shall transfer (1)  
4 \$5,000,000 from the General Fund to the Film Enhancement Rebate  
5 Program Fund within five days after the effective date of this  
6 act, or as soon thereafter as administratively possible, and (2)  
7 an amount specified by the Department of Economic Development not  
8 to exceed \$5,000,000 from the General Fund to the Film Enhancement  
9 Rebate Program Fund on July 6, 2009, or as soon thereafter as  
10 administratively possible.  
11 Sec. 2. There is hereby appropriated (1) \$5,000,000  
12 from the Film Enhancement Rebate Program Fund for FY2008-09 and  
13 (2) \$5,000,000 from the Film Enhancement Rebate Program Fund for  
14 FY2009-10 to the Department of Economic Development, for Program  
15 603, to aid in carrying out the provisions of Legislative Bill 235,  
16 One Hundredth Legislature, Second Session, 2008.  
17 There is included in the appropriation in this section  
18 for FY2008-09 \$4,885,000 for the payment of rebates, which  
19 shall only be used for such purpose. There is included in the  
20 appropriation in this section for FY2009-10 \$4,890,000 for the  
21 payment of rebates, which shall only be used for such purpose.  
22 Total expenditures for permanent and temporary salaries  
23 and per diems from funds appropriated in this section shall not  
1 exceed \$76,000 in FY2008-09 and \$79,000 in FY2009-10.

Senator Nantkes filed the following amendment to LB235:  
AM1644

(Amendments to E & R amendments, ER8140)

- 1 1. On page 5, line 2, before "The" insert "(1)"; in  
2 line 3 strike "appropriations" and insert "transfers"; in line  
3 5 after the period insert "The fund shall be used by the  
4 Department of Economic Development for the payment of rebates  
5 and for administrative expenses directly related to the Nebraska  
6 Advantage Film Production Incentive Act."; and after line 8 insert  
7 the following new subsection:  
8 "(2) The initial transfer from the General Fund to the  
9 Film Enhancement Rebate Program Fund for fiscal year 2008-09 shall  
10 be five million dollars. In each fiscal year thereafter, the  
11 department shall, by June 30, determine the amount of unexpended  
12 and uncommitted funds remaining in the Film Enhancement Rebate  
13 Program Fund and the amount of General Funds required to bring the  
14 balance of the Film Enhancement Rebate Program Fund available for  
15 expenditure to five million dollars. The department shall, no later  
16 than July 5 each year, notify the State Treasurer of the amount  
17 of funding required to bring the available balance of the Film

18 Enhancement Rebate Program Fund to five million dollars. The State  
 19 Treasurer shall transfer the amount specified by the department,  
 20 not to exceed five million dollars, from the General Fund to the  
 21 Film Enhancement Rebate Program Fund.".

### NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Friday, February 01, 2008 1:30 p.m.

LB1065

LB1066

John Kinter - Environmental Quality Council

Leigh Hoyt - Environmental Quality Council

(Signed) LeRoy Louden, Chairperson

Business and Labor

Room 2102

Monday, February 04, 2008 1:30 p.m.

LB936

LB926

Sam Jensen - Commission of Industrial Relations

Monday, February 11, 2008 1:30 p.m.

LB1082

LB948

LB1016

Room 1524

Monday, February 25, 2008 1:30 p.m.

LB1019

LB1020

LB1086

LB1105

(Signed) Abbie Cornett, Chairperson

**COMMITTEE REPORTS**

## Natural Resources

The Natural Resources 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.

Tim Else - Nebraska Ethanol Board  
 Steve Hanson - Nebraska Ethanol Board

Aye: 8 Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Loudon, Wallman. Nay: 0. Absent: 0.

The Natural Resources 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.

S. Michael "Mick" Jensen - Nebraska Game and Parks Commission

Aye: 8 Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Loudon, Wallman. Nay: 0. Absent: 0.

(Signed) LeRoy Loudon, Chairperson

**MOTION - Escort Chief Justice**

Speaker Flood moved that a committee of eight be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Ashford, Lathrop, Lautenbaugh, Nantkes, Nelson, Pirsch, White, and Wightman to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, esteemed members of the Legislature, my fellow justices of the Supreme Court, and guests. It is indeed a great honor for me to speak with you today.

I would like to thank all of you for inviting me. I must also give a special thanks to Speaker Flood for this opportunity to showcase the judiciary, the third -- and often least understood -- branch of government.

Let me begin by introducing the other members of the Supreme Court.

To my immediate right is Justice John Wright; to his right is Justice John Gerrard. To the right of Justice Gerrard is Justice Michael McCormack.

To my immediate left is Justice William Connolly. To Justice Connolly's left is Justice Kenneth Stephan. Justice Lindsey Miller-Lerman regrets that she cannot attend because of a prior commitment.

Each of you received a packet for this occasion. The packets have preliminary statistics and charts showing the number of cases filed, caseload distributions, flow charts, and other statistical information for the court system.

While you are certainly capable of reviewing these documents on your own, I want to bring a few of the more notable figures to your attention.

More than 41,000 cases were filed in our district courts in 2007, and a staggering 233,555 cases were filed in our county courts last year. Notably, that figure does not include the 162,855 filings related to routine traffic offenses.

The sheer number of cases our court system handles each year is astonishing considering the judicial branch is allocated just 2 percent of the state's entire budget. In fact, the judicial branch essentially pays for itself, as fees and fines collected by courts are distributed to local school systems, Nebraska Legal Services, the Law Enforcement Improvement Fund, the state's general fund, and other state and local services.

But rather than dwell on statistics, I would like to focus on some of the special initiatives of the court and the judicial branch.

### Through the Eyes of the Child

The first initiative involves abused and neglected children whose cases are in the juvenile court system. Many of these children are wards of the state and are in foster care.

As you are aware, Nebraska has an inordinate number of such children. Those children have been a special focus of the courts in 2007.

Former Chief Justice John Hendry convened the Supreme Court Commission on Children in the Courts in January 2005. Chief Justice Hendry's vision and leadership resulted in the first ever Nebraska Children's Summit in September 2006. Participants included most of the state's juvenile court judges, many child welfare workers from the Department of Health and Human Services, members of the Foster Care Review Board, prosecuting attorneys, defense attorneys, and other parties interested in Nebraska's juvenile court system.

I had the privilege of attending that summit after I was appointed Chief Justice, but before I was sworn in. The summit launched the "Through the Eyes of the Child Initiative." Summit participants voted to name the project "Through the Eyes of the Child" so that all participants in abuse-and-neglect cases would be mindful of the child's perspective throughout such proceedings.

The Through the Eyes of the Child Initiative established 25 community-based court teams around the State of Nebraska. Each team is led by a judge of either a county or juvenile court.

The goal of each team is to develop the best way to handle abuse and neglect cases -- including cases involving the termination of parental rights - - in their particular courts. All of the teams are working hard to place abused

and neglected children in permanent, safe, and stable homes as quickly as possible. At the same time, the teams strive to preserve fairness and the rights of all parties to these proceedings.

The Supreme Court Commission on Children in the Courts also drafted guidelines that were approved this year. These guidelines are for use by guardians ad litem in juvenile court proceedings and provide for training for guardians ad litem, judges, defense attorneys, prosecutors, and other participants in the juvenile court process.

The Supreme Court has placed an emphasis on meeting national and state guidelines for case progression. Almost all of the local committees have come to the conclusion that one of the most important ways to quickly address permanency in these cases is by front-loading the system.

By "front-loading the system," we mean making use of informal preconference hearings. Front-loading has given us the ability, early in the litigation process, to appoint counsel for all parties involved and to obtain assistance for parents suffering from mental health or substance abuse problems. This front-loading feature appears to be paying great dividends.

Dodge County provides a good illustration of the Initiative's effectiveness. Since the Initiative began, the number of children in foster care in Dodge County has dropped 50 percent. This drop is a direct result of collaboration by judges in Dodge County, workers from the Department of Health and Human Services, and members of the local bar.

I should also note the work of our Court of Appeals regarding abuse and neglect cases. By prioritizing cases involving the potential termination of parental rights, the Court of Appeals reduced the average length of time needed to process an appeal in such cases by 3 months. Although 3 months may not seem much to you and me, 3 months is a long time in the eyes of a child.

## Drug Courts

I would next like to speak to you about drug courts. Drug courts handle cases related to use or possession of narcotics, but do so in a somewhat unique manner.

Drug Courts are community based and therefore seek to treat and rehabilitate offenders in local communities rather than simply punish the offenders. Drug courts require an intensive use of judicial resources in the rehabilitative process.

Nonetheless, the strain on judicial resources results in economic savings. It is estimated that it costs \$31,000 to incarcerate an offender for 1 year, while it costs a mere \$3,500 to handle such a case through a drug court. Proponents also feel the recidivism rate for drug court participants will show a significant decline.

Presently, Nebraska has 20 drug courts, most designed to work with adult offenders. However, several drug courts are designed specifically for juveniles. Currently, drug courts are available in 10 of the 12 judicial districts in the State, with interest in establishing programs in the remaining two districts.

As part of our juvenile court system, family drug courts located in Omaha, Lincoln, Scottsbluff, and central Nebraska emphasize treatment for parents. The overarching goal of family drug courts is helping these parents keep their families together.

The judges who preside over Nebraska's drug courts volunteer for this tough assignment. Drug court cases are more time consuming than most conventional cases. They require a unique balance of perseverance and resolve. I want to personally thank those judges for their leadership and dedication.

Of the court system's 1,118 employees, 464 are probation officers or probation support staff. Probation officers are the backbone of our drug courts and other community corrections efforts. They deserve our appreciation as well.

### Minority Justice

I also want to discuss recent efforts by the Nebraska Minority Justice Committee. This committee strives to develop and implement sustainable policy reforms which will not only improve the system of justice, but will also strengthen public trust and confidence in our laws and the court system.

The group's newest project was just announced a few weeks ago. The committee received a grant to improve the justice system's capacity to serve non-English-speaking persons. To that end, the committee coordinated the translation of court forms into Spanish, Vietnamese, and Arabic, the three languages for which interpretive services are most commonly requested.

The practical importance of bilingual forms cannot be overstated: Noncompliance with court terms can result in detention, loss of child custody, or other consequences.

The judicial branch has identified particular forms that, once translated, will help non-English speakers understand both their rights and responsibilities under the law.

### Interpreters

Bilingual forms are part of a larger challenge currently facing our courts. That challenge is how to effectively work with non-English-speaking parties.

Although, as noted, the greatest number of such litigants is Spanish-, Vietnamese-, or Arabic-speaking, a variety of other languages require the use of interpreters in our courts. Last year, the use of interpretive assistance in the court system was required in 16 foreign languages, as well as American Sign Language.

Nebraska is one of 40 states working together in a consortium to provide uniform testing to ensure the quality of interpreters used in the courts. Certification, through the consortium and otherwise, is currently available in 13 foreign languages and American Sign Language. The demand for certified interpreters, however, continues to exceed the supply of certified interpreters.



The cost for the certification and utilization of interpreters has rapidly increased. These costs have begun to consume funds anticipated for other court projects.

### Pro Se Committee

Another major challenge confronting our courts is the growing number of self-represented litigants in civil cases.

Currently, 42 percent of civil litigants in district court, and over 50 percent of civil litigants in county court, appear without legal representation. These cases are time consuming and try the patience of judges and litigants alike. The Supreme Court Implementation Committee on Pro Se Litigation is working on solutions to this problem.

The programs I have discussed -- drug courts, interpretive services, and responses to pro se litigation -- strain already thin judicial resources. As a result, the Supreme Court will grapple, as will this body, with the efficient allocation of resources.

I would like to thank the Nebraska State Bar Association for its work in this area. Last year, the bar association's "Judicial Structure and Administration Task Force" worked to find solutions to allocation issues. The Supreme Court will continue to support ways to increase flexibility in the apportionment of those resources.

### Technology

I would like to spend the remainder of my time by discussing the future of the courts. It is a future that will present a number of challenges. Many of these challenges will be affected by technology.

Through technology, we can enhance citizen access to the courts while simultaneously increasing the efficiency of the court system itself. For example, the judicial branch recently launched an on-line payment program for traffic tickets in many counties.

This new e-payment system offers drivers a secure on-line way to pay traffic citations. This option will save time for motorists and relieve judges and court staff of the many administrative tasks involved in processing these citations.

There are presently 25 counties offering the option of e-payments for traffic tickets, with another 55 counties in the final stages of doing so. We anticipate all counties will have e-payment available by the end of the year.

You can learn more about these projects at the Supreme Court's Web site, [www.supremecourt.ne.gov](http://www.supremecourt.ne.gov).

### E-Filing

Another large-scale project undergoing expansion and development in the courts is electronic filing. While still in the developmental phase, more than 3,000 court documents have been electronically filed through two pilot projects.

E-filing will offer every court in every county the potential of 24-hour-a-day filing. Likewise, court filings, subject to court rules protecting individual privacy, will be available for on-line viewing by litigants and citizens 24 hours a day.

A special thanks goes to the Supreme Court Technology Committee. The committee has successfully moved the court system's technology projects forward.

### Cameras in the Court

I began this presentation by noting that the judiciary is often the least understood branch of government. The Supreme Court and Court of Appeals are participants in a proposal of the Nebraska Educational Telecommunications Commission to place permanent cameras in our two courtrooms. There is no better way to showcase the appellate process than by offering live coverage of our proceedings.

We very much appreciate this opportunity to work with NETV in allowing the public to see and hear our judicial system in action.

Several trial courts are also experimenting with increased media coverage. Courts in Beatrice, Tecumseh, and Falls City have some audio coverage in their district courts. Courts in Lancaster, Sarpy, and Douglas Counties are considering limited audio and visual coverage in their courtrooms as well.

We believe Nebraska's courts have a great story to tell. Audio and visual coverage of the courts enhance our ability to tell that story.

### Conclusion

Again, I thank you for the opportunity to present this State of the Judiciary address. My comments focused on the efforts of the judicial branch to improve the future for Nebraska's children, to address the unique problems of drug abuse, and to meet the challenges that our courts will face in the future.

I would like to close by commenting on the quality of people who comprise the judicial branch in this State. Since taking the oath as Chief Justice in October 2006, I have had many opportunities to meet with judges, court staff, and probation officers. From these visits, I can say with confidence that Nebraska has first-rate court officers and, consequently, a first-rate court system.

I want to express my appreciation for your support in our past endeavors and ask for your continued support of Nebraska's judicial branch.

Thank you.

The committee escorted the Chief Justice from the Chamber.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 632.** Placed on Select File with amendment.  
ER8147

- 1 1. On page 1, lines 1 and 5, strike "sections" and insert  
 2 "section"; and in line 2 strike "and 54-702.01".

**LEGISLATIVE BILL 621.** Placed on Select File with amendment.  
 ER8150

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 60-4,182, Revised Statutes Supplement,  
 4 2007, is amended to read:  
 5 60-4,182 In order to prevent and eliminate successive  
 6 traffic violations, there is hereby provided a point system dealing  
 7 with traffic violations as disclosed by the files of the director.  
 8 The following point system shall be adopted:  
 9 (1) Conviction of motor vehicle homicide - 12 points;  
 10 (2) Third offense drunken driving in violation of any  
 11 city or village ordinance or of section 60-6,196, as disclosed by  
 12 the records of the director, regardless of whether the trial court  
 13 found the same to be a third offense - 12 points;  
 14 (3) Failure to stop and render aid as required under  
 15 section 60-697 in the event of involvement in a motor vehicle  
 16 accident resulting in the death or personal injury of another - 6  
 17 points;  
 18 (4) Failure to stop and report as required under section  
 19 60-696 or any city or village ordinance in the event of a motor  
 20 vehicle accident resulting in property damage - 6 points;  
 21 (5) Driving a motor vehicle while under the influence  
 22 of alcoholic liquor or any drug or when such person has a  
 23 concentration of eight-hundredths of one gram or more by weight of  
 1 alcohol per one hundred milliliters of his or her blood or per two  
 2 hundred ten liters of his or her breath in violation of any city or  
 3 village ordinance or of section 60-6,196 - 6 points;  
 4 (6) Willful reckless driving in violation of any city or  
 5 village ordinance or of section 60-6,214 or 60-6,217 - 6 points;  
 6 (7) Careless driving in violation of any city or village  
 7 ordinance or of section 60-6,212 - 4 points;  
 8 (8) Negligent driving in violation of any city or village  
 9 ordinance - 3 points;  
 10 (9) Reckless driving in violation of any city or village  
 11 ordinance or of section 60-6,213 - 5 points;  
 12 (10) Speeding in violation of any city or village  
 13 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:  
 14 (a) Not more than five miles per hour over the speed  
 15 limit - 1 point;  
 16 (b) More than five miles per hour but not more than ten  
 17 miles per hour over the speed limit - 2 points; ~~and~~  
 18 (c) More than ten miles per hour but not more than  
 19 thirty-five miles per hour over the speed limit - 3 points, except  
 20 that one point shall be assessed upon conviction of exceeding by

21 not more than ten miles per hour, two points shall be assessed  
 22 upon conviction of exceeding by more than ten miles per hour but  
 23 not more than fifteen miles per hour, and three points shall be  
 24 assessed upon conviction of exceeding by more than fifteen miles  
 25 per hour but not more than thirty-five miles per hour the speed  
 26 limits provided for in subdivision (1)(e), (f), (g), or (h) of  
 27 section 60-6,186; and

1 (d) More than thirty-five miles per hour over the speed  
 2 limit - 4 points;

3 (11) Failure to yield to a pedestrian not resulting in  
 4 bodily injury to a pedestrian - 2 points;

5 (12) Failure to yield to a pedestrian resulting in bodily  
 6 injury to a pedestrian - 4 points; and

7 (13) All other traffic violations involving the operation  
 8 of motor vehicles by the operator for which reports to the  
 9 Department of Motor Vehicles are required under sections 60-497.01  
 10 and 60-497.02, not including violations involving an occupant  
 11 protection system pursuant to section 60-6,270, parking violations,  
 12 violations for operating a motor vehicle without a valid operator's  
 13 license in the operator's possession, muffler violations,  
 14 overwidth, overheight, or overlength violations, motorcycle or  
 15 moped protective helmet violations, or overloading of trucks - 1  
 16 point.

17 All such points shall be assessed against the driving  
 18 record of the operator as of the date of the violation for which  
 19 conviction was had. Points may be reduced by the department under  
 20 section 60-4,188.

21 In all cases, the forfeiture of bail not vacated shall be  
 22 regarded as equivalent to the conviction of the offense with which  
 23 the operator was charged.

24 The point system shall not apply to persons convicted  
 25 of traffic violations committed while operating a bicycle or an  
 26 electric personal assistive mobility device as defined in section  
 27 60-618.02.

1 Sec. 2. Section 60-682.01, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:

3 60-682.01 (1) Any person who operates a vehicle in  
 4 violation of any maximum speed limit established for any highway or  
 5 freeway is guilty of a traffic infraction and upon conviction shall  
 6 be fined:

7 (a) Ten dollars for traveling one to five miles per hour  
 8 over the authorized speed limit;

9 (b) Twenty-five dollars for ~~six to~~ traveling over five  
 10 miles per hour but not over ten miles per hour over the authorized  
 11 speed limit;

12 (c) Seventy-five dollars for traveling ~~eleven to over~~  
 13 ten miles per hour but not over fifteen miles per hour over the  
 14 authorized speed limit;

15 (d) One hundred twenty-five dollars for traveling ~~sixteen~~

16 ~~to over fifteen miles per hour but not over~~ twenty miles per hour  
 17 over the authorized speed limit; ~~and~~

18 (e) Two hundred dollars for traveling ~~twenty-one over~~  
 19 twenty miles per hour but not over thirty-five miles per hour ~~or~~  
 20 ~~more~~ over the authorized speed limit; ~~and~~ -

21 (f) Three hundred dollars for traveling over thirty-five  
 22 miles per hour over the authorized speed limit.

23 (2) The fines prescribed in subsection (1) of this  
 24 section shall be doubled if the violation occurs within a  
 25 maintenance, repair, or construction zone established pursuant  
 26 to section 60-6,188. For purposes of this subsection, maintenance,  
 27 repair, or construction zone means (a) the portion of a highway  
 1 identified by posted or moving signs as being under maintenance,  
 2 repair, or construction or (b) the portion of a highway identified  
 3 by maintenance, repair, or construction zone speed limit signs  
 4 displayed pursuant to section 60-6,188. The maintenance, repair,  
 5 or construction zone starts at the location of the first sign  
 6 identifying the maintenance, repair, or construction zone and  
 7 continues until a posted or moving sign indicates that the  
 8 maintenance, repair, or construction zone has ended.

9 (3) The fines prescribed in subsection (1) of this  
 10 section shall be doubled if the violation occurs within a school  
 11 crossing zone as defined in section 60-658.01.

12 Sec. 3. Original section 60-682.01, Reissue Revised  
 13 Statutes of Nebraska, and section 60-4,182, Revised Statutes  
 14 Supplement, 2007, are repealed.

15 2. On page 1, line 3, strike "Cumulative" and strike  
 16 "2006" and insert "2007".

**LEGISLATIVE BILL 480.** Placed on Select File with amendment.  
 ER8149

1 1. In the Johnson amendment, AM 1534, on page 3, line  
 2 11, strike "71-7609, and 71-7614" and insert "and 71-7609"; and in  
 3 line 13 strike "section 71-7603" and insert "sections 71-7603 and  
 4 71-7614".

5 2. On page 1, line 3, strike "Cumulative" and strike  
 6 "2006" and insert "2007"; and strike beginning with "sections" in  
 7 line 9 through "2006" in line 12 and insert "sections 71-7601,  
 8 71-7602, 71-7604, and 71-7609, Reissue Revised Statutes of  
 9 Nebraska, section 71-7610, Revised Statutes Cumulative Supplement,  
 10 2006, and sections 71-7603 and 71-7614, Revised Statutes  
 11 Supplement, 2007".

**LEGISLATIVE BILL 386.** Placed on Select File with amendment.  
 ER8148

1 1. On page 1, line 1, strike "and".

2 2. On page 3, line 24, after "otherwise" insert an  
 3 underscored comma.

4 3. On page 4, line 21; and page 7, line 3, strike

- 5 "attorney" and insert "attorney's".  
 6 4. On page 5, line 10, after the second "and" insert  
 7 "include".  
 8 5. On page 6, line 23, strike "other" and insert  
 9 "otherwise".  
 10 6. On page 7, line 1, strike "this section" and insert  
 11 "the act".

(Signed) Amanda McGill, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 352.** The Chambers amendment, FA163, found in this day's Journal, was renewed.

Senator Langemeier offered the following motion:

MO116

Unanimous consent to bracket until February 15, 2008.

No objections. So ordered.

**LEGISLATIVE BILL 123.** Title read. Considered.

Committee AM626, found on page 852, First Session, 2007, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 692.** Title read. Considered.

### SENATOR LANGEMEIER PRESIDING

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

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

Voting in the affirmative, 23:

Adams	Hansen	Kruse	Pankonin	Stuthman
Aguilar	Howard	Lathrop	Preister	Synowiecki
Ashford	Hudkins	McGill	Raikes	Wallman
Avery	Janssen	Nantkes	Rogert	
Chambers	Karpisek	Pahls	Schimek	

Voting in the negative, 16:

Burling	Dubas	Heidemann	Louden
Carlson	Erdman	Kopplin	McDonald
Christensen	Flood	Langemeier	Nelson
Dierks	Gay	Lautenbaugh	Wightman

Present and not voting, 4:

Fulton	Pedersen	Pirsch	White
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Excused and not voting, 6:

Cornett	Fischer	Harms
Engel	Friend	Johnson

Failed to advance to Enrollment and Review Initial with 23 ayes, 16 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 179.** Title read. Considered.

Committee AM583, found on page 866, First Session, 2007, was considered.

### **PRESIDENT SHEEHY PRESIDING**

The committee amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 179A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 234.** Introduced by Chambers, 11.

WHEREAS, Congress, by the Act of August 15, 1953, codified at 18 U.S.C. 1162 and 28 U.S.C. 1360, generally known as Public Law 280, ceded federal jurisdiction to the State of Nebraska over offenses committed by or against Indians and civil causes of action between Indians or to which Indians are parties that arise in Indian country in Nebraska; and

WHEREAS, Congress subsequently enacted the Indian Civil Rights Act of 1968, which included a provision codified at 25 U.S.C. 1323 that

authorizes the federal government to accept a retrocession of criminal or civil jurisdiction from the states subject to Public Law 280; and

WHEREAS, the State of Nebraska has retroceded much of the jurisdiction it acquired over tribal lands under Public Law 280 back to the federal government, including all civil and criminal jurisdiction within the Santee Sioux Reservation, LR 17, Ninety-seventh Legislature, 2001; all criminal jurisdiction within the Winnebago Reservation, LR 57, Eighty-ninth Legislature, 1986; and criminal jurisdiction within that part of the Omaha Indian Reservation located in Thurston County, except for offenses involving the operation of motor vehicles on public roads or highways within the reservation, LR 37, Eightieth Legislature, 1969; and

WHEREAS, the partial retrocession of criminal jurisdiction over the Omaha Indian Reservation has created confusion for federal, state, and tribal law enforcement officers because the Omaha Indian Reservation overlaps with multiple counties, while LR 37 only offered a retrocession of criminal jurisdiction in Thurston County, and because the retrocession was limited to offenses not involving the operation of motor vehicles on public roads and highways; and

WHEREAS, the State of Nebraska did not include any similar limitations on the geographic reach or scope of its retrocession of criminal jurisdiction over offenses occurring within the Winnebago Reservation and Santee Sioux Reservation; and

WHEREAS, the Omaha Tribe has petitioned the State of Nebraska to effectuate a complete retrocession to the United States of its remaining criminal and civil jurisdiction within the Omaha Indian Reservation; and

WHEREAS, the Omaha Tribe has already demonstrated the capability to assume its portion of the associated responsibilities by previously establishing a tribal court system and a tribal code of laws, which incorporates Nebraska motor vehicle and related laws; and

WHEREAS, the Nebraska State Patrol and the Omaha Tribe have entered into a cross-deputation agreement that empowers officers of the Nebraska State Patrol to enforce tribal laws within the exterior boundaries of the Omaha Indian Reservation; and

WHEREAS, the Bureau of Indian Affairs and the Omaha Tribe have entered into a cross-deputation agreement that empowers officers of the Bureau of Indian Affairs to enforce tribal laws within the exterior boundaries of the Omaha Indian Reservation and empowers officers of the Omaha Tribe to enforce federal laws within the exterior boundaries of the Omaha Indian Reservation.

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

1. That the Legislature retrocedes to the United States the criminal and civil jurisdiction over the Omaha Indian Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953.

2. That the retrocession of jurisdiction extends to the exterior boundaries of the Omaha Indian Reservation regardless of the county and shall include offenses involving the operation of motor vehicles on public roads or highways.

3. That the retrocession of jurisdiction shall be effective at 12:01 A.M., October 1, 2008.



4. That the State of Nebraska and its political subdivisions shall take all necessary action to put this resolution into effect, such action to include arrangements with the Department of Interior and the department's Bureau of Indian Affairs concerning the assumption of law enforcement responsibilities in the areas of Indian country covered by this resolution and cooperative agreements with the Omaha Tribe and affected counties and municipalities.

### SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR234 was referred to the Reference Committee.

### COMMITTEE REPORTS

#### Revenue

**LEGISLATIVE BILL 915.** Placed on General File with amendment.  
AM1622

- 1 1. Insert the following new section:
- 2 Sec. 7. Section 77-5803, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 77-5803 (1) Any business firm which makes expenditures
- 5 in research and experimental activities as defined in section
- 6 174 of the Internal Revenue Code of 1986, as amended, in this
- 7 state shall be allowed a research tax credit as provided in the
- 8 Nebraska Advantage Research and Development Act. The credit amount
- 9 shall equal fifteen percent of the federal credit allowed under
- 10 section 41 of the Internal Revenue Code of 1986, as amended, or as
- 11 apportioned to this state under subsection (2) of this section. The
- 12 credit shall be allowed for the first tax year it is claimed and
- 13 for the four tax years immediately following.
- 14 (2) For any business firm doing business both within
- 15 and without this state, the amount of the federal credit may
- 16 be determined either by dividing the amount expended in research
- 17 and experimental activities in this state in any tax year ~~may~~
- 18 ~~be determined either by satisfactory proof of purchase by the~~
- 19 total amount expended in research and experimental activities or
- 20 by apportioning the amount of the credit on the federal income tax
- 21 return to the state based on the average of the property factor
- 22 as determined in section 77-2734.12 and the payroll factor as
- 23 determined in section 77-2734.13.
- 1 2. On page 28, line 4, strike "and 8" and insert "7, and
- 2 9"; in line 7 strike "7, and 9" and insert "8, and 10"; and in
- 3 line 11 strike "section 77-2717" and insert "sections 77-2717 and
- 4 77-5803".
- 5 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 985.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 750.** Placed on General File.

**LEGISLATIVE BILL 752.** Placed on General File.

**LEGISLATIVE BILL 856.** Placed on General File.

**LEGISLATIVE BILL 857.** Placed on General File.

**LEGISLATIVE BILL 763.** Placed on General File with amendment.  
AM1625

- 1 1. On page 2, line 23, after the period insert "The
- 2 reimbursement shall be paid from appropriations to the Office of
- 3 the Nebraska Capitol Commission.".

(Signed) Ray Aguilar, Chairperson

**MESSAGE FROM THE GOVERNOR**

January 18, 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 appointed to the State Foster Care Review Board:

Dave Schroeder, 1103 Arrowhead Ct., Lexington, NE 68850

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**NOTICE OF COMMITTEE HEARINGS**

Natural Resources

Room 1525

Friday, February 01, 2008 1:30 p.m.

LB1138

(Signed) LeRoy Louden, Chairperson

Judiciary

Room 1113

Friday, February 01, 2008 1:30 p.m.

LB839

LB1063

Esther Casmer - Nebraska Board of Parole

(Signed) Brad Ashford, Chairperson

Agriculture

Room 2102

Tuesday, February 05, 2008 1:30 p.m.

LB751

LB862

LB860

Room 1510

Tuesday, February 12, 2008 1:30 p.m.

LB1174

LB1113

Room 2102

Tuesday, February 19, 2008 1:30 p.m.

LB1172

LB999

LB1171

Room 1524

Tuesday, February 26, 2008 1:30 p.m.

LB861

LB1044

LB1116

LB1114  
LB1115

Tamas Allan - State Fair Board

(Signed) Philip Erdman, Chairperson

**MOTION - Print in Journal**

Senator White filed the following motion to LB495:

MO115

Recommit to the Business and Labor Committee.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Erdman asked unanimous consent to add his name as cointroducer to LB782. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Brittany Dostal from Howells and Liz Breunig from Wahoo; Trudy, Jace, and Kyle Henderson from rural Sioux County, Scottsbluff; and Senator Preister's cousin, Jim Miller, from Belden.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Karpisek, the Legislature adjourned until 10:00 a.m., Monday, January 28, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTEENTH DAY - JANUARY 28, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 28, 2008

**PRAYER**

The prayer was offered by Father Damien Zuerlein, St. Columbkille Catholic Church, Papillion.

**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 Senator Rogert who was excused; and Senators Christensen, Cornett, Dubas, Janssen, Johnson, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 269.** Placed on Final Reading.

**LEGISLATIVE BILL 575.** Placed on Final Reading.

**LEGISLATIVE BILL 706.** Placed on Final Reading.

**LEGISLATIVE BILL 707.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Banking, Commerce and Insurance

Room 1507

Monday, February 04, 2008 1:30 p.m.

LB848

LB907

LB1011  
LB1028

(Signed) Rich Pahls, Chairperson

Education

Room 1525

Monday, February 04, 2008 1:30 p.m.

LB1089  
LB903  
LB976  
LB977

Tuesday, February 05, 2008 1:30 p.m.

LB1100  
LB1057  
LB1009  
LB1036

Monday, February 11, 2008 1:30 p.m.

LB873  
LB879  
LB988  
LB1079

Tuesday, February 12, 2008 1:30 p.m.

LB970  
LB978  
LB886  
LB1005  
LB1154  
LB1158

Tuesday, February 19, 2008 1:30 p.m.

LB990  
LB1152  
LB1153  
LB1023  
LB1083

Monday, February 25, 2008 1:30 p.m.

LB1135  
LB719  
LB1021  
LB1125  
LB1151

Tuesday, February 26, 2008 1:30 p.m.

LB1141  
LB1157  
LB731  
LB1155

(Signed) Ron Raikes, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 04, 2008 1:30 p.m.

Dillon, Sid - Motor Vehicle Industry Licensing Board  
Rolfmeier, Douglas - Motor Vehicle Industry Licensing Board  
Stone, Fred - Motor Vehicle Industry Licensing Board  
Bauer, James - Board of Public Roads Classifications and Standards  
Figard, Roger - Board of Public Roads Classifications and Standards  
Peters, Randy - Board of Public Roads Classifications and Standards  
Pierce, Richard - Board of Public Roads Classifications and Standards  
Ruby, Richard - Board of Public Roads Classifications and Standards  
Tagge, Darold - Board of Public Roads Classifications and Standards  
Thieman, Henry - Board of Public Roads Classifications and Standards  
Wootton, Edward - Board of Public Roads Classifications and Standards

LB1087  
LB841  
LB911

Tuesday, February 05, 2008 1:30 p.m.

LB845  
LB917  
LB919  
LB867

(Signed) Deb Fischer, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Schroeder, Dave - Foster Care Review Board - Health and Human Services  
 Deiml, Keith - State Emergency Response Commission - Government,  
 Military and Veterans Affairs  
 Gandara, Gary - State Emergency Response Commission - Government,  
 Military and Veterans Affairs  
 Graf, Mark - State Emergency Response Commission - Government,  
 Military and Veterans Affairs  
 Virgil, Steven - State Emergency Response Commission - Government,  
 Military and Veterans Affairs

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

**COMMITTEE REPORTS**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 744.** Placed on General File.

**LEGISLATIVE BILL 747.** Placed on General File.

(Signed) Ray Aguilar, Chairperson

Revenue

**LEGISLATIVE BILL 722.** Placed on General File.

(Signed) Ray Janssen, Chairperson

**MOTION - Withdraw LB1099**

Senator Hudkins renewed her motion, MO112, found on page 374, to withdraw LB1099.

The Hudkins motion to withdraw prevailed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**MOTION - Withdraw LB1148**

Senator Schimek renewed her motion, MO114, found on page 378, to withdraw LB1148.



The Schimek motion to withdraw prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

### **GENERAL FILE**

**LEGISLATIVE BILL 474.** Title read. Considered.

Committee AM641, found on page 845, First Session, 2007, was considered.

Senator Friend offered the following motion:

MO118

Recommit to Judiciary Committee.

### **SPEAKER FLOOD PRESIDING**

Pending.

### **NOTICE OF COMMITTEE HEARINGS**

Banking, Commerce and Insurance

Room 1507

Tuesday, February 05, 2008 1:30 p.m.

LB876  
LB1090  
LB734

Monday, February 11, 2008 1:30 p.m.

LB825  
LB969  
LB980

Tuesday, February 12, 2008 1:30 p.m.

LB831  
LB900  
LB785  
LB1045

Tuesday, February 19, 2008 1:30 p.m.

LB953  
LB1002  
LB1144

(Signed) Rich Pahls, Chairperson

Agriculture

Room 2102

Tuesday, February 05, 2008 1:30 p.m.

Hayes, Mike - Climate Assessment Response Committee

(Signed) Philip Erdman, Chairperson

### **COMMITTEE REPORT**

Health and Human Services

The Health and Human Services 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.

Judy Meter - Foster Care Review Board  
 Alfredo Ramirez - Foster Care Review Board  
 Ronald Albin - Foster Care Review Board  
 Gene Klein - Foster Care Review Board

Aye: 6 Senators Erdman, Gay, Hansen, Howard, Pankonin, Stuthman. Nay:  
 0. Absent: 1 Senator Johnson.

(Signed) Tim Gay, Vice Chairperson

### **MOTION - Print in Journal**

Senator Cornett filed the following motion to LB1166:

MO117

To indefinitely postpone.

### **AMENDMENT - Print in Journal**

Senator Synowiecki filed the following amendment to LB204A:

AM1604

(Amendments to Final Reading copy)

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. There is hereby appropriated (1) \$175,575
- 4 from the Contractor Registration Cash Fund for FY2008-09 and (2)
- 5 \$156,883 from the Contractor Registration Cash Fund for FY2009-10
- 6 to the Department of Labor, for Program 194, to aid in carrying out
- 7 the provisions of Legislative Bill 204, One Hundredth Legislature,
- 8 Second Session, 2008.

9 Total expenditures for permanent and temporary salaries  
 10 and per diems from funds appropriated in this section shall not  
 11 exceed \$102,935 for FY2008-09 or \$99,787 for FY2009-10.

### ANNOUNCEMENT

Senator Pankonin designates LB983 as his priority bill.

### NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1003

Wednesday, February 06, 2008 1:30 p.m.

LB1150  
 LB1161  
 LB1109

Agency 21 - State Fire Marshal  
 Agency 22 - Department of Insurance  
 Agency 33 - Game and Parks Commission  
 Agency 54 - Nebraska State Historical Society

Thursday, February 07, 2008 1:30 p.m.

Agency 30 - State Electrical Board  
 Agency 53 - Real Property Appraiser Board  
 Agency 56 - Nebraska Wheat Board  
 Agency 74 - Nebraska Power Review Board  
 Agency 76 - Nebraska Indian Commission  
 Agency 77 - Commission of Industrial Relations

(Signed) Lavon Heidemann, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 474.** The Friend motion, MO118, found in this day's Journal, to recommit to Judiciary Committee, was renewed.

### SENATOR LANGEMEIER PRESIDING

Senator Friend withdrew his motion.

Committee AM641, found on page 845, First Session, 2007 and considered in this day's Journal, was renewed.

### SENATOR FISCHER PRESIDING

**SENATOR LANGEMEIER PRESIDING**

The committee amendment lost with 0 ayes, 35 nays, 7 present and not voting, and 7 excused and not voting.

Pending.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 205.** Placed on Final Reading.

**LEGISLATIVE BILL 210.** Placed on Final Reading.

**LEGISLATIVE BILL 312.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 140.** Placed on General File.

**LEGISLATIVE BILL 724.** Placed on General File.

**LEGISLATIVE BILL 725.** Placed on General File.

**LEGISLATIVE BILL 726.** Placed on General File.

**LEGISLATIVE BILL 939.** Placed on General File.

(Signed) LeRoy Louden, Chairperson

**AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB500:  
AM1670

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 Section 1. Section 48-652, Revised Statutes Supplement,
- 4 2007, is amended to read:
- 5 48-652 (1)(a) A separate experience account shall be
- 6 established for each employer who is liable for payment of
- 7 contributions. Whenever and wherever in the Employment Security
- 8 Law the terms reserve account or experience account are used,
- 9 unless the context clearly indicates otherwise, such terms shall be
- 10 deemed interchangeable and synonymous and reference to either of
- 11 such accounts shall refer to and also include the other.
- 12 (b) A separate reimbursement account shall be established
- 13 for each employer who is liable for payments in lieu of
- 14 contributions. All benefits paid with respect to service in
- 15 employment for such employer shall be charged to his or her
- 16 reimbursement account and such employer shall be billed for and
- 17 shall be liable for the payment of the amount charged when billed
- 18 by the commissioner. Payments in lieu of contributions received

19 by the commissioner on behalf of each such employer shall be  
20 credited to such employer's reimbursement account, and two or more  
21 employers who are liable for payments in lieu of contributions may  
22 jointly apply to the commissioner for establishment of a group  
23 account for the purpose of sharing the cost of benefits paid that  
1 are attributable to service in the employ of such employers. The  
2 commissioner shall prescribe such rules and regulations as he or  
3 she deems necessary with respect to applications for establishment,  
4 maintenance, and termination of group accounts authorized by this  
5 subdivision.

6 (2) All contributions paid by an employer shall be  
7 credited to the experience account of such employer. State  
8 unemployment insurance tax payments shall not be credited to  
9 the experience account of each employer. Partial payments of  
10 combined tax shall be credited so that at least eighty percent  
11 of the combined tax payment excluding interest and penalty is  
12 credited first to contributions due. In addition to contributions  
13 credited to the experience account, each employer's account shall  
14 be credited as of June 30 of each calendar year with interest  
15 at a rate determined by the commissioner based on the average  
16 annual interest rate paid by the Secretary of the Treasury of  
17 the United States of America upon the state's account in the  
18 Unemployment Trust Fund for the preceding calendar year multiplied  
19 by the balance in his or her experience account at the beginning  
20 of such calendar year. If the total credits as of such date to  
21 all employers' experience accounts are equal to or greater than  
22 ninety percent of the total amount in the Unemployment Compensation  
23 Fund, no interest shall be credited for that year to any employer's  
24 account. Contributions with respect to prior years which are  
25 received on or before January 31 of any year shall be considered  
26 as having been paid at the beginning of the calendar year. All  
27 voluntary contributions which are received on or before January  
1 10 of any year shall be considered as having been paid at the  
2 beginning of the calendar year.

3 (3)(a) Each experience account shall be charged only  
4 for benefits based upon wages paid by such employer. No benefits  
5 shall be charged to the experience account of any employer if (i)  
6 such benefits were paid on the basis of a period of employment  
7 from which the claimant (A) left work voluntarily without good  
8 cause, (B) left work voluntarily due to a nonwork-connected illness  
9 or injury, (C) left work voluntarily with good cause to escape  
10 abuse as defined in section 42-903 between household members as  
11 provided in subdivision (1) of section 48-628.01, (D) left work  
12 from which he or she was discharged for misconduct connected with  
13 his or her work, ~~or~~ (E) left work voluntarily and is entitled to  
14 unemployment benefits without disqualification in accordance with  
15 subdivision (3) or (5) of section 48-628.01, or (F) participated  
16 in an employee training program approved under 19 U.S.C. 2296(a),  
17 and (ii) the employer has filed timely notice of the facts on which

18 such exemption is claimed in accordance with rules and regulations  
19 prescribed by the commissioner. No benefits shall be charged to  
20 the experience account of any employer if such benefits were paid  
21 on the basis of wages paid in the base period that are wages for  
22 insured work solely by reason of subdivision (5)(b) of section  
23 48-627.

24 (b) Each reimbursement account shall be charged only for  
25 benefits paid that were based upon wages paid by such employer in  
26 the base period that were wages for insured work solely by reason  
27 of subdivision (5) of section 48-627.

1 (c) Benefits paid to an eligible individual shall be  
2 charged against the account of his or her most recent employers  
3 within his or her base period against whose accounts the maximum  
4 charges hereunder have not previously been made in the inverse  
5 chronological order in which the employment of such individual  
6 occurred. The maximum amount so charged against the account of any  
7 employer, other than an employer for which services in employment  
8 as provided in subdivision (4)(a) of section 48-604 are performed,  
9 shall not exceed the total benefit amount to which such individual  
10 was entitled as set out in section 48-626 with respect to base  
11 period wages of such individual paid by such employer plus one-half  
12 the amount of extended benefits paid to such eligible individual  
13 with respect to base period wages of such individual paid by  
14 such employer. The commissioner shall by rules and regulations  
15 prescribe the manner in which benefits shall be charged against  
16 the account of several employers for whom an individual performed  
17 employment during the same quarter or during the same base period.  
18 Any benefit check duly issued and delivered or mailed to a claimant  
19 and not presented for payment within one year from the date of its  
20 issue may be invalidated and the amount thereof credited to the  
21 Unemployment Compensation Fund, except that a substitute check may  
22 be issued and charged to the fund on proper showing at any time  
23 within the year next following. Any charge made to an employer's  
24 account for any such invalidated check shall stand as originally  
25 made.

26 (4)(a) An employer's experience account shall be deemed  
27 to be terminated one calendar year after such employer has ceased  
1 to be subject to the Employment Security Law, except that if the  
2 commissioner finds that an employer's business is closed solely  
3 because of the entrance of one or more of the owners, officers,  
4 partners, or limited liability company members or the majority  
5 stockholder into the armed forces of the United States, or of any  
6 of its allies, after July 1, 1950, such employer's account shall  
7 not be terminated and, if the business is resumed within two years  
8 after the discharge or release from active duty in the armed forces  
9 of such person or persons, the employer's experience account shall  
10 be deemed to have been continuous throughout such period.

11 (b) An experience account terminated pursuant to this  
12 subsection shall be reinstated if (i) the employer becomes subject

13 again to the Employment Security Law within one calendar year after  
 14 termination of such experience account and the employer makes a  
 15 written application for reinstatement of such experience account  
 16 to the commissioner within two calendar years after termination of  
 17 such experience account and (ii) the commissioner finds that the  
 18 employer is operating substantially the same business as prior to  
 19 the termination of such experience account.

20 (5) All money in the Unemployment Compensation Fund shall  
 21 be kept mingled and undivided. The payment of benefits to an  
 22 individual shall in no case be denied or withheld because the  
 23 experience account of any employer does not have a total of  
 24 contributions paid in excess of benefits charged to such experience  
 25 account.

26 (6) A contributory or reimbursable employer shall be  
 27 relieved of charges if the employer was previously charged for  
 1 wages and the same wages are being used a second time to establish  
 2 a new claim as a result of the October 1, 1988, change in the base  
 3 period.

4 Sec. 2. Original section 48-652, Revised Statutes  
 5 Supplement, 2007, is repealed.

Senator Chambers filed the following amendment to LB474:  
 AM1673

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

3 Section 1. Any disciplinary action which involves any  
 4 specific act which was deemed to be in violation of or contrary to  
 5 an official policy, rule, or state law governing: A town marshal;  
 6 a chief of police or a local police officer; a sheriff or a deputy  
 7 sheriff; a deputy state sheriff; a special deputy sheriff; the  
 8 Superintendent of Law Enforcement and Public Safety; an officer of  
 9 the Nebraska State Patrol; a carrier enforcement officer; a game  
 10 and Parks Commission conservation officer; or any other person with  
 11 similar authority to make arrests under authority granted by this  
 12 state or by any of its political subdivisions, shall be considered  
 13 a public record.

14 Sec. 2. Section 79-8,109, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 79-8,109 (1) Any teacher, administrator, or full-time  
 17 employee of any public school district shall, upon his or her  
 18 request, have access to his or her personnel file maintained by the  
 19 district and shall have the right to attach a written response to  
 20 any item in such file. Such teacher, administrator, or employee may  
 21 in writing authorize any other person to have access to such file,  
 22 which authorization shall be honored by the district. Such access  
 23 and right to attach a written response shall not be granted with  
 1 respect to any letters of recommendation solicited by the employer  
 2 which appear in the personnel file.

3 (2) Except as set forth in this subsection, no ~~No~~

4 other person except school officials while engaged in their  
 5 professional duties shall be granted access to ~~such a teacher's,~~  
 6 administrator's, or full-time employee's personnel file, and the  
 7 contents thereof shall not be divulged in any manner to any  
 8 unauthorized person. This subsection shall not apply to specific  
 9 documents in the personnel file which record disciplinary action  
 10 taken by the employing district's administration involving a  
 11 teacher, administrator, or full-time employee which involves any  
 12 specific event, occurrence, or act which was deemed to be in  
 13 violation of or contrary to school district policy, rule, or state  
 14 law.

15 Sec. 3. Original section 79-8,109, Reissue Revised  
 16 Statutes of Nebraska, is repealed.

### **MOTION - Print in Journal**

Senator Friend filed the following motion to LB474:  
 MO119  
 Indefinitely postpone.

### **COMMITTEE REPORTS**

#### **Government, Military and Veterans Affairs**

The Government, Military and Veterans Affairs 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.

Adjutant General Timothy Kadavy - Military Department

Aye: 8 Senators Adams, Aguilar, Avery, Friend, Karpisek, Lautenbaugh, Pahls, Rogert. Nay: 0. Absent: 0.

(Signed) Ray Aguilar, Chairperson

#### **Natural Resources**

The Natural Resources 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.

Kent Forney - Nebraska Game and Parks Commission

Aye: 7 Senators Carlson, Christensen, Dubas, Hudkins, Kopplin, Loudon, Wallman. Nay: 0. Absent: 1 Senator Fischer.



The Natural Resources 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.

Donald Williams - Environmental Quality Council

Aye: 7 Senators Carlson, Christensen, Dubas, Hudkins, Kopplin, Loudon, Wallman. Nay: 0. Absent: 1 Senator Fischer.

(Signed) LeRoy Loudon, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Natural Resources

Room 1525

Friday, February 22, 2008 1:30 p.m.

LB727  
LB1145

(Signed) LeRoy Loudon, Chairperson

Revenue

Room 1524

Wednesday, February 06, 2008 1:30 p.m.

LB895  
LB784  
LB1033  
LB1046  
LB1088  
LB912

Thursday, February 07, 2008 1:30 p.m.

LB1137  
LB708  
LB762  
LB1001  
LB1010

Wednesday, February 13, 2008 1:30 p.m.

LB1026  
LR230CA  
LB732

LB733  
LR220CA  
LB913

Thursday, February 14, 2008 1:30 p.m.

LB863  
LB1000  
LB887  
LB888  
LB1175

(Signed) Ray Janssen, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Carlson asked unanimous consent to add his name as cointroducer to LB920. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were the Governor's Youth Advisory Council; and members of Nebraska LEAD Program, Group XXVII.

The Doctor of the Day was Dr. Brian Finley from Papillion.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Aguilar, the Legislature adjourned until 9:00 a.m., Tuesday, January 29, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**FOURTEENTH DAY - JANUARY 29, 2008**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
SECOND SESSION**

**FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 29, 2008

**PRAYER**

The prayer was offered by Pastor Paul Lillenas, Hickory Grove St. Paul Lutheran Church, Auburn.

**ROLL CALL**

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

The roll was called and all members were present except Senators Johnson and Rogert who were excused; and Senators Ashford, Dubas, Erdman, Janssen, Karpisek, Lautenbaugh, and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirteenth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 92.** Placed on Final Reading.

**LEGISLATIVE BILL 202.** Placed on Final Reading.

**LEGISLATIVE BILL 379.** Placed on Final Reading.

**LEGISLATIVE BILL 380.** Placed on Final Reading.

**LEGISLATIVE BILL 383.** Placed on Final Reading.

**LEGISLATIVE BILL 467.** Placed on Final Reading.

ST9062

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

1. In the E & R amendments, ER8136, on page 3, line 20, the second "and" has been struck and a comma inserted; and in line 21 ", regional behavioral health authorities, and community-based behavioral health services providers" has been inserted after "institutions".

**LEGISLATIVE BILL 467A.** Placed on Final Reading.

**LEGISLATIVE BILL 690.** Placed on Final Reading.

**LEGISLATIVE RESOLUTION 5CA.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

### **NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Tuesday, February 05, 2008 1:30 p.m.

Lund, John F. - Board of Educational Lands and Funds

Tuesday, February 19, 2008 1:30 p.m.

Dudley, Phillip, Jr. - Nebraska Educational Telecommunications Commission

(Signed) Ron Raikes, Chairperson

### **ANNOUNCEMENT**

Senator Aguilar designates LB587 as his priority bill.

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1110	Revenue
LR234	Judiciary

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

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 235.** Introduced by Flood, 19.

WHEREAS, at the annual Statehood dinner, held in the Nebraska State Capitol, the NEBRASKAland Foundation on Saturday, March 1, 2008, will present the distinguished Nebraskalander Award, along with the WagonMaster Award, the Trailblazer Awards, and the Pioneer Awards; and

WHEREAS, the WagonMaster Award is presented to Jane Renner-Hood of Lincoln. Ms. Renner-Hood has been executive director of the Nebraska

Humanities Council since 1987. Her numerous civic efforts include acting as treasurer of the Willa Cather Pioneer Memorial and Educational Foundation, as secretary of the Federation of State Humanities Councils, and as a member of the board of directors of the Cooper Foundation and the Nebraska Public Radio Foundation; and

WHEREAS, the first Pioneer Award is presented to Clayton Anderson. Mr. Anderson considers Ashland, Nebraska, to be his hometown and is Nebraska's first National Aeronautics and Space Administration astronaut. He joined the Johnson Space Center in 1983 and in November of 2007 returned from living and working aboard the International Space Station for five months; and

WHEREAS, the second Pioneer Award is presented to Don Overman, Mayor Emeritus of Scottsbluff, Nebraska. Mr. Overman served as mayor of Scottsbluff from 1974 to 1994. In 2000, he was named the "Citizen of the Century" in government for the panhandle of Nebraska over the past one hundred years; and

WHEREAS, the first Trailblazer Award is presented to Major General Roger Lempke of Lincoln. Major General Lempke served as Nebraska's Adjutant General for seven years until his retirement in November of 2007. As head of the Nebraska National Guard and the Nebraska Emergency Management Agency, he oversaw responses to several state floods, wildfires, and ice storms, as well as Nebraska's response to Hurricane Katrina in 2005; and

WHEREAS, the second Trailblazer Award is presented to Lloyd Castner of Columbus. Mr. Castner has served in city administrations in Oregon and in Bellevue and Columbus, Nebraska, for over thirty years and as Manager of Marketing for Nebraska Public Power District. He has been active in public and community service and has received many local and state honors, including the Diplomat of the Year Award in 2006 from the Nebraska Diplomats; and

WHEREAS, the distinguished Nebraskalander Award is presented to John Gottschalk of Omaha. Mr. Gottschalk was the fifth publisher of the Omaha World-Herald and serves as chairman and chief executive officer of the Omaha World-Herald Company, which comprises twenty-six companies involved in print, marketing, communications, and high-tech enterprises. Recognized nationally for his commitment to volunteerism, he has been honored by the Boy Scouts of America, Ak-Sar-Ben, and the Woodrow Wilson Foundation.

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

1. That the Legislature extends its appreciation to the honorees named in this resolution for their service to the State of Nebraska.
2. That a copy of this resolution be given to all honorees.

Laid over.

**COMMITTEE REPORT**

## 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.

Riko Bishop - Coordinating Commission for Postsecondary Education  
 Carol Zink - Coordinating Commission for Postsecondary Education

Aye: 6 Senators Adams, Avery, Burling, Howard, Kopplin, Raikes. Nay: 0.  
 Absent: 2 Senators Ashford, Johnson.

(Signed) Ron Raikes, Chairperson

**MOTIONS - Approve Appointments**

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 381:

Nebraska Ethanol Board  
 Tim Else  
 Steve Hanson

Voting in the affirmative, 28:

Aguilar	Engel	Harms	Lathrop	Stuthman
Burling	Fischer	Howard	Louden	Wallman
Carlson	Flood	Hudkins	McDonald	White
Chambers	Fulton	Kopplin	Nelson	Wightman
Christensen	Gay	Kruse	Pedersen	
Dierks	Hansen	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Friend	Nantkes	Preister
Avery	Heidemann	Pahls	Raikes
Cornett	McGill	Pankonin	Synowiecki

Excused and not voting, 9:

Ashford	Erdman	Johnson	Lautenbaugh	Schimek
Dubas	Janssen	Karpisek	Rogert	

The appointments were confirmed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 381:

Nebraska Game and Parks Commission  
S. Michael "Mick" Jensen

Voting in the affirmative, 36:

Aguilar	Fischer	Hudkins	Nelson	Synowiecki
Avery	Flood	Janssen	Pahls	Wallman
Burling	Friend	Kopplin	Pankonin	White
Carlson	Gay	Langemeier	Pedersen	Wightman
Chambers	Hansen	Louden	Pirsch	
Christensen	Harms	McDonald	Raikes	
Dierks	Heidemann	McGill	Schimek	
Engel	Howard	Nantkes	Stuthman	

Voting in the negative, 0.

Present and not voting, 7:

Adams	Fulton	Kruse	Preister
Cornett	Karpisek	Lathrop	

Excused and not voting, 6:

Ashford	Erdman	Lautenbaugh
Dubas	Johnson	Rogert

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

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 408:

Nebraska Game and Parks Commission  
Kent Forney

Voting in the affirmative, 35:

Adams	Dierks	Heidemann	Louden	Raikes
Aguilar	Fischer	Howard	McGill	Schimek
Avery	Flood	Hudkins	Nelson	Stuthman
Burling	Friend	Janssen	Pahls	Synowiecki
Carlson	Gay	Karpisek	Pankonin	Wallman
Chambers	Hansen	Kopplin	Pedersen	White
Christensen	Harms	Langemeier	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 8:

Cornett	Fulton	Lathrop	Nantkes
Engel	Kruse	McDonald	Preister

Excused and not voting, 6:

Ashford	Erdman	Lautenbaugh
Dubas	Johnson	Rogert

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 409:

Environmental Quality Council  
Donald Williams

Voting in the affirmative, 35:

Aguilar	Fischer	Janssen	McDonald	Pirsch
Avery	Friend	Karpisek	McGill	Schimek
Carlson	Fulton	Kopplin	Nantkes	Stuthman
Chambers	Gay	Langemeier	Nelson	Synowiecki
Christensen	Hansen	Lathrop	Pahls	Wallman
Dierks	Harms	Lautenbaugh	Pankonin	White
Engel	Hudkins	Louden	Pedersen	Wightman

Voting in the negative, 0.

Present and not voting, 9:

Adams	Cornett	Heidemann	Kruse	Raikes
Burling	Flood	Howard	Preister	

Excused and not voting, 5:

Ashford	Dubas	Erdman	Johnson	Rogert
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The appointment was confirmed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 402:

Foster Care Review Board  
Judy Meter



Alfredo Ramirez  
 Ronald Albin  
 Gene Klein

Voting in the affirmative, 30:

Adams	Engel	Howard	Lautenbaugh	Preister
Aguilar	Fischer	Hudkins	Louden	Stuthman
Burling	Flood	Janssen	Nantkes	Synowiecki
Christensen	Friend	Karpisek	Nelson	Wallman
Cornett	Gay	Kopplin	Pedersen	White
Dierks	Heidemann	Langemeier	Pirsch	Wightman

Voting in the negative, 5:

Carlson	Chambers	Fulton	Hansen	Harms
---------	----------	--------	--------	-------

Present and not voting, 9:

Avery	Lathrop	McGill	Pankonin	Schimek
Kruse	McDonald	Pahls	Raikes	

Excused and not voting, 5:

Ashford	Dubas	Erdman	Johnson	Rogert
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The appointments were confirmed with 30 ayes, 5 nays, 9 present and not voting, and 5 excused and not voting.

### **MOTION - Return LB204A to Select File**

Senator Synowiecki moved to return LB204A to Select File for his specific amendment, AM1604, found on page 402.

The Synowiecki motion to return prevailed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 204A.** The Synowiecki specific amendment, AM1604, found on page 402, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### **WITHDRAW - Amendment to LB210**

Senator Cornett withdrew her amendment, AM1602, found on page 374, to LB210.

**MOTION - Return LB210 to Select File**

Senator Cornett moved to return LB210 to Select File for the following specific amendment:

AM1692

(Amendments to Final Reading copy)

- 1 1. On page 2, line 9, strike the new matter; and in
- 2 line 16 strike "Representatives", show as stricken, and insert
- 3 "Members".
- 4 2. On page 4, line 1, after "(3)" insert "The two members
- 5 of the Legislature serving on the state board shall be nonvoting,
- 6 ex officio members. All other members shall be voting members.";
- 7 and in line 13, before "members" insert "voting".

The Cornett motion to return prevailed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 210.** The Cornett specific amendment, AM1692, found in this day's Journal, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 474.** Senator Chambers renewed his amendment, AM1673, found on page 407.

**SENATOR MCDONALD PRESIDING**

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

**SENATOR LANGEMEIER PRESIDING**

The Chambers amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORTS**

## Judiciary

**LEGISLATIVE BILL 6.** Indefinitely postponed.  
**LEGISLATIVE BILL 68.** Indefinitely postponed.  
**LEGISLATIVE BILL 201.** Indefinitely postponed.  
**LEGISLATIVE BILL 220.** Indefinitely postponed.  
**LEGISLATIVE BILL 448.** Indefinitely postponed.  
**LEGISLATIVE BILL 525.** Indefinitely postponed.  
**LEGISLATIVE BILL 535.** Indefinitely postponed.  
**LEGISLATIVE BILL 552.** Indefinitely postponed.  
**LEGISLATIVE BILL 566.** Indefinitely postponed.  
**LEGISLATIVE BILL 567.** Indefinitely postponed.  
**LEGISLATIVE BILL 618.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

## Revenue

**LEGISLATIVE BILL 914.** Placed on General File with amendment.  
 AM1676

1 1. Strike original section 1 and insert the following new  
 2 sections:  
 3 Section 1. Section 21-2612, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:  
 5 21-2612 (1) The members and managers of a limited  
 6 liability company shall not be liable under a judgment, decree, or  
 7 order of a court or in any other manner for a debt, obligation,  
 8 or liability of the limited liability company. Except as otherwise  
 9 specifically set forth in the Limited Liability Company Act, no  
 10 member, manager, employee, or agent of a limited liability company  
 11 shall be personally liable under any judgment, decree, or order of  
 12 any court, agency, or other tribunal in this or any other state, or  
 13 on any other basis, for any debt, obligation, or liability of the  
 14 limited liability company.

15 ~~(2) The members of a limited liability company, including~~  
 16 ~~members acting as managers, shall be liable in the same manner as a~~  
 17 ~~corporate officer for unpaid taxes imposed upon a limited liability~~  
 18 ~~company when management is reserved to the members. If management~~  
 19 ~~is not reserved to the members, the managers of a limited liability~~  
 20 ~~company shall be liable in the same manner as a corporate officer~~  
 21 ~~for unpaid taxes imposed upon the limited liability company.~~

22 (2) Any member, manager, or employee of a limited  
 23 liability company with the duty to collect, account for, or  
 1 pay over any taxes imposed upon a limited liability company or  
 2 with the authority to decide whether the limited liability company  
 3 will pay taxes imposed upon a limited liability company shall be  
 4 personally liable for the payment of such taxes in the event of  
 5 willful failure on his or her part to have a limited liability

6 company perform such act. Such taxes shall be collected in the same  
 7 manner as provided under section 77-1783.01.

8 Sec. 6. Section 77-1783.01, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 77-1783.01 (1) Any officer or employee with the duty  
 11 to collect, account for, or pay over any taxes imposed upon a  
 12 corporation or with the authority to decide whether the corporation  
 13 will pay taxes imposed upon a corporation shall be personally  
 14 liable for the payment of such taxes in the event of willful  
 15 failure on his or her part to have a corporation perform such act.

16 Such taxes shall be collected in the same manner as provided under  
 17 the Uniform State Tax Lien Registration and Enforcement Act.

18 (2) Within ~~thirty-sixty~~ days after the day on which the  
 19 notice and demand are made for the payment of such taxes, any  
 20 officer or employee seeking to challenge the Tax Commissioner's  
 21 determination as to his or her personal liability for the  
 22 corporation's unpaid taxes may petition for a redetermination.  
 23 The petition may include a request for the redetermination of  
 24 the personal liability of the corporate officer or employee, the  
 25 redetermination of the amount of the corporation's unpaid taxes,  
 26 or both. If a petition for redetermination is not filed within the  
 27 ~~thirty-day-sixty-day~~ period, the determination becomes final at the  
 1 expiration of the period.

2 (3) If the requirements prescribed in subsection (2)  
 3 of this section are satisfied, the Tax Commissioner shall abate  
 4 collection proceedings and shall grant the officer or employee an  
 5 oral hearing and give him or her ten days' notice of the time  
 6 and place of such hearing. The Tax Commissioner may continue the  
 7 hearing from time to time as necessary.

8 (4) Any notice required under this section shall be  
 9 served personally or by mail in the manner provided in section  
 10 77-27,135.

11 (5) If the Tax Commissioner determines that further delay  
 12 in the collection of such taxes from the officer or employee will  
 13 jeopardize future collection proceedings, nothing in this section  
 14 shall prevent the immediate collection of such taxes.

15 (6) For purposes of this section:

16 (a) Corporation shall mean any corporation and any other  
 17 entity that is taxed as a corporation under the Internal Revenue  
 18 Code;

19 (b) Taxes shall mean all taxes and additions to taxes  
 20 including interest and penalties imposed under the revenue laws of  
 21 this state which are administered by the Tax Commissioner; and

22 (c) Willful failure shall mean that failure which was the  
 23 result of an intentional, conscious, and voluntary action.

24 2. On page 67, line 9, after the first comma insert  
 25 "77-1783.01,".

26 3. Renumber the remaining sections and correct internal

27 references so that section 77-1783.01 becomes operative on January  
1 1, 2009.

(Signed) Ray Janssen, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 761.** Placed on General File with amendment.  
AM1677

- 1 1. Strike the original section and insert the following  
2 new section:  
3 Section 1. (1) The BRAC Task Force is created. The  
4 members of the task force shall include:  
5 (a) The Adjutant General or his or her designee;  
6 (b) The President of the Lincoln Chamber of Commerce or  
7 his or her designee;  
8 (c) The President of the Bellevue Chamber of Commerce or  
9 his or her designee;  
10 (d) The President of the Nebraska Chamber of Commerce and  
11 Industry or his or her designee;  
12 (e) The President of the Greater Omaha Chamber of  
13 Commerce or his or her designee;  
14 (f) The chairperson of the board of directors of the  
15 Lincoln Airport Authority or his or her designee;  
16 (g) Two at-large members appointed by the Governor;  
17 (h) The chairperson of the Government, Military and  
18 Veterans Affairs Committee of the Legislature; and  
19 (i) One state senator appointed by the Executive Board of  
20 the Legislative Council.  
21 (2) The Governor shall appoint a chairperson for the task  
22 force. Appointments shall be made within ninety days after the  
23 effective date of this act. Members shall be reimbursed for their  
1 expenses pursuant to sections 81-1174 to 81-1177. The reimbursement  
2 shall be paid from appropriations to the Legislative Council. The  
3 Government, Military and Veterans Affairs Committee shall provide  
4 administrative and technical support for the task force and shall  
5 produce the final report.  
6 (3) The task force shall:  
7 (a) Review the history of the base realignment and  
8 closure process;  
9 (b) Identify the military installations and missions  
10 in Nebraska most vulnerable to the base realignment and closure  
11 process;  
12 (c) Identify the military installations and missions in  
13 Nebraska most likely to benefit from the base realignment and  
14 closure process;  
15 (d) Review the actions taken by other states to protect  
16 their military installations and missions;  
17 (e) Make recommendations as to what actions, if any,

- 18 Nebraska should take to protect its military installations and  
 19 missions; and  
 20 (f) Make recommendations as to what actions, if any,  
 21 Nebraska should take to increase the likelihood of benefiting from  
 22 future base realignment and closure processes.  
 23 (4) The task force shall submit a report summarizing its  
 24 activities under this section and containing its recommendations by  
 25 December 1, 2008, to the Governor and the Legislature. After such  
 26 date, the chairperson of the task force may call further meetings  
 27 of the task force.  
 1 (5) The BRAC Task Force and this section terminate on  
 2 December 1, 2013.

**LEGISLATIVE BILL 767.** Indefinitely postponed.

(Signed) Ray Aguilar, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Revenue

Room 1524

Thursday, February 07, 2008 1:30 p.m.

LB1126

LB1134

(Signed) Ray Janssen, Chairperson

Health and Human Services

Room 1510

Wednesday, February 06, 2008 1:30 p.m.

Black, Tawanna - Child Abuse Prevention Fund Board  
 Brown, Rebecca - Child Abuse Prevention Fund Board  
 Markley, Sandra - Child Abuse Prevention Fund Board  
 McDonald, Parrish - Child Abuse Prevention Fund Board  
 Michels, Dale - State Board of Health

LB836

LB883

LB906

LB928

LB1006

(Signed) Tim Gay, Vice Chairperson

## Judiciary

Room 1113

Wednesday, February 06, 2008 1:30 p.m.

LB1085  
LB816  
LB1014  
LB828  
LB933  
LB935

Thursday, February 07, 2008 1:30 p.m.

LB1097  
LB1130  
LB932

Wednesday, February 13, 2008 1:30 p.m.

LB1167  
LB1032  
LB1042  
LB769  
LB764  
LB1055

Thursday, February 14, 2008 1:30 p.m.

LB1142  
LB1107  
LB1106  
LB1159  
LB1160

Wednesday, February 20, 2008 1:30 p.m.

LB843  
LB781  
LB868  
LB909  
LB1128  
LR224

Thursday, February 21, 2008 1:30 p.m.

LB1084  
LB1076

LB1077  
LB1054  
LB1078

Friday, February 22, 2008 1:30 p.m.

LB1015  
LB1025  
LB832  
LB942  
LB943

Wednesday, February 27, 2008 1:30 p.m.

LB1170  
LB963  
LR233CA  
LR234

(Signed) Brad Ashford, Chairperson

Urban Affairs

Room 1510

Tuesday, February 05, 2008 1:30 p.m.

LB1096  
LB1101  
LB1056

Room 2102

Tuesday, February 12, 2008 1:30 p.m.

LB1072  
LB1095  
LB1102

Room 1510

Tuesday, February 19, 2008 1:30 p.m.

LB971  
LB1117  
LB1166

(Signed) Mike Friend, Chairperson



## Health and Human Services

Room 1510

Thursday, February 07, 2008 1:30 p.m.

Johnson, Julie - Commission for the Blind and Visually Impaired  
 Jirak, James - Commission for the Blind and Visually Impaired  
 Majerus, Wesley - Commission for the Blind and Visually Impaired  
 Baumgartner, Shawn - Board of Emergency Medical Services

LB877  
 LB954  
 LB1048

(Signed) Tim Gay, Vice Chairperson

**AMENDMENT - Print in Journal**

Senator Raikes filed the following amendment to LB235:  
 AM1654

(Amendments to E &amp; R amendments, ER8140)

- 1 1. Insert the following new sections:  
 2 Sec. 6. The Film Office of the Department of Economic  
 3 Development shall provide a report to the Legislature by July 1,  
 4 2011, that includes:  
 5 (1) A cost-benefit analysis of the film production  
 6 incentive program;  
 7 (2) The amount of incentives paid pursuant to the  
 8 program;  
 9 (3) The nature of films produced in Nebraska during the  
 10 time the program was providing incentives;  
 11 (4) An estimate of the economic activity generated by the  
 12 production of such films;  
 13 (5) Data as to the amount spent on film production in  
 14 Nebraska before and after the enactment of the program; and  
 15 (6) Any other information the office may deem relevant in  
 16 assessing the effectiveness of the program.  
 17 Sec. 7. Sections 1 to 5 of this act terminate on December  
 18 31, 2010. Sections 6 and 7 of this act terminate on July 1, 2011.  
 19 2. On page 1, line 3, strike "5" and insert "7"; and  
 20 strike beginning with "which" in line 12 through the first comma in  
 21 line 13.  
 22 3. On page 4, line 19, after the period insert "The  
 1 office shall not approve claims for rebate for a proposed project  
 2 if the office determines the film to be:  
 3 (a) Pornography or other obscene material;  
 4 (b) Material that promotes bias or prejudice toward a  
 5 particular race, color, culture, nationality, gender, religion,

- 6 sexual orientation, or other social category;  
 7 (c) Material created for the purpose of influencing  
 8 public opinion with respect to a particular political candidate or  
 9 issue; or  
 10 (d) Material that portrays the State of Nebraska, its  
 11 citizens, or its institutions in a negative light.  
 12 (6)".

### MOTION - Print in Journal

Senator Erdman filed the following motion to LR231CA:  
 MO120  
 Withdraw.

### GENERAL FILE

**LEGISLATIVE BILL 474.** Senator Chambers offered the following amendment:

AM1681

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Any sustained disciplinary action which  
 4 involves a specific act, event, occurrence, agency policy, rule,  
 5 or state law pertaining to verbal, physical, or sexual abuse by:  
 6 A town marshal; a chief of police or a local police officer; a  
 7 sheriff or a deputy sheriff; a deputy state sheriff; a special  
 8 deputy sheriff; the Superintendent of Law Enforcement and Public  
 9 Safety; an officer of the Nebraska State Patrol; a carrier  
 10 enforcement officer; a game and Parks Commission conservation  
 11 officer; or any other person with similar authority to make arrests  
 12 under authority granted by this state or by any of its political  
 13 subdivisions, shall be considered a public record.  
 14 Sec. 2. Section 79-8,109, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:  
 16 79-8,109 (1) Any teacher, administrator, or full-time  
 17 employee of any public school district shall, upon his or her  
 18 request, have access to his or her personnel file maintained by the  
 19 district and shall have the right to attach a written response to  
 20 any item in such file. Such teacher, administrator, or employee may  
 21 in writing authorize any other person to have access to such file,  
 22 which authorization shall be honored by the district. Such access  
 23 and right to attach a written response shall not be granted with  
 1 respect to any letters of recommendation solicited by the employer  
 2 which appear in the personnel file.  
 3 (2) ~~Except as set forth in this subsection, no~~ ~~No~~  
 4 other person except school officials while engaged in their  
 5 professional duties shall be granted access to ~~such a teacher's,~~  
 6 administrator's, or full-time employee's personnel file, and the  
 7 contents thereof shall not be divulged in any manner to any

8 unauthorized person. This subsection shall not apply to specific  
 9 documents in the personnel file which record disciplinary action  
 10 taken by the employing district's administration involving a  
 11 teacher, administrator, or full-time employee which involves any  
 12 specific event, occurrence, or act which was deemed to be in  
 13 violation of or contrary to school district policy, rule, or state  
 14 law.

15 Sec. 3. Original section 79-8,109, Reissue Revised  
 16 Statutes of Nebraska, is repealed.

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

The Chambers amendment was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Friend renewed his motion, MO119, found on page 408, to indefinitely postpone.

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

The Friend motion to indefinitely postpone prevailed with 22 ayes, 17 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

## COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 20.** Placed on General File.

**LEGISLATIVE BILL 585.** Placed on General File.

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

**LEGISLATIVE BILL 533.** Placed on General File with amendment.  
 AM445

1 1. Strike original sections 1 and 2.

2 2. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 257.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

General Affairs

**LEGISLATIVE BILL 760.** Placed on General File with amendment.  
 AM1646

- 1 1. On page 2, line 1, after "Force" insert "is created
- 2 and"; and in line 8 strike "Legislature" and insert "Legislative
- 3 Council".

The General Affairs 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. Hiller - State Electrical Board

Aye: 7 Senators Dierks, Erdman, Friend, Janssen, Karpisek, McDonald, Preister. Nay: 0. Absent: 1 Senator Dubas.

(Signed) Vickie McDonald, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Nebraska Retirement Systems

Room 1525

Wednesday, February 06, 2008 12:00 p.m.

LB968  
LB1146  
LB1147

Wednesday, February 13, 2008 12:00 p.m.

LB711  
LB937  
LB938

Tuesday, February 19, 2008 12:00 p.m.

LB967  
LB992  
LB1143

(Signed) John Synowiecki, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB983 and LB1107. No objections. So ordered.

Senator Avery asked unanimous consent to add his name as cointroducer to LB1013. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Mike McCabe and Tim Anderson from the Midwestern Legislative Council, Chicago.

The Doctor of the Day was Dr. Mark Butler from Lincoln.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, January 30, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTEENTH DAY - JANUARY 30, 2008**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
SECOND SESSION**

**FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 30, 2008

**PRAYER**

The prayer was offered by Pastor Rick Snodgrass, Assembly of God, Wayne.

**ROLL CALL**

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

The roll was called and all members were present except Senator Johnson who was excused; and Senators Ashford, Avery, Cornett, Flood, Heidemann, Janssen, Kruse, Lautenbaugh, Pedersen, Schimek, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 123.** Placed on Select File with amendment.  
ER8152

- 1 1. In the Standing Committee amendments, AM626, on page
- 2 1, lines 4 and 5, strike "Nebraska Foreclosure Protection Act" and
- 3 insert "act"; in line 6 strike the second "on" and insert "of"; and
- 4 in line 23 strike the underscored period.
- 5 2. On page 5, line 6, strike "or due to"; in line 7 after
- 6 the second "foreclosure" insert an underscored comma; and in line 8
- 7 strike "resulting from".
- 8 3. On page 8, line 2, strike "(11)" and insert "(15)".
- 9 4. On page 9, line 18; and page 10, line 14, after
- 10 "FACSIMILE" insert "NUMBER".
- 11 5. On page 10, line 15, after "EMAIL" insert "ADDRESS".
- 12 6. On page 11, line 5, after "facsimile" insert "number".
- 13 7. On page 13, lines 15 and 21, strike "consultant" and

14 insert "consulting".

15 8. On page 15, line 24, before "The insert "(2)".

16 9. On page 17, line 8, strike the second comma; and in

17 line 20 after "CONTRACT" insert "WAS".

18 10. On page 22, line 4, after the first comma insert

19 "or".

**LEGISLATIVE BILL 179.** Placed on Select File with amendment.  
ER8151

1 1. In the Standing Committee amendments, AM583, on page

2 3, lines 11 and 12, strike ", 6, and" and insert "to".

**LEGISLATIVE BILL 179A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 204A.** Placed on Final Reading Second.

**LEGISLATIVE BILL 210.** Placed on Final Reading Second.

(Signed) Amanda McGill, Chairperson

### NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 06, 2008 1:30 p.m.

LB824

LB921

LB871

LR223

(Signed) Ray Aguilar, Chairperson

Revenue

Room 1524

Wednesday, February 20, 2008 1:30 p.m.

LB1118

LB1008

LB1039

LB1111

LB1110



Thursday, February 21, 2008 1:30 p.m.

LB714  
LB770  
LB1140  
LB894  
LB983

Friday, February 22, 2008 1:30 p.m.

LB1007  
LB1017  
LB1080  
LB1081  
LB1098

Wednesday, February 27, 2008 1:30 p.m.

LB1071  
LB1149  
LB777  
LB931  
LB922

Thursday, February 28, 2008 1:30 p.m.

LB944  
LB1037  
LB1038

(Signed) Ray Janssen, Chairperson

Appropriations

Room 1524

Monday, February 11, 2008 1:30 p.m.

Agency 5 - Supreme Court  
Agency 11 - Attorney General  
Agency 46 - Correctional Services, Department of  
Agency 64 - State Patrol, Nebraska  
Agency 78 - Nebraska Commission on Law Enforcement and Criminal  
Justice

LB982

Tuesday, February 12, 2008 1:30 p.m.

Agency 25 - Health and Human Services  
Agency 28 - Veterans

LB842  
LB795  
LB940  
LB1119

Room 1003

Wednesday, February 13, 2008 1:30 p.m.

Agency 13 - Education, Department of  
Agency 69 - Arts Council, Nebraska  
Agency 85 - Nebraska Public Employees Retirement Board

LB1133  
LB1165

Thursday, February 14, 2008 1:30 p.m.

LB811  
LB771  
LB1035  
LB1139

Room 1524

Tuesday, February 19, 2008 1:30 p.m.

LB1093  
LB1156

Room 1003

Wednesday, February 20, 2008 1:30 p.m.

LB966  
LB1018  
LB1168

(Signed) Lavon Heidemann, Chairperson

**COMMITTEE REPORT**

## Agriculture

The Agriculture 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.

Todd Reed - Beginning Farmer Board  
 Mark Graff - Beginning Farmer Board  
 Melvin Valasek - Beginning Farmer Board  
 Donald Anthony - Beginning Farmer Board  
 Darrell Mark - Beginning Farmer Board

Aye: 7 Senators Dierks, Dubas, Erdman, Karpisek, McDonald, Preister, Wallman. Nay: 0. Absent: 1 Senator Chambers.

(Signed) Philip Erdman, Chairperson

**MOTION - Withdraw LR231CA**

Senator Erdman renewed his motion, MO120, found on page 426, to withdraw LR231CA.

The Erdman motion to withdraw prevailed with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

**MOTION - Approve Appointment**

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 408:

Military Department  
 Adjutant General Timothy Kadavy

Voting in the affirmative, 32:

Adams	Dierks	Gay	Louden	Rogert
Aguilar	Engel	Hansen	Nantkes	Stuthman
Avery	Erdman	Harms	Nelson	Wallman
Burling	Fischer	Howard	Pahls	Wightman
Carlson	Flood	Karpisek	Pankonin	
Chambers	Friend	Kopplin	Pirsch	
Christensen	Fulton	Langemeier	Raikes	

Voting in the negative, 0.

Present and not voting, 8:

Dubas	Janssen	McDonald	Preister
Hudkins	Lathrop	McGill	White

Excused and not voting, 9:

Ashford	Heidemann	Kruse	Pedersen	Synowiecki
Cornett	Johnson	Lautenbaugh	Schimek	

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 235.** ER8140, found on page 345, was adopted.

Senator Nantkes renewed her amendment, AM1644, found on page 379.

### SENATOR MCDONALD PRESIDING

The Nantkes amendment was adopted with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

Pending.

### COMMITTEE REPORTS

Health and Human Services

**LEGISLATIVE BILL 782.** Placed on General File with amendment.  
AM1657

- 1 1. Insert the following section:
- 2 Sec. 6. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

(Signed) Tim Gay, Vice Chairperson

Natural Resources

**LEGISLATIVE BILL 493.** Indefinitely postponed.

**LEGISLATIVE BILL 579.** Indefinitely postponed.

**LEGISLATIVE BILL 583.** Indefinitely postponed.

**LEGISLATIVE BILL 652.** Indefinitely postponed.

(Signed) LeRoy Loudon, Chairperson

**AMENDMENTS - Print in Journal**

Senators Pirsch, Pahls, Schimek, Stuthman, and White filed the following amendment to LB157:

AM1696

(Amendments to E & R amendments, ER8131)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 Section 1. No person shall be prosecuted for any crime
- 4 based solely upon the act of leaving a child in the custody of an
- 5 employee on duty at a hospital licensed by the State of Nebraska.
- 6 The hospital shall promptly contact appropriate authorities to take
- 7 custody of the child.

Senator Hudkins filed the following amendment to LB692:

AM1663

- 1 1. On page 2, line 20, strike "guests" and insert
- 2 "guest".
- 3 2. On page 3, line 5, strike the underscored period and
- 4 insert an underscored semicolon; in line 7 strike the last "or";
- 5 and in line 10 after "gallery" insert "; or
- 6 (e) Any landowner, tenant, or operator or his or her
- 7 guest, if the firearm is discharged for self-protection under
- 8 sections 28-1406 to 28-1416."

**NOTICE OF COMMITTEE HEARINGS**

Natural Resources

Room 1525

Wednesday, February 06, 2008 1:30 p.m.

LB798

LB799

LB800

Zeiger, Ronald - Environmental Quality Council

LB801

AM1629 to LB801

(Signed) LeRoy Louden, Chairperson

Education

Room 1525

Monday, February 11, 2008 1:30 p.m.

Anderson, Clark - Coordinating Commission for Postsecondary Education

(Signed) Ron Raikes, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 235.** Senator Raikes renewed his amendment, AM1654, found on page 425.

**SENATOR ERDMAN PRESIDING**

Senator Raikes withdrew his amendment.

Senator Langemeier offered the following amendment:  
AM1702

(Amendments to E & R amendments, ER8140)

- 1 1. Strike section 4 and insert the following new
- 2 sections:
- 3 Sec. 5. Section 77-2715.07, Revised Statutes Supplement,
- 4 2007, is amended to read:
- 5 77-2715.07 (1) There shall be allowed to qualified
- 6 resident individuals as a nonrefundable credit against the income
- 7 tax imposed by the Nebraska Revenue Act of 1967:
- 8 (a) A credit equal to the federal credit allowed under
- 9 section 22 of the Internal Revenue Code; and
- 10 (b) A credit for taxes paid to another state as provided
- 11 in section 77-2730.
- 12 (2) There shall be allowed to qualified resident
- 13 individuals against the income tax imposed by the Nebraska Revenue
- 14 Act of 1967:
- 15 (a) For returns filed reporting federal adjusted
- 16 gross incomes of greater than twenty-nine thousand dollars, a
- 17 nonrefundable credit equal to twenty-five percent of the federal
- 18 credit allowed under section 21 of the Internal Revenue Code of
- 19 1986, as amended;
- 20 (b) For returns filed reporting federal adjusted gross
- 21 income of twenty-nine thousand dollars or less, a refundable credit
- 22 equal to a percentage of the federal credit allowable under section
- 1 21 of the Internal Revenue Code of 1986, as amended, whether or
- 2 not the federal credit was limited by the federal tax liability.
- 3 The percentage of the federal credit shall be one hundred percent
- 4 for incomes not greater than twenty-two thousand dollars, and
- 5 the percentage shall be reduced by ten percent for each one
- 6 thousand dollars, or fraction thereof, by which the reported
- 7 federal adjusted gross income exceeds twenty-two thousand dollars;
- 8 (c) A refundable credit for individuals who qualify for
- 9 an income tax credit as an owner of agricultural assets under the
- 10 Beginning Farmer Tax Credit Act for all taxable years beginning or
- 11 deemed to begin on or after January 1, 2001, under the Internal
- 12 Revenue Code of 1986, as amended; and a refundable credit as
- 13 provided in section 77-5209.01 for individuals who qualify for an

14 income tax credit as a qualified beginning farmer or livestock  
15 producer under the Beginning Farmer Tax Credit Act for all taxable  
16 years beginning or deemed to begin on or after January 1, 2006,  
17 under the Internal Revenue Code of 1986, as amended;

18 (d) A refundable credit for individuals who qualify for  
19 an income tax credit under the Nebraska Advantage Microenterprise  
20 Tax Credit Act or the Nebraska Advantage Research and Development  
21 Act; and

22 (e) A refundable credit equal to ten percent of the  
23 federal credit allowed under section 32 of the Internal Revenue  
24 Code of 1986, as amended.

25 (3) There shall be allowed to all individuals as a  
26 nonrefundable credit against the income tax imposed by the Nebraska  
27 Revenue Act of 1967:

1 (a) A credit for personal exemptions allowed under  
2 section 77-2716.01;

3 (b) A credit for contributions to certified community  
4 betterment programs as provided in the Community Development  
5 Assistance Act. Each partner, each shareholder of an electing  
6 subchapter S corporation, each beneficiary of an estate or trust,  
7 or each member of a limited liability company shall report his or  
8 her share of the credit in the same manner and proportion as he  
9 or she reports the partnership, subchapter S corporation, estate,  
10 trust, or limited liability company income; and

11 (c) A credit for investment in a biodiesel facility as  
12 provided in section 77-27,236.

13 (4) There shall be allowed as a credit against the income  
14 tax imposed by the Nebraska Revenue Act of 1967:

15 (a) A credit to all resident estates and trusts for taxes  
16 paid to another state as provided in section 77-2730; and

17 (b) A credit to all estates and trusts for contributions  
18 to certified community betterment programs as provided in the  
19 Community Development Assistance Act.

20 (5)(a) For all taxable years beginning on or after  
21 January 1, 2007, and before January 1, 2009, under the Internal  
22 Revenue Code of 1986, as amended, there shall be allowed to each  
23 partner, shareholder, member, or beneficiary of a partnership,  
24 subchapter S corporation, limited liability company, or estate or  
25 trust a nonrefundable credit against the income tax imposed by  
26 the Nebraska Revenue Act of 1967 equal to fifty percent of the  
27 partner's, shareholder's, member's, or beneficiary's portion of the  
1 amount of franchise tax paid to the state under sections 77-3801 to  
2 77-3807 by a financial institution.

3 (b) For all taxable years beginning on or after January  
4 1, 2009, under the Internal Revenue Code of 1986, as amended,  
5 there shall be allowed to each partner, shareholder, member, or  
6 beneficiary of a partnership, subchapter S corporation, limited  
7 liability company, or estate or trust a nonrefundable credit  
8 against the income tax imposed by the Nebraska Revenue Act of 1967

9 equal to the partner's, shareholder's, member's, or beneficiary's  
10 portion of the amount of franchise tax paid to the state under  
11 sections 77-3801 to 77-3807 by a financial institution.

12 (c) Each partner, shareholder, member, or beneficiary  
13 shall report his or her share of the credit in the same manner  
14 and proportion as he or she reports the partnership, subchapter S  
15 corporation, limited liability company, or estate or trust income.  
16 If any partner, shareholder, member, or beneficiary cannot fully  
17 utilize the credit for that year, the credit may not be carried  
18 forward or back.

19 (6) There shall be allowed to individuals as a  
20 nonrefundable credit against the income tax imposed by the Nebraska  
21 Revenue Act of 1967 a credit as provided in the Nebraska Advantage  
22 Film Production Incentive Act.

23 Sec. 6. Section 77-2717, Revised Statutes Supplement,  
24 2007, is amended to read:

25 77-2717 (1)(a) The tax imposed on all resident estates  
26 and trusts shall be a percentage of the federal taxable income  
27 of such estates and trusts as modified in section 77-2716, plus  
1 a percentage of the federal alternative minimum tax and the  
2 federal tax on premature or lump-sum distributions from qualified  
3 retirement plans. The additional taxes shall be recomputed by (i)  
4 substituting Nebraska taxable income for federal taxable income,  
5 (ii) calculating what the federal alternative minimum tax would  
6 be on Nebraska taxable income and adjusting such calculations for  
7 any items which are reflected differently in the determination of  
8 federal taxable income, and (iii) applying Nebraska rates to the  
9 result. The federal credit for prior year minimum tax, after the  
10 recomputations required by the Nebraska Revenue Act of 1967, and  
11 the credits provided in the Nebraska Advantage Microenterprise Tax  
12 Credit Act and the Nebraska Advantage Research and Development  
13 Act shall be allowed as a reduction in the income tax due. A  
14 refundable income tax credit shall be allowed for all resident  
15 estates and trusts under the Nebraska Advantage Microenterprise Tax  
16 Credit Act and the Nebraska Advantage Research and Development Act.  
17 A nonrefundable income tax credit shall be allowed for all resident  
18 estates and trusts under the Nebraska Advantage Film Production  
19 Incentive Act.

20 (b) The tax imposed on all nonresident estates and trusts  
21 shall be the portion of the tax imposed on resident estates and  
22 trusts which is attributable to the income derived from sources  
23 within this state. The tax which is attributable to income derived  
24 from sources within this state shall be determined by multiplying  
25 the liability to this state for a resident estate or trust with  
26 the same total income by a fraction, the numerator of which is  
27 the nonresident estate's or trust's Nebraska income as determined  
1 by sections 77-2724 and 77-2725 and the denominator of which is  
2 its total federal income after first adjusting each by the amounts  
3 provided in section 77-2716. The federal credit for prior year



4 minimum tax, after the recomputations required by the Nebraska  
5 Revenue Act of 1967, reduced by the percentage of the total income  
6 which is attributable to income from sources outside this state,  
7 and the credits provided in the Nebraska Advantage Microenterprise  
8 Tax Credit Act and the Nebraska Advantage Research and Development  
9 Act shall be allowed as a reduction in the income tax due. A  
10 refundable income tax credit shall be allowed for all nonresident  
11 estates and trusts under the Nebraska Advantage Microenterprise  
12 Tax Credit Act and the Nebraska Advantage Research and Development  
13 Act. A nonrefundable income tax credit shall be allowed for all  
14 nonresident estates and trusts under the Nebraska Advantage Film  
15 Production Incentive Act.

16 (2) In all instances wherein a fiduciary income tax  
17 return is required under the provisions of the Internal Revenue  
18 Code, a Nebraska fiduciary return shall be filed, except that a  
19 fiduciary return shall not be required to be filed regarding a  
20 simple trust if all of the trust's beneficiaries are residents of  
21 the State of Nebraska, all of the trust's income is derived from  
22 sources in this state, and the trust has no federal tax liability.  
23 The fiduciary shall be responsible for making the return for the  
24 estate or trust for which he or she acts, whether the income be  
25 taxable to the estate or trust or to the beneficiaries thereof.  
26 The fiduciary shall include in the return a statement of each  
27 beneficiary's distributive share of net income when such income is  
1 taxable to such beneficiaries.

2 (3) The beneficiaries of such estate or trust who are  
3 residents of this state shall include in their income their  
4 proportionate share of such estate's or trust's federal income and  
5 shall reduce their Nebraska tax liability by their proportionate  
6 share of the credits as provided in the Nebraska Advantage Film  
7 Production Incentive Act, the Nebraska Advantage Microenterprise  
8 Tax Credit Act, and the Nebraska Advantage Research and Development  
9 Act. There shall be allowed to a beneficiary a refundable income  
10 tax credit under the Beginning Farmer Tax Credit Act for all  
11 taxable years beginning or deemed to begin on or after January 1,  
12 2001, under the Internal Revenue Code of 1986, as amended.

13 (4) If any beneficiary of such estate or trust is a  
14 nonresident during any part of the estate's or trust's taxable  
15 year, he or she shall file a Nebraska income tax return which  
16 shall include (a) in Nebraska adjusted gross income that portion  
17 of the estate's or trust's Nebraska income, as determined under  
18 sections 77-2724 and 77-2725, allocable to his or her interest  
19 in the estate or trust and (b) a reduction of the Nebraska tax  
20 liability by his or her proportionate share of the credits as  
21 provided in the Nebraska Advantage Film Production Incentive Act,  
22 the Nebraska Advantage Microenterprise Tax Credit Act, and the  
23 Nebraska Advantage Research and Development Act and shall execute  
24 and forward to the fiduciary, on or before the original due date  
25 of the Nebraska fiduciary return, an agreement which states that he

26 or she will file a Nebraska income tax return and pay income tax  
27 on all income derived from or connected with sources in this state,  
1 and such agreement shall be attached to the Nebraska fiduciary  
2 return for such taxable year.

3 (5) In the absence of the nonresident beneficiary's  
4 executed agreement being attached to the Nebraska fiduciary return,  
5 the estate or trust shall remit a portion of such beneficiary's  
6 income which was derived from or attributable to Nebraska sources  
7 with its Nebraska return for the taxable year. The amount of  
8 remittance, in such instance, shall be the highest individual  
9 income tax rate determined under section 77-2715.02 multiplied by  
10 the nonresident beneficiary's share of the estate or trust income  
11 which was derived from or attributable to sources within this  
12 state. The amount remitted shall be allowed as a credit against the  
13 Nebraska income tax liability of the beneficiary.

14 (6) The Tax Commissioner may allow a nonresident  
15 beneficiary to not file a Nebraska income tax return if the  
16 nonresident beneficiary's only source of Nebraska income was his or  
17 her share of the estate's or trust's income which was derived from  
18 or attributable to sources within this state, the nonresident did  
19 not file an agreement to file a Nebraska income tax return, and  
20 the estate or trust has remitted the amount required by subsection  
21 (5) of this section on behalf of such nonresident beneficiary. The  
22 amount remitted shall be retained in satisfaction of the Nebraska  
23 income tax liability of the nonresident beneficiary.

24 (7) For purposes of this section, unless the context  
25 otherwise requires, simple trust shall mean any trust instrument  
26 which (a) requires that all income shall be distributed currently  
27 to the beneficiaries, (b) does not allow amounts to be paid,  
1 permanently set aside, or used in the tax year for charitable  
2 purposes, and (c) does not distribute amounts allocated in the  
3 corpus of the trust. Any trust which does not qualify as a simple  
4 trust shall be deemed a complex trust.

5 Sec. 7. Section 77-2734.03, Revised Statutes Supplement,  
6 2007, is amended to read:

7 77-2734.03 (1)(a) For taxable years commencing prior to  
8 January 1, 1997, any (i) insurer paying a tax on premiums and  
9 assessments pursuant to section 77-908 or 81-523, (ii) electric  
10 cooperative organized under the Joint Public Power Authority Act,  
11 or (iii) credit union shall be credited, in the computation of  
12 the tax due under the Nebraska Revenue Act of 1967, with the  
13 amount paid during the taxable year as taxes on such premiums and  
14 assessments and taxes in lieu of intangible tax.

15 (b) For taxable years commencing on or after January 1,  
16 1997, any insurer paying a tax on premiums and assessments pursuant  
17 to section 77-908 or 81-523, any electric cooperative organized  
18 under the Joint Public Power Authority Act, or any credit union  
19 shall be credited, in the computation of the tax due under the  
20 Nebraska Revenue Act of 1967, with the amount paid during the

21 taxable year as (i) taxes on such premiums and assessments included  
 22 as Nebraska premiums and assessments under section 77-2734.05 and  
 23 (ii) taxes in lieu of intangible tax.

24 (c) For taxable years commencing or deemed to commence  
 25 prior to, on, or after January 1, 1998, any insurer paying a tax on  
 26 premiums and assessments pursuant to section 77-908 or 81-523 shall  
 27 be credited, in the computation of the tax due under the Nebraska  
 1 Revenue Act of 1967, with the amount paid during the taxable year  
 2 as assessments allowed as an offset against premium and related  
 3 retaliatory tax liability pursuant to section 44-4233.

4 (2) There shall be allowed to corporate taxpayers a  
 5 tax credit for contributions to community betterment programs as  
 6 provided in the Community Development Assistance Act.

7 (3) There shall be allowed to corporate taxpayers a  
 8 refundable income tax credit under the Beginning Farmer Tax Credit  
 9 Act for all taxable years beginning or deemed to begin on or  
 10 after January 1, 2001, under the Internal Revenue Code of 1986, as  
 11 amended.

12 (4) The changes made to this section by Laws 2004, LB  
 13 983, apply to motor fuels purchased during any tax year ending  
 14 or deemed to end on or after January 1, 2005, under the Internal  
 15 Revenue Code of 1986, as amended.

16 (5) There shall be allowed to corporate taxpayers  
 17 refundable income tax credits under the Nebraska Advantage  
 18 Microenterprise Tax Credit Act and the Nebraska Advantage Research  
 19 and Development Act.

20 (6) There shall be allowed to corporate taxpayers a  
 21 nonrefundable income tax credit for investment in a biodiesel  
 22 facility as provided in section 77-27,236.

23 (7) There shall be allowed to corporate taxpayers a  
 24 nonrefundable income tax credit as provided in the Nebraska  
 25 Advantage Film Production Incentive Act.

26 Sec. 8. This act becomes operative for all taxable years  
 27 beginning or deemed to begin on or after January 1, 2008, under the  
 1 Internal Revenue Code of 1986, as amended.

2 Sec. 9. Original sections 77-2715.07, 77-2717, and  
 3 77-2734.03, Revised Statutes Supplement, 2007, are repealed.

4 2. On page 1, line 3, strike "5" and insert "4".

5 3. On page 2, line 15, strike "A rebate" and insert "A  
 6 nonrefundable income tax credit"; in line 18 strike "paid" and  
 7 insert "available"; and in line 22 strike "rebate paid" and insert  
 8 "income tax credit available".

9 4. On page 3, line 5, strike "rebate paid" and insert  
 10 "income tax credit available"; in line 8 strike "rebate" and insert  
 11 "tax credit"; and in line 10 strike "a rebate payment" and insert  
 12 "an income tax credit".

13 5. On page 4, lines 10 and 15, strike "rebate" and  
 14 insert "income tax credit"; in line 18 strike "rebate" and insert  
 15 "income tax credits" and strike "State Treasurer" and insert "Tax

16 Commissioner"; and strike beginning with "The" in line 19 through  
 17 line 27 and insert "The amount of income tax credits approved by  
 18 the office for any tax year shall not exceed five million dollars.  
 19 A production company may carry forward unused income tax credits  
 20 for three tax years.".

21 6. On page 5, strike line 1.

22 7. Renumber the remaining section accordingly.

Senator Langemeier offered the following amendment to his amendment:  
 AM1711

(Amendments to AM1702)

1 1. On page 11, line 20 after the underscored period  
 2 insert:  
 3 "(6) Any income tax credit allowable to a partnership,  
 4 a limited liability company, a subchapter S corporation, a  
 5 cooperative, including a cooperative exempt under section 521  
 6 of the Internal Revenue Code of 1986, as amended, a limited  
 7 cooperative association, or an estate or trust may be distributed  
 8 to the partners, members, shareholders, patrons, or beneficiaries  
 9 in the same manner as income is distributed for use against their  
 10 income tax liabilities.".

Pending.

### SELECT FILE

**LEGISLATIVE BILL 465.** ER8142, found on page 358, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 196.** ER8146, found on page 362, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 632.** ER8147, found on page 386, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 621.** ER8150, found on page 387, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 480.** ER8149, found on page 389, was adopted.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORTS**  
Urban Affairs

**LEGISLATIVE BILL 813.** Placed on General File.

**LEGISLATIVE BILL 947.** Placed on General File.

**LEGISLATIVE BILL 768.** Placed on General File with amendment.  
AM1682 is available in the Bill Room.

(Signed) Mike Friend, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Nebraska Retirement Systems

Room 1525

Wednesday, February 13, 2008 8:30 a.m.

Riffel, Norm - Nebraska Investment Council

(Signed) John Synowiecki, Chairperson

Judiciary

Room 1113

Wednesday, February 27, 2008 1:30 p.m.

LR234 (cancel)

Wednesday, February 20, 2008 1:30 p.m.

LR234 (reschedule)

Wednesday, February 20, 2008 1:30 p.m.

LR224 (cancel)

Wednesday, February 27, 2008 1:30 p.m.

LR224 (reschedule)

(Signed) Brad Ashford, Chairperson

**COMMITTEE REPORT**

## Health and Human Services

The Health and Human Services 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.

Chief Executive Officer Christine Peterson - Nebraska Department of Health and Human Services

Director within HHS Scot Adams - Nebraska Department of Health and Human Services

Director within HHS Todd Landry - Nebraska Department of Health and Human Services

Director within HHS Vivianne Chaumont - Nebraska Department of Health and Human Services

Chief Medical Officer Joann Schaefer - Nebraska Department of Health and Human Services

Director within HHS John Hilgert - Nebraska Department of Health and Human Services

Director within HHS John C. Wyvill - Nebraska Department of Health and Human Services

Aye: 6 Senators Erdman, Gay, Hansen, Howard, Pankonin, Stuthman. Nay: 0. Absent: 1 Senator Johnson.

(Signed) Tim Gay, Vice Chairperson

**AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB500:  
AM1693

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 48-652, Revised Statutes Supplement,
- 4 2007, is amended to read:
- 5 48-652 (1)(a) A separate experience account shall be
- 6 established for each employer who is liable for payment of
- 7 contributions. Whenever and wherever in the Employment Security
- 8 Law the terms reserve account or experience account are used,
- 9 unless the context clearly indicates otherwise, such terms shall be
- 10 deemed interchangeable and synonymous and reference to either of
- 11 such accounts shall refer to and also include the other.
- 12 (b) A separate reimbursement account shall be established
- 13 for each employer who is liable for payments in lieu of
- 14 contributions. All benefits paid with respect to service in
- 15 employment for such employer shall be charged to his or her
- 16 reimbursement account and such employer shall be billed for and
- 17 shall be liable for the payment of the amount charged when billed
- 18 by the commissioner. Payments in lieu of contributions received

19 by the commissioner on behalf of each such employer shall be  
20 credited to such employer's reimbursement account, and two or more  
21 employers who are liable for payments in lieu of contributions may  
22 jointly apply to the commissioner for establishment of a group  
23 account for the purpose of sharing the cost of benefits paid that  
1 are attributable to service in the employ of such employers. The  
2 commissioner shall prescribe such rules and regulations as he or  
3 she deems necessary with respect to applications for establishment,  
4 maintenance, and termination of group accounts authorized by this  
5 subdivision.

6 (2) All contributions paid by an employer shall be  
7 credited to the experience account of such employer. State  
8 unemployment insurance tax payments shall not be credited to  
9 the experience account of each employer. Partial payments of  
10 combined tax shall be credited so that at least eighty percent  
11 of the combined tax payment excluding interest and penalty is  
12 credited first to contributions due. In addition to contributions  
13 credited to the experience account, each employer's account shall  
14 be credited as of June 30 of each calendar year with interest  
15 at a rate determined by the commissioner based on the average  
16 annual interest rate paid by the Secretary of the Treasury of  
17 the United States of America upon the state's account in the  
18 Unemployment Trust Fund for the preceding calendar year multiplied  
19 by the balance in his or her experience account at the beginning  
20 of such calendar year. If the total credits as of such date to  
21 all employers' experience accounts are equal to or greater than  
22 ninety percent of the total amount in the Unemployment Compensation  
23 Fund, no interest shall be credited for that year to any employer's  
24 account. Contributions with respect to prior years which are  
25 received on or before January 31 of any year shall be considered  
26 as having been paid at the beginning of the calendar year. All  
27 voluntary contributions which are received on or before January  
1 10 of any year shall be considered as having been paid at the  
2 beginning of the calendar year.

3 (3)(a) Each experience account shall be charged only  
4 for benefits based upon wages paid by such employer. No benefits  
5 shall be charged to the experience account of any employer if (i)  
6 such benefits were paid on the basis of a period of employment  
7 from which the claimant (A) left work voluntarily without good  
8 cause, (B) left work voluntarily due to a nonwork-connected illness  
9 or injury, (C) left work voluntarily with good cause to escape  
10 abuse as defined in section 42-903 between household members as  
11 provided in subdivision (1) of section 48-628.01, (D) left work  
12 from which he or she was discharged for misconduct connected with  
13 his or her work, or (E) left work voluntarily and is entitled to  
14 unemployment benefits without disqualification in accordance with  
15 subdivision (3) or (5) of section 48-628.01 and (ii) the employer  
16 has filed timely notice of the facts on which such exemption is  
17 claimed in accordance with rules and regulations prescribed by

18 the commissioner. No benefits shall be charged to the experience  
19 account of any employer if such benefits were paid on the basis  
20 of wages paid in the base period that are wages for insured  
21 work solely by reason of subdivision (5)(b) of section 48-627. No  
22 benefits shall be charged to the experience account of any employer  
23 if such benefits were paid during a week when the individual was  
24 participating in training approved under section 236(a)(1) of the  
25 federal Trade Act of 1974, 19 U.S.C. 2296(a)(1).

26 (b) Each reimbursement account shall be charged only for  
27 benefits paid that were based upon wages paid by such employer in  
1 the base period that were wages for insured work solely by reason  
2 of subdivision (5) of section 48-627.

3 (c) Benefits paid to an eligible individual shall be  
4 charged against the account of his or her most recent employers  
5 within his or her base period against whose accounts the maximum  
6 charges hereunder have not previously been made in the inverse  
7 chronological order in which the employment of such individual  
8 occurred. The maximum amount so charged against the account of any  
9 employer, other than an employer for which services in employment  
10 as provided in subdivision (4)(a) of section 48-604 are performed,  
11 shall not exceed the total benefit amount to which such individual  
12 was entitled as set out in section 48-626 with respect to base  
13 period wages of such individual paid by such employer plus one-half  
14 the amount of extended benefits paid to such eligible individual  
15 with respect to base period wages of such individual paid by  
16 such employer. The commissioner shall by rules and regulations  
17 prescribe the manner in which benefits shall be charged against  
18 the account of several employers for whom an individual performed  
19 employment during the same quarter or during the same base period.  
20 Any benefit check duly issued and delivered or mailed to a claimant  
21 and not presented for payment within one year from the date of its  
22 issue may be invalidated and the amount thereof credited to the  
23 Unemployment Compensation Fund, except that a substitute check may  
24 be issued and charged to the fund on proper showing at any time  
25 within the year next following. Any charge made to an employer's  
26 account for any such invalidated check shall stand as originally  
27 made.

1 (4)(a) An employer's experience account shall be deemed  
2 to be terminated one calendar year after such employer has ceased  
3 to be subject to the Employment Security Law, except that if the  
4 commissioner finds that an employer's business is closed solely  
5 because of the entrance of one or more of the owners, officers,  
6 partners, or limited liability company members or the majority  
7 stockholder into the armed forces of the United States, or of any  
8 of its allies, after July 1, 1950, such employer's account shall  
9 not be terminated and, if the business is resumed within two years  
10 after the discharge or release from active duty in the armed forces  
11 of such person or persons, the employer's experience account shall  
12 be deemed to have been continuous throughout such period.



13 (b) An experience account terminated pursuant to this  
 14 subsection shall be reinstated if (i) the employer becomes subject  
 15 again to the Employment Security Law within one calendar year after  
 16 termination of such experience account and the employer makes a  
 17 written application for reinstatement of such experience account  
 18 to the commissioner within two calendar years after termination of  
 19 such experience account and (ii) the commissioner finds that the  
 20 employer is operating substantially the same business as prior to  
 21 the termination of such experience account.

22 (5) All money in the Unemployment Compensation Fund shall  
 23 be kept mingled and undivided. The payment of benefits to an  
 24 individual shall in no case be denied or withheld because the  
 25 experience account of any employer does not have a total of  
 26 contributions paid in excess of benefits charged to such experience  
 27 account.

1 (6) A contributory or reimbursable employer shall be  
 2 relieved of charges if the employer was previously charged for  
 3 wages and the same wages are being used a second time to establish  
 4 a new claim as a result of the October 1, 1988, change in the base  
 5 period.

6 Sec. 2. Original section 48-652, Revised Statutes  
 7 Supplement, 2007, is repealed.

Senator Lathrop filed the following amendment to LB586:  
 AM1705

(Amendments to E & R amendments, ER8143)

1 1. On page 1, line 16, after "under" insert "private";  
 2 in line 17 after "another" insert "private"; and in line 20 after  
 3 the period insert "The measure of damages for medical expenses  
 4 in liability claims shall be the private party rate, not the  
 5 discounted amount.".

#### UNANIMOUS CONSENT - Room Changes

Senator Erdman asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, February 12, 2008, in Room 1510 and the Urban Affairs Committee conduct its hearing in Room 2102. No objections. So ordered.

#### UNANIMOUS CONSENT - Add Cointroducers

Senator Carlson asked unanimous consent to add his name as cointroducer to LB894, LB974, and LB1012. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB920. No objections. So ordered.

Senator Preister asked unanimous consent to add his name as cointroducer to LB1170. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 28 college students and teacher from Union College, Lincoln; and Brian Inselman, Dan Miriovsky, Amanda Drey, Kirk Peck, Mark Bertch, and Nicole Koch from Omaha.

The Doctor of the Day was Dr. Kyle Haeefele from Lincoln.

**ADJOURNMENT**

At 11:52 a.m., on a motion by Senator Harms, the Legislature adjourned until 9:00 a.m., Thursday, January 31, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTEENTH DAY - JANUARY 31, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 31, 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 Johnson who was excused; and Senators Aguilar, Cornett, Dubas, Heidemann, McDonald, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 196.** Placed on Final Reading.

**LEGISLATIVE BILL 465.** Placed on Final Reading.

**LEGISLATIVE BILL 480.** Placed on Final Reading.

**LEGISLATIVE BILL 621.** Placed on Final Reading.

**LEGISLATIVE BILL 632.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**MOTIONS - Approve Appointments**

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 414:

Coordinating Commission for Postsecondary Education

Riko Bishop

Carol Zink

Voting in the affirmative, 33:

Adams	Fischer	Howard	McGill	Rogert
Burling	Flood	Hudkins	Nantkes	Schimek
Carlson	Friend	Karpisek	Pahls	Synowiecki
Christensen	Fulton	Kopplin	Pankonin	Wallman
Dierks	Gay	Kruse	Pedersen	Wightman
Engel	Hansen	Lathrop	Pirsch	
Erdman	Harms	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Chambers	Langemeier	Nelson	Stuthman
Avery	Janssen	Lautenbaugh	Preister	

Excused and not voting, 7:

Aguilar	Dubas	Johnson	White
Cornett	Heidemann	McDonald	

The appointments were confirmed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Erdman moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 435:

Beginning Farmer Board

Todd Reed  
 Mark Graff  
 Melvin Valasek  
 Donald Anthony  
 Darrell Mark

Voting in the affirmative, 34:

Adams	Erdman	Harms	Lathrop	Raikes
Aguilar	Fischer	Howard	Lautenbaugh	Schimek
Ashford	Flood	Hudkins	Louden	Stuthman
Carlson	Friend	Karpisek	McGill	Synowiecki
Christensen	Fulton	Kopplin	Nantkes	Wallman
Dierks	Gay	Kruse	Pankonin	Wightman
Engel	Hansen	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 10:

Avery	Chambers	Nelson	Pedersen	Rogert
Burling	Janssen	Pahls	Preister	White

Excused and not voting, 5:

Cornett            Dubas            Heidemann       Johnson        McDonald

The appointments were confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

## COMMITTEE REPORTS

### Agriculture

**LEGISLATIVE BILL 788.** Placed on General File with amendment.  
AM1689

- 1     1. On page 4, strike lines 7 through 12 and insert the  
2 following new subdivision:  
3     "(3) The department may provide state funds for certain  
4 program activities or any portion thereof in connection with  
5 the implementation of the act to or on behalf of affected herd  
6 owners if funds for such activities or any portion thereof have  
7 been appropriated and are available. The department shall develop  
8 statewide priorities for the expenditure of state funds available  
9 for program activities;".
- 10    2. On page 5, line 20, after the period insert "An  
11 animal or animals under quarantine may be relocated as directed by  
12 the State Veterinarian to avoid or lessen exposure to pathogenic  
13 agents. Quarantine restrictions imposed by the State Veterinarian  
14 as applied to the movement and disposition of an individual  
15 animal or a group of animals within an affected herd may vary as  
16 appropriate according to risk of exposure to pathogenic agents."
- 17    3. On page 8, line 14, after "(1)" insert "The owner  
18 or custodian of an affected herd or affected premises shall be  
19 responsible to pay for costs related to: (a) The quarantine,  
20 testing, or vaccination of an affected herd; (b) the disinfection  
21 or cleaning of the premises of an affected herd; and (c) any other  
22 costs associated with the control of anthrax in such herd.  
23 (2)"; and in line 17 strike "(2)" and insert "(3)".
- 1     4. On page 9, line 7, strike "(3)" and insert "(4)"; and  
2 in line 10 strike "(4)" and insert "(5)".

(Signed) Philip Erdman, Chairperson

Education

**LEGISLATIVE BILL 850.** Placed on General File with amendment.  
AM1703

- 1     1. Strike the original sections and insert the following  
2 new sections:  
3     Section 1. The school board or board of education of any  
4 Class I, II, III, IV, V, or VI school district may permit its

5 members to participate in the school district's hospitalization,  
6 medical, surgical, accident, sickness, or term life insurance  
7 coverage or any one or more of such coverages. A board member  
8 electing to participate in the insurance program of the school  
9 district shall pay both the employee and the employer portions of  
10 the premium for such coverage.

11 A school board or board of education which opts to permit  
12 its members to participate in insurance coverage under this section  
13 shall report quarterly at a board meeting the board members who  
14 have elected such coverage. Such a report shall be made available  
15 in the school district office for review by the public upon  
16 request.

17 Sec. 2. A learning community coordinating council may  
18 permit members of such council to participate in the learning  
19 community's hospitalization, medical, surgical, accident, sickness,  
20 or term life insurance coverage or any one or more of such  
21 coverages. A learning community coordinating council member  
22 electing to participate in the insurance program of the learning  
23 community shall pay both the employee and the employer portions of  
1 the premium for such coverage.

2 A learning community coordinating council which opts to  
3 permit its members to participate in insurance coverage under this  
4 section shall report quarterly at a council meeting the council  
5 members who have elected such coverage. Such a report shall be made  
6 available in the learning community office for review by the public  
7 upon request.

8 Sec. 3. Section 79-1232, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 79-1232 The board of any educational service unit may  
11 ~~provide its members with~~ permit its members to participate in  
12 the educational service unit's hospitalization, medical, surgical,  
13 accident, sickness, or term life insurance coverage or any one or  
14 more of such coverages. A board member electing to participate in  
15 the insurance program of the educational service unit shall pay  
16 both the employee and the employer portions of the premium for such  
17 coverage.

18 An educational service unit board which opts to permit  
19 its members to participate in insurance coverage under this section  
20 shall report quarterly at a board meeting the board members who  
21 have elected such coverage. Such a report shall be made available  
22 in the educational service unit office for review by the public  
23 upon request.

24 Sec. 4. Original section 79-1232, Reissue Revised  
25 Statutes of Nebraska, is repealed.

26 Sec. 5. The following section is outright repealed:  
27 Section 79-502, Reissue Revised Statutes of Nebraska.

(Signed) Ron Raikes, Chairperson

**NOTICE OF COMMITTEE HEARING**  
Education

Room 1525

Thursday, March 06, 2008 8:00 a.m.

Hodges, Timothy - Coordinating Commission for Postsecondary Education  
Lauritzen, Mary - Coordinating Commission for Postsecondary Education  
Uhing, Richard - Coordinating Commission for Postsecondary Education

(Signed) Ron Raikes, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 157.** ER8131, found on page 310, was adopted.

Senator Pirsch withdrew his amendment, FA160, found on page 316.

Senator Pirsch renewed the Pirsch et al. amendment, AM1696, found on page 437.

The Pirsch et al. amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Chambers requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 235.** Senator Langemeier renewed his amendment, AM1702, found on page 438.

Senator Langemeier renewed his amendment, AM1711, found on page 444, to his amendment.

Senator Langemeier withdrew his amendment, AM1711.

Senator Langemeier offered the following amendment to his amendment:  
AM1740

(Amendments to AM1702)

- 1 1. Strike amendment 5 and all amendments thereto and
- 2 insert the following new amendment:
- 3 "5. On page 4, lines 10 and 15, strike "rebate" and
- 4 insert "income tax credit"; and strike lines 17 through 27 and
- 5 insert:
- 6 (5) The Film Office shall approve or disapprove all
- 7 claims for income tax credits. If a claim is approved, the office
- 8 shall issue nontransferable income tax credit certificates equal to

9 the amount of income tax credits the production company qualifies  
 10 for except as provided in subsection (6) of this section. For any  
 11 income tax credit allowable to a partnership, a limited liability  
 12 company, a subchapter S corporation, a cooperative, including a  
 13 cooperative exempt under section 521 of the Internal Revenue Code  
 14 of 1986, as amended, a limited cooperative association, or an  
 15 estate or trust, the nontransferable income tax credit certificates  
 16 shall be issued to the partners, members, shareholders, patrons, or  
 17 beneficiaries in the same manner as income is distributed for use  
 18 against their income tax liabilities.

19 The Film Office shall also certify to the Department  
 20 of Revenue any production company, partner, member, shareholder,  
 21 patron, or beneficiary that has been issued nontransferable income  
 22 tax credit certificates, the amount of the certificate that

1 the production company, partner, member shareholder, patron, or  
 2 beneficiary qualified for, and the date that the certificate was  
 3 issued. When the production company or its partners, members,  
 4 shareholders, patrons, or beneficiaries use the nontransferable  
 5 income tax credit certificates to offset Nebraska income taxes,  
 6 the taxpayer shall attach the nontransferable income tax credit  
 7 certificate or certificates to the return claiming the credit.

8 Upon receipt of the nontransferable income tax certificates with  
 9 a tax return, the Department of Revenue shall immediately inform  
 10 the Film Office which certificate or certificates have been used  
 11 and the amount that was used. If the total amount of the income  
 12 tax liability of the taxpayer is insufficient to use the entire  
 13 nontransferable income tax credit certificate, the office shall  
 14 issue a new certificate for the unused balance and certify the new  
 15 certificate and its amount to the Department of Revenue. The new  
 16 certificate shall bear the same date as the certificate that was  
 17 used.

18 (6) No more than five million dollars of income tax  
 19 credit certificates shall be issued, unexpired, and unused at  
 20 any one time. If there are qualifying claims for income tax  
 21 credits that would cause the outstanding balance to be greater  
 22 than five million dollars, the claim shall be deferred until  
 23 enough certificates have been used to enable the certificate or  
 24 certificates to be issued."

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

Senator Wightman offered the following amendment to the Langemeier amendment:

AM1734

(Amendments to AM1702)

- 1 1. On page 4, line 20, strike "nonrefundable".
- 2 2. On page 5, line 17; page 6, line 13; and page 11,
- 3 lines 5 and 6, strike "A nonrefundable" and insert "An".



- 4 3. On page 10, lines 23 and 24, strike "a nonrefundable"  
 5 and insert "an".  
 6 4. On page 11, line 18, after the period insert "The  
 7 income tax credit shall be nonrefundable, except that a portion  
 8 of the income tax credit not used in a tax year equal to forty  
 9 percent of the amount of income tax credit used in the tax year  
 10 shall be refundable."; and in line 19 after "unused" insert "and  
 11 unrefunded".

### SENATOR PEDERSEN PRESIDING

Senator Wightman withdrew his amendment.

The Langemeier amendment, AM1702, found on page 438 and considered in this day's Journal, as amended, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Langemeier requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 19:

Adams	Christensen	Hansen	Langemeier	Raikes
Avery	Dubas	Hudkins	Louden	Stuthman
Burling	Erdman	Janssen	McDonald	Wallman
Chambers	Friend	Karpisek	Pankonin	

Voting in the negative, 27:

Aguilar	Flood	Kruse	Pahls	Synowiecki
Carlson	Fulton	Lathrop	Pedersen	White
Cornett	Gay	Lautenbaugh	Pirsch	Wightman
Dierks	Harms	McGill	Preister	
Engel	Howard	Nantkes	Rogert	
Fischer	Kopplin	Nelson	Schimek	

Excused and not voting, 3:

Ashford	Heidemann	Johnson
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The Langemeier amendment, as amended, lost with 19 ayes, 27 nays, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

**NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Thursday, February 7, 2008 1:30 p.m.

LB1097 (cancel)

Thursday, February 21, 2008 1:30 p.m.

LB1097 (reschedule)

Thursday, February 7, 2008 1:30 p.m.

LB1130 (cancel)

Thursday, February 14, 2008 1:30 p.m.

LB1130 (reschedule)

(Signed) Brad Ashford, Chairperson

Natural Resources

Room 1525

Thursday, February 07, 2008 1:30 p.m.

LB924

LB975

LB1041

(Signed) LeRoy Louden, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, February 07, 2008 1:30 p.m.

Osborn, Gregory - State Personnel Board

Nelson, Richard - Nebraska Accountability and Disclosure Commission

LB838

LB858

LB878

LB1030

LB1067

Wednesday, February 13, 2008 1:30 p.m.

Deiml, Keith - State Emergency Response Commission

LB884  
LB962  
LB869

Thursday, February 14, 2008 1:30 p.m.

Virgil, Steven - State Emergency Response Commission

LB927  
LB889  
LB745  
LB1112

Wednesday, February 20, 2008 1:30 p.m.

LB1043  
LB1047  
LB1136

(Signed) Ray Aguilar, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 11, 2008 1:30 p.m.

Landis, Frank - Nebraska Railway Council  
Rasmussen, Gary - Nebraska Railway Council  
Rebensdorf, John - Nebraska Railway Council  
Books, Ronald - State Highway Commission  
Fagerland, Jerome - State Highway Commission  
Reiser, Richard - State Highway Commission

LB874  
LB712  
LB780  
LB1051

Tuesday, February 12, 2008 1:30 p.m.

LB812  
LB1092

Tuesday, February 19, 2008 1:30 p.m.

LB1129

LR232

Monday, February 25, 2008 1:30 p.m.

LB1068

LB1091

LB908

LB941

LB1064

Tuesday, February 26, 2008 1:30 p.m.

LB786

LB1069

(Signed) Deb Fischer, Chairperson

### COMMITTEE REPORTS

Natural Resources

**LEGISLATIVE BILL 805.** Placed on General File.

(Signed) LeRoy Louden, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 268.** Placed on General File with amendment.

AM1515

1 1. Strike original section 2 and insert the following new  
2 section:

3 Sec. 2. Section 32-528, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 32-528 (1) In counties having a county board of three  
6 commissioners, two commissioners shall be elected at the statewide  
7 general election in 1994 and each four years thereafter, and one

8 commissioner shall be elected at the statewide general election  
9 in 1996 and each four years thereafter. In counties having a

10 county board of five commissioners, three commissioners shall be  
11 elected at the statewide general election in 1994 and each four

12 years thereafter, and two commissioners shall be elected at the  
13 statewide general election in 1996 and each four years thereafter.

14 In counties having a county board of seven or more commissioners,  
15 one commissioner shall be elected in each odd-numbered commissioner

16 district at the statewide general election in 1994 and each  
17 four years thereafter, and one commissioner shall be elected in

18 each even-numbered commissioner district at the statewide general

19 election in 1996 and each four years thereafter.

20 (2) Except for commissioners first elected after the  
21 county adopts the commissioner form of government or has increased  
22 the number of commissioners, the term of each county commissioner  
23 shall be four years or until his or her successor is elected  
1 and qualified. At the first election held to choose the board of  
2 commissioners in any county having three commissioners, the person  
3 having the highest number of votes shall serve for four years and  
4 the two receiving the next highest number of votes shall serve  
5 for two years, and if any three or more persons have the same  
6 number of votes, their terms of office shall be determined by the  
7 county canvassing board. The county commissioners shall meet the  
8 qualifications found in section 23-150. Nothing in this section  
9 shall be construed to prohibit the reelection of a commissioner  
10 holding office if the commissioner is reelected to represent his or  
11 her respective district. The county commissioners shall be elected  
12 on the partisan ballot.

13 (3)(a) In counties having not more than ~~three hundred~~  
14 one hundred fifty thousand inhabitants, one commissioner shall be  
15 nominated and elected from each district by the registered voters  
16 of the district.

17 (b) ~~Until 2010, except that~~ in counties having a  
18 population of more than one hundred fifty thousand but not more  
19 than three hundred thousand inhabitants, one commissioner shall  
20 be nominated from each district by the registered voters of the  
21 district and shall be elected by the registered voters of the  
22 entire county. Beginning in ~~1992 in 2010~~ in counties having a  
23 population of more than one hundred fifty thousand but not more  
24 than three hundred thousand inhabitants, one commissioner shall be  
25 nominated and elected from each district by the registered voters  
26 of the district as provided in subsection (5) of this section.

27 (c) In counties having more than three hundred thousand  
1 inhabitants, one commissioner shall be nominated and elected from  
2 each district by the registered voters of the district.

3 (4) In counties in which a majority has voted to have  
4 five commissioners as provided in section 23-148, the three  
5 commissioners of such county whose terms of office will expire  
6 after the election shall continue in office until the expiration of  
7 the terms for which they were elected and until their successors  
8 are elected and qualified. Two commissioners shall be appointed  
9 pursuant to section 32-567 to serve until the first Thursday after  
10 the first Tuesday in January following the next statewide general  
11 election. At the next statewide general election, commissioners  
12 shall be elected to fill the positions of any commissioners  
13 appointed under this section. At the first primary election after  
14 such appointments, filings shall be accepted for terms of two years  
15 and for terms of four years so that two commissioners will be  
16 elected to four-year terms at one election and three commissioners  
17 will be elected to four-year terms at the next election.

18 (5) In counties having more than one hundred fifty  
 19 thousand but not more than three hundred thousand inhabitants  
 20 which are changing from nominating by district and electing  
 21 at large to nominating and electing by district as provided  
 22 in subdivision (3)(b) of this section, the three commissioners  
 23 ~~whose terms of office will expire in 1995~~ shall continue in  
 24 office until the expiration of the terms for which they were  
 25 elected and until their successors are elected and qualified.  
 26 At the primary election in ~~1992, 2010,~~ one commissioner in such  
 27 counties shall be nominated from each odd-numbered district. At  
 1 the ensuing general election, one commissioner shall be elected  
 2 from each odd-numbered district. At the primary election in ~~1994,~~  
 3 2012, one commissioner in such counties shall be nominated from  
 4 each even-numbered district. At the ensuing general election, one  
 5 commissioner shall be elected from each even-numbered district.  
 6 ~~Beginning in 1992, each commissioner in such counties shall hold~~  
 7 ~~office for four years or until his or her successor is elected~~  
 8 ~~and qualified. Nothing in this subsection shall be construed to~~  
 9 ~~prohibit the reelection of a commissioner holding office in 1992 or~~  
 10 ~~1994 if such commissioner is reelected to represent the district in~~  
 11 ~~which he or she resides.~~

**LEGISLATIVE BILL 746.** Placed on General File with amendment.  
 AM1675

1 1. Insert the following new section:  
 2 Sec. 2. Section 85-505.01, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:  
 4 85-505.01 (1) The tuition assistance program prescribed  
 5 in sections 85-505 to 85-508 shall not be available to:  
 6 (a) More than one thousand two hundred members during any  
 7 fiscal year;  
 8 (b) Commissioned and warrant officers who have a  
 9 baccalaureate degree or are eligible for any other equivalent  
 10 federal benefits;  
 11 (c) Enlisted personnel entitled to any equivalent federal  
 12 educational benefits, except that this subdivision shall not apply  
 13 to personnel receiving assistance from the federal Educational  
 14 Assistance Program for Members of the Selected Reserve, as it  
 15 existed on September 1, 2001; and  
 16 (d) Enlisted personnel who have a baccalaureate degree.  
 17 (2) The tuition assistance program prescribed in sections  
 18 85-505 to 85-508 shall be available to members of the Nebraska  
 19 National Guard for a period of ten years, as provided in section  
 20 85-505, from the date of initial membership.  
 21 (3) Any member of the Nebraska National Guard receiving  
 22 tuition assistance under sections 85-505 to 85-508 may obtain only  
 23 one undergraduate degree under such tuition assistance program.  
 1 Only credit-bearing courses which meet degree requirements shall be  
 2 approved for tuition assistance. Members shall not receive tuition

3 assistance for any noncredit courses.  
 4 (4) If a member of the Nebraska National Guard  
 5 voluntarily withdraws from a course for which he or she is  
 6 receiving tuition assistance, the member shall be liable for all  
 7 costs relating to such withdrawal, including, but not limited to,  
 8 all of the costs billed by the educational institution to the  
 9 Nebraska National Guard. Reimbursement shall be in accordance with  
 10 section 72-1601.

11 (5) Any member of the Nebraska National Guard who  
 12 receives tuition assistance shall agree in writing to serve in  
 13 the Nebraska National Guard for three years after the completion  
 14 of the courses for which tuition assistance was given. Any member  
 15 who receives tuition assistance may be asked to reimburse the State  
 16 of Nebraska if any such member leaves the Nebraska National Guard  
 17 during such three-year period. Reimbursement shall be in accordance  
 18 with section 72-1601.

19 (6) The Military Department shall retain the  
 20 responsibility and authority to establish any limitations  
 21 and controls it deems necessary to ensure maximum fiscal efficiency  
 22 and productivity of the tuition assistance program prescribed in  
 23 sections 85-505 to 85-508.

24 2. On page 2, line 19, strike "eighty" and insert  
 25 "twenty".

26 3. Amend the repealer and renumber the remaining sections  
 27 accordingly.

(Signed) Ray Aguilar, Chairperson

Revenue

**LEGISLATIVE BILL 1004.** Placed on General File.

**LEGISLATIVE BILL 754.** Placed on General File with amendment.  
 AM1732

1 1. Insert the following new section:

2 Sec. 3. Since an emergency exists, this act takes effect  
 3 when passed and approved according to law.

(Signed) Ray Janssen, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 755.** Placed on General File with amendment.  
 AM1707 is available in the Bill Room.

**LEGISLATIVE BILL 823.** Placed on General File with amendment.  
 AM1614

1 1. On page 3, line 14, strike ", including requiring" and  
 2 insert "and may require".

- 3 2. On page 4, line 10, after "report" insert "their";  
 4 strike beginning with "about" in line 10 through "assets" in line  
 5 11 and insert "technology plans"; and in line 12 strike "this  
 6 information" and insert "such plans".  
 7 3. On page 8, line 8, strike "a program, including the  
 8 establishment of"; and in line 9 strike the comma.

**LEGISLATIVE BILL 276.** Indefinitely postponed.

**LEGISLATIVE BILL 676.** Indefinitely postponed.

**LEGISLATIVE BILL 910.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Revenue

**LEGISLATIVE BILL 893.** Placed on General File.

(Signed) Ray Janssen, Chairperson

### ANNOUNCEMENT

The Legislative Performance Audit Committee designates LB823 as its priority bill.

### RESOLUTION

**LEGISLATIVE RESOLUTION 236.** Introduced by McGill, 26.

WHEREAS, less than four percent of the boys in the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Matthew Scott has demonstrated a strong commitment to the community of Lincoln, Nebraska, through service projects and volunteer hours; and

WHEREAS, Matthew has demonstrated diligence in this pursuit to attain the honorary status of Eagle Scout; and

WHEREAS, Matthew has earned and deserves the honor of being named "An Eagle Scout".

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

1. That the Legislature commends Matthew Scott for his outstanding accomplishment of becoming an Eagle Scout.

2. That a copy of this resolution be sent to Matthew Scott.

Laid over.



**COMMITTEE REPORT**  
Natural Resources

The Natural Resources 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.

Lynn Berggren - Nebraska Game and Parks Commission

Aye: 7 Senators Carlson, Christensen, Dubas, Hudkins, Kopplin, Louden, Wallman. Nay: 0. Absent: 1 Senator Fischer.

(Signed) LeRoy Louden, Chairperson

**AMENDMENTS - Print in Journal**

Senator Nantkes filed the following amendment to LB235:  
AM1721

- 1 1. In AM1644, on page 1, lines 10, 15, 18, and 20 strike
- 2 "five million" and insert "two million five hundred thousand".
- 3 2. In ER8140, on page 4, line 22, strike "five million"
- 4 and insert "two million five hundred thousand".

Senator Nantkes filed the following amendment to LB235:  
AM1719

(Amendments to E & R amendments, ER8140)

- 1 1. Insert the following new sections:
- 2 Sec. 6. The Film Office of the Department of Economic
- 3 Development shall provide a report to the Legislature by July 1,
- 4 2011, that includes:
- 5 (1) A cost-benefit analysis of the film production
- 6 incentive program;
- 7 (2) The amount of incentives paid pursuant to the
- 8 program;
- 9 (3) The nature of films produced in Nebraska during the
- 10 time the program was providing incentives;
- 11 (4) An estimate of the economic activity generated by the
- 12 production of such films;
- 13 (5) Data as to the amount spent on film production in
- 14 Nebraska before and after the enactment of the program; and
- 15 (6) Any other information the office may deem relevant in
- 16 assessing the effectiveness of the program.
- 17 Sec. 7. Sections 1 to 5 of this act terminate on December
- 18 31, 2010. Sections 6 and 7 of this act terminate on July 1, 2011.
- 19 2. On page 1, line 3, strike "5" and insert "7"; and
- 20 strike beginning with "which" in line 12 through the first comma in
- 21 line 13.
- 22 3. On page 4, line 19, after the period insert "The
- 1 office shall not approve claims for rebate for a proposed project

- 2 if the office determines the film to be:  
 3 (a) Pornography or other obscene material;  
 4 (b) Material that promotes bias or prejudice toward a  
 5 particular race, color, culture, nationality, gender, religion,  
 6 sexual orientation, or other social category;  
 7 (c) Material created for the purpose of influencing  
 8 public opinion with respect to a particular political candidate or  
 9 issue; or  
 10 (d) Material that portrays the State of Nebraska, its  
 11 citizens, or its institutions in a negative light.  
 12 (6)".

Senator Pirsch filed the following amendment to LB619:  
 AM1652

(Amendments to E & R amendments, ER8144)

- 1 1. On page 1, lines 9, 10, 11, 13, 14, 17, and 22,  
 2 reinstate the stricken matter and strike the new matter.  
 3 2. On page 2, line 1, reinstate the stricken matter and  
 4 strike the new matter.  
 5 3. On page 3, strike beginning with "General" in line 1  
 6 through "debt" in line 3 and insert "State Treasurer Administrative  
 7 Fund".

Senator Pirsch filed the following amendment to LB620:  
 AM1715

(Amendments to E & R Amendments, ER8145)

- 1 1. On page 2, strike beginning with "(1)" in line 17  
 2 through line 24 and insert  
 3 "(1) The State Treasurer, with state agency approval,  
 4 may electronically collect a bad debt and a fee from a debtor  
 5 of the state agency equal to the cost of processing any payments  
 6 for returned check charges or charges for electronic payments not  
 7 accepted, except that the fee shall not exceed thirty dollars. The  
 8 fee shall be remitted to the State Treasurer Administrative Fund.".

Senator Lathrop filed the following amendment to LB586:  
 AM1742

(Amendments to E & R amendments, ER8143)

- 1 1. On page 1, line 16, after "under" insert "private"; in  
 2 line 17 after "another" insert "private"; in line 18 after "the"  
 3 insert "contracted"; and in line 20 after the period insert "The  
 4 measure of damages for medical expenses in personal injury claims  
 5 shall be the private party rate, not the discounted amount.".

### UNANIMOUS CONSENT - Add Cointroducers

Senator Wallman asked unanimous consent to add his name as cointroducer to LB575. No objections. So ordered.

Senators Howard and Kopplin asked unanimous consent to add their names as cointroducers to LB1100. No objections. So ordered.

Senator Schimek asked unanimous consent to add her name as cointroducer to LR223. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Erdman's brother, Nick Erdman, from Kearney; and Senator Nantkes' mother, Stephanie Nantkes, from Seward.

The Doctor of the Day was Dr. Randy Kohl from Firth.

### **ADJOURNMENT**

At 12:02 p.m., on a motion by Senator Preister, the Legislature adjourned until 9:00 a.m., Friday, February 1, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTEENTH DAY - FEBRUARY 1, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 1, 2008

**PRAYER**

The prayer was offered by Pastor Gary Fugman, First Presbyterian Church, Lyons.

**ROLL CALL**

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

The roll was called and all members were present except Senator Johnson who was excused; and Senators Chambers, Fulton, Karpisek, and Wallman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**ANNOUNCEMENT**

Senator McGill designates LB268 as her priority bill.

**AMENDMENT - Print in Journal**

Senator Erdman filed the following amendment to LB39:  
FA164

On page 3, line 19 and page 4, line 25 strike "an elector" and insert "a resident"

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 31, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Cavanaugh Law Firm, PC, LLO  
Life Insurance Settlement Assoc.

Fahleson, Mark A.  
Abengoa Bioenergy Corporation

Jordison, John C.  
Renaissance Nebraska Project, Inc.

Kissel/Erickson & Sederstrom Associates, LLC  
Coventry Insurance  
Mosaic

Maxwell, Chip  
Nebraska Coalition for Ethical Research

Pollock, Andy  
Abengoa Bioenergy Corporation

Radcliffe, Walter H. of Radcliffe & Associates  
Coventry Insurance

Ruth Mueller Robak LLC  
Coventry Insurance

Schmit Industries, Inc.  
Ethanol Producers, Assoc. of Nebraska

**REPORTS**

The following reports were received by the Legislature:

**Health and Human Services, Department of**  
2007 License Suspension Report  
2007 New Hire Report  
2007 State Disbursement Unit Report

**Investment Finance Authority**  
2007 Series IJK Single Family Housing Revenue Bonds Notice

**PROPOSED RULES CHANGE**

The Rules Committee renewed their proposed rules change found on page 281, to Rule 3, Sec. 4, new subsection (h) - Redistricting Committee.

The Rules Committee's proposed rules change was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**PRESIDENT SHEEHY PRESIDING****BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 92.**

A BILL FOR AN ACT relating to foreign national minors; to amend sections 43-3801, 43-3802, 43-3803, 43-3804, 43-3805, 43-3806, 43-3807, 43-3808, and 43-3809, Revised Statutes Cumulative Supplement, 2006, and section 43-3810, Revised Statutes Supplement, 2007; to change references to dual citizenship; 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, 43:

Adams	Engel	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Schimek
Ashford	Fischer	Janssen	Nantkes	Stuthman
Avery	Flood	Kopplin	Pahls	Synowiecki
Burling	Friend	Kruse	Pankonin	Wallman
Carlson	Gay	Langemeier	Pedersen	White
Christensen	Hansen	Lathrop	Pirsch	Wightman
Cornett	Harms	Lautenbaugh	Preister	
Dubas	Heidemann	Louden	Raikes	

Voting in the negative, 1:

Dierks

Present and not voting, 1:

Nelson

Excused and not voting, 4:

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

**LEGISLATIVE BILL 177.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5903, Revised Statutes Supplement, 2007; to change provisions relating to the Nebraska Advantage Microenterprise Tax Credit Act; and to repeal the original section.

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

Voting in the affirmative, 45:

Adams	Dubas	Heidemann	Lautenbaugh	Preister
Aguilar	Engel	Howard	Louden	Raikes
Ashford	Erdman	Hudkins	McDonald	Rogert
Avery	Fischer	Janssen	McGill	Schimek
Burling	Flood	Karpisek	Nantkes	Stuthman
Carlson	Friend	Kopplin	Pahls	Synowiecki
Christensen	Gay	Kruse	Pankonin	Wallman
Cornett	Hansen	Langemeier	Pedersen	White
Dierks	Harms	Lathrop	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Nelson

Excused and not voting, 3:

Chambers      Fulton      Johnson

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

**LEGISLATIVE BILL 202.**

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2001, Revised Statutes Cumulative Supplement, 2006; to define a term; to provide restrictions on the imposition of certain liens; to harmonize provisions; and to repeal the original section.

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



Voting in the affirmative, 44:

Aguilar	Engel	Howard	Louden	Raikes
Ashford	Erdman	Hudkins	McDonald	Rogert
Avery	Fischer	Janssen	McGill	Schimek
Burling	Flood	Karpisek	Nantkes	Stuthman
Carlson	Friend	Kopplin	Pahls	Synowiecki
Christensen	Gay	Kruse	Pankonin	Wallman
Cornett	Hansen	Langemeier	Pedersen	White
Dierks	Harms	Lathrop	Pirsch	Wightman
Dubas	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 2:

Adams	Nelson
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Excused and not voting, 3:

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

### **LEGISLATIVE BILL 204.**

A BILL FOR AN ACT relating to labor; to amend sections 48-2102, 48-2103, 48-2104, 48-2107, 48-2114, and 48-2115, Reissue Revised Statutes of Nebraska; to change provisions relating to the Contractor Registration Act; 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:

Aguilar	Dubas	Kopplin	Pankonin	Synowiecki
Ashford	Engel	Kruse	Pedersen	Wallman
Avery	Friend	Lathrop	Pirsch	White
Carlson	Fulton	Lautenbaugh	Preister	
Chambers	Howard	McGill	Raikes	
Cornett	Hudkins	Nantkes	Rogert	
Dierks	Janssen	Pahls	Schimek	

Voting in the negative, 16:

Adams	Fischer	Harms	Louden
Burling	Flood	Heidemann	McDonald
Christensen	Gay	Karpisek	Stuthman
Erdman	Hansen	Langemeier	Wightman

Present and not voting, 1:

Nelson

Excused and not voting, 1:

Johnson

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

### **LEGISLATIVE BILL 204A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, One Hundredth Legislature, Second Session, 2008.

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, 38:

Aguilar	Fischer	Howard	McGill	Rogert
Ashford	Flood	Hudkins	Nantkes	Schimek
Avery	Friend	Janssen	Pahls	Synowiecki
Chambers	Fulton	Karpisek	Pankonin	Wallman
Cornett	Gay	Kopplin	Pedersen	White
Dierks	Hansen	Kruse	Pirsch	Wightman
Dubas	Harms	Lathrop	Preister	
Engel	Heidemann	Lautenbaugh	Raikes	

Voting in the negative, 8:

Adams	Carlson	Erdman	McDonald
Burling	Christensen	Langemeier	Stuthman

Present and not voting, 2:

Louden      Nelson

Excused and not voting, 1:

Johnson

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

**LEGISLATIVE BILL 205.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-267, Revised Statutes Cumulative Supplement, 2006; to provide for a bullying policy; to change provisions relating to student discipline; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 41:

Adams	Engel	Howard	McGill	Schimek
Aguilar	Erdman	Hudkins	Nantkes	Synowiecki
Ashford	Fischer	Janssen	Nelson	Wallman
Avery	Flood	Karpisek	Pahls	White
Carlson	Fulton	Kopplin	Pankonin	Wightman
Chambers	Gay	Kruse	Pedersen	
Cornett	Hansen	Lathrop	Pirsch	
Dierks	Harms	Louden	Preister	
Dubas	Heidemann	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 7:

Burling	Friend	Lautenbaugh	Stuthman
Christensen	Langemeier	Rogert	

Excused and not voting, 1:

Johnson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 210.**

A BILL FOR AN ACT relating to the Nebraska Workforce Investment Board; to amend section 48-1623, Reissue Revised Statutes of Nebraska; to change the membership of the board as prescribed; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 1:

Johnson

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

**LEGISLATIVE BILL 246.** With Emergency.

A BILL FOR AN ACT relating to coroners; to provide requirements for procurement of anatomical gifts as prescribed; to state intent; to define terms; to provide powers and duties; to provide for criminal immunity as prescribed; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 269.**

A BILL FOR AN ACT relating to political subdivisions; to amend sections 23-148, 23-149, 23-151, 23-202, 23-292, 23-293, 23-294, 23-295, 23-296, 23-297, 23-299, and 51-201.03, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to county organization; to change provisions relating to establishment of a county library; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-283, 23-287, 23-290, and 23-291, Reissue Revised Statutes of Nebraska.

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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

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

**LEGISLATIVE BILL 312.**

A BILL FOR AN ACT relating to government officials; to amend sections 32-562, 32-1205, and 32-1306, Reissue Revised Statutes of Nebraska, and section 32-571, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to resignations, vacancy appointments, recall election costs, and recall elections; 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, 45:

Adams	Dierks	Hansen	Lautenbaugh	Preister
Aguilar	Dubas	Harms	Louden	Raikes
Ashford	Engel	Heidemann	McDonald	Rogert
Avery	Erdman	Howard	McGill	Schimek
Burling	Fischer	Hudkins	Nantkes	Stuthman
Carlson	Flood	Janssen	Pahls	Synowiecki
Chambers	Friend	Karpisek	Pankonin	Wallman
Christensen	Fulton	Kopplin	Pedersen	White
Cornett	Gay	Lathrop	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 3:

Kruse	Langemeier	Nelson
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Excused and not voting, 1:

Johnson

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

**SPEAKER FLOOD PRESIDING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB379 with 39 ayes, 3 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 379.**

A BILL FOR AN ACT relating to corporations; to amend sections 21-1302, 21-1403, 21-1921, 21-1934, 21-1935, 21-19,148, 21-19,152, 21-19,153, 21-19,161, 21-19,172, 21-2018, 21-2032, 21-20,170, 21-20,175, 21-20,181.01, 21-2304, and 21-2638, Reissue Revised Statutes of Nebraska, and sections 21-301, 21-302, 21-304, 21-305, 21-2216, 21-2601.01, 21-2606, 21-2610, and 21-2632.01, Revised Statutes Cumulative Supplement, 2006; to change certain reporting, notice, and filing provisions; to eliminate references to professional limited liability companies; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 380.**

A BILL FOR AN ACT relating to the Mortgage Bankers Registration and Licensing Act; to amend sections 45-705 and 45-706, Revised Statutes Supplement, 2007; to change a license application requirement; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Pankonin

Excused and not voting, 1:

Johnson

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB383 with 39 ayes, 3 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 383.**

A BILL FOR AN ACT relating to partnerships; to amend sections 67-236, 67-240, 67-241, 67-281, 67-283, and 67-415, Reissue Revised Statutes of Nebraska, and sections 67-454, 67-456, and 67-458, Revised Statutes Cumulative Supplement, 2006; to modify provisions relating to the address of the agent for partnerships under the Nebraska Uniform Limited Partnership Act and the Uniform Partnership Act of 1998; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

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

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 690.**

A BILL FOR AN ACT relating to the Game Law; to amend section 37-413, Reissue Revised Statutes of Nebraska, and sections 37-414 and 37-452, Revised Statutes Supplement, 2007; to change provisions relating to mandatory firearm hunter education and bow hunter education programs; to provide for apprentice hunter education exemption certificates; to change provisions relating to hunting permits; 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, 46:

Adams	Engel	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Stuthman
Ashford	Fischer	Janssen	Nantkes	Synowiecki
Avery	Flood	Karpisek	Nelson	Wallman
Burling	Friend	Kopplin	Pahls	White
Carlson	Fulton	Kruse	Pankonin	Wightman
Christensen	Gay	Langemeier	Pedersen	
Cornett	Hansen	Lathrop	Pirsch	
Dierks	Harms	Lautenbaugh	Preister	
Dubas	Heidemann	Louden	Raikes	

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Schimek

Excused and not voting, 1:

Johnson

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

**LEGISLATIVE BILL 706.** With Emergency.

A BILL FOR AN ACT relating to limited cooperative associations; to amend section 21-2970, Revised Statutes Supplement, 2007; to delete erroneous references to corporation that should be references to limited cooperative association; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 707.**

A BILL FOR AN ACT relating to partnerships; to amend sections 67-294, 67-464, and 67-465, Reissue Revised Statutes of Nebraska; to repeal sections that terminated on January 1, 2001; to repeal sections that are no longer needed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 67-101, 67-102, 67-103, 67-104, 67-105, 67-106, 67-301, 67-302, 67-303, 67-304, 67-305, 67-306, 67-307, 67-308, 67-309, 67-310, 67-311, 67-312, 67-313, 67-314, 67-315, 67-316, 67-317, 67-318, 67-319, 67-320, 67-321, 67-322, 67-323, 67-324, 67-325, 67-326, 67-327, 67-328, 67-329, 67-330, 67-331, 67-332, 67-333, 67-334, 67-335, 67-336, 67-337, 67-338, 67-339, 67-340, 67-341, 67-342, 67-343, 67-344, 67-345, 67-346, and 67-466, Reissue Revised Statutes of Nebraska.

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, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Christensen Pirsch

Excused and not voting, 1:

Johnson

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

**RESOLUTION ON FINAL READING**

The following resolution was read and put upon final passage:

**LEGISLATIVE RESOLUTION 5CA.**

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

Section 1. At the primary election in May 2010 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 XIII, section 2:

XIII-2 (1) Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this ~~section-subsection~~ shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of ~~the this~~ Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued, and such governmental subdivision shall have no authority to impose taxes for the

payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this subsection shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) ~~Notwithstanding any other provision in the~~ this Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.

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 use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the primary election.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 92, 177, 202, 204, 204A, 205, 210, 246, 269, 312, 379, 380, 383, 690, 706, 707, and LR5CA.

### **COMMITTEE REPORT**

Revenue

**LEGISLATIVE BILL 965.** Placed on General File with amendment. AM1750 is available in the Bill Room.

(Signed) Ray Janssen, Chairperson

### **COMMUNICATIONS**

January 31, 2008

Mr. Patrick O'Donnell  
Clerk of the Legislature  
Room 2018  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943, Legislative approval is required for the following University of Nebraska projects:

**University of Nebraska-Lincoln, Student Housing Wireless Installation.** This project will extend the campus wireless service to residence halls, including student rooms and common areas such as social lounges and study halls on UNL City and East Campuses. The project is estimated to cost \$950,000.

The expenditure relates to the Bond Resolution dated December 1, 1964, authorizing the issuance of Revenue Bonds by the Board of Regents. The board has heretofore issued revenue bonds payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of

students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska-Lincoln, under which a 1986 Surplus Fund was created.

Section 6.2 of the Resolution requires the Board to operate the facilities in an efficient, sound and economical manner and to keep all facilities and betterments thereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that at all times the business carried on in connection therewith shall be properly and advantageously conducted.

**Request.** The University requests approval of the installation of the wireless network proposal to enhance computer services to UNL residents in the amount of \$950,000 to be financed with student fees and facilities revenue bond bonds.

The Board of Regents authorized this expenditure at its November 9, 2007, meeting.

Pursuant to the Provisions of Section 85-1415, R.R.S. of Nebraska, Legislative approval is required for the following University of Nebraska projects:

**University of Nebraska-Lincoln, Whittier Building Renovation.** The University of Nebraska-Lincoln proposes to renovate the Whittier Building to create a modern laboratory and office facility that will make the University competitive in attracting faculty, staff, students, and research funding. The project is estimated to cost \$23,750,000.

**Request.** The University requests approval of the Whittier Building Renovation totaling \$23,750,000 to be financed from University of Nebraska Facilities Corporation Bonds.

**University of Nebraska-Lincoln, NanoScience Facility.** The University of Nebraska-Lincoln proposes to construct a Nanoscience Facility. This facility will allow UNL to pursue excellence in scholarly and research activity in the rapidly growing field of nanomaterials and nanotechnology. The proposed facility consists of research space, laboratory support space and administrative space. The project will complete generic space in the Physical Sciences Building as nanotechnology space and construct a north addition to the Physical Sciences building. The project is estimated to cost \$13,500,000.

**Request.** The University requests approval of the NanoScience Building totaling \$13,500,000 to be financed from University of Nebraska Facilities Corporation Revenue Bonds.

**University of Nebraska-Lincoln, Animal Research Facility**

**Renovation.** This project will replace the building's mechanical and electrical systems, correct fire and life safety and accessibility deficiencies, and reconfigure spaces to better meet the present and future programmatic needs. The project is estimated to cost \$5,000,000.

**Request.** The University requests approval of the Animal Research Facility Renovation totaling \$5,000,000 to be financed from University of Nebraska Facilities Corporation bonds.

The Board of Regents authorized these expenditures at its January 18, 2008, meeting.

The Nebraska Coordinating Commission for Postsecondary Education approved the expenditures for these projects on January 31, 2008. The CCPE Bond Project Evaluation Forms indicating approval of the projects are attached.

Thank you for your consideration of these projects.

Respectfully submitted,  
(Signed) Donal J. Burns  
Corporation Secretary

February 1, 2008

Senator Pat Engel  
Chairperson, Executive Board  
Room 2010  
State Capitol  
Lincoln, NE 68509

Dear Senator Engel,

Enclosed is correspondence from Donal J. Burns, Corporation Secretary for the Office of the President of the University of Nebraska and correspondence from the Coordinating Commission for Postsecondary Education. The correspondence relates to expenditure of bond funds for the following:

University of Nebraska at Lincoln: Student Housing Wireless Installation.

University of Nebraska at Lincoln: Whittier Building Renovation.

University of Nebraska at Lincoln: NanoScience Facility.

University of Nebraska at Lincoln: Animal Research Facility Renovation.



I am forwarding this correspondence to you for Executive Board action.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:ck

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board referred the University of Nebraska's request to issue revenue bonds to the Appropriations Committee for further consideration.

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

### **SELECT FILE**

**LEGISLATIVE BILL 235.** Senator Nantkes renewed her amendment, AM1721, found on page 465.

### **SENATOR LANGEMEIER PRESIDING**

### **PRESIDENT SHEEHY PRESIDING**

Senator Chambers offered the following amendment to the Nantkes amendment:

FA165

Amend AM1721

In lines 2 and 4 strike "two" and insert "eight".

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Chambers      Christensen      Rogert      Wallman

Voting in the negative, 39:

Adams	Engel	Howard	Lautenbaugh	Pirsch
Aguilar	Erdman	Hudkins	McDonald	Preister
Ashford	Fischer	Janssen	McGill	Raikes
Avery	Flood	Karpisek	Nantkes	Schimek
Carlson	Friend	Kopplin	Nelson	Stuthman
Cornett	Fulton	Kruse	Pahls	White
Dierks	Hansen	Langemeier	Pankonin	Wightman
Dubas	Harms	Lathrop	Pedersen	

Present and not voting, 3:

Burling          Gay                  Synowiecki

Excused and not voting, 3:

Heidemann      Johnson          Louden

The Chambers amendment lost with 4 ayes, 39 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Nantkes amendment was adopted with 25 ayes, 9 nays, 12 present and not voting, and 3 excused and not voting.

Senator Nantkes renewed her amendment, AM1719, found on page 465.

Senator Chambers offered the following amendment to the Nantkes amendment:

FA166

Amend AM1719

P. 2, strike lines 10 and 11.

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

The Chambers amendment lost with 4 ayes, 21 nays, 18 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

### ANNOUNCEMENT

Senator Howard designates LB782 as her priority bill.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 1, 2008, at 10:35 a.m. were the following: LBs 92, 177, 202, 204, 204A, 205e, 210, 246e, 269, 312, 379, 380, 383, 690, 706e, and 707.

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

**PRESENTED TO THE SECRETARY OF STATE**

Presented to the Secretary of State on February 1, 2008, at 10:45 a.m. was the following: LR5CA.

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

**COMMITTEE REPORT**

Natural Resources

The Natural Resources 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 Baker - Environmental Quality Council  
John Turnbull - Environmental Quality Council

Aye: 8 Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Loudon, Wallman. Nay: 0. Absent: 0.

(Signed) LeRoy Loudon, Chairperson

**COMMITTEE REPORT**

**Enrollment and Review**

**LEGISLATIVE BILL 157.** Placed on Final Reading.  
ST9063

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

1. On page 1, the matter beginning with "infants" in line 1 through line 4 and all amendments thereto have been struck and "children; to prohibit prosecution for leaving a child at a hospital; and to provide a duty for the hospital." inserted.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 743.** Placed on General File.

**LEGISLATIVE BILL 865.** Placed on General File.

(Signed) LeRoy Louden, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

General Affairs

Room 1510

Monday, February 25, 2008 1:30 p.m.

Thomas, Patrick J. - Nebraska Liquor Control Commission

LB993

LB1103

LB955

(Signed) Vickie McDonald, Chairperson

Health and Human Services

Room 1510

Wednesday, February 13, 2008 1:30 p.m.

Sykes, Leon - Board of Emergency Medical Services

Schroeder, Dave - Foster Care Review Board

LB972

LB1029

LB1031

LB1070

Thursday, February 14, 2008 1:30 p.m.

Dokken, Steven - Nebraska Rural Health Advisory Commission

LB1074

LB994

LB1123

Wednesday, February 20, 2008 1:30 p.m.

Madsen, Patricia - Child Abuse Prevention Fund Board

LB1108  
LB1163  
LB1169

Thursday, February 21, 2008 1:30 p.m.

LB1121  
LB1122  
LB1176

Friday, February 22, 2008 1:30 p.m.

LB1022  
LB1104  
LB1124

Wednesday, February 27, 2008 1:30 p.m.

LB742  
LB1120  
LB1173

Thursday, February 28, 2008 1:30 p.m.

LB951  
LB1003

(Signed) Joel Johnson, Chairperson

### **AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB235:

FA167

Amend AM1719

P. 2, line 3 strike semicolon and insert "as defined by the United States Supreme Court";"

Senator Carlson filed the following amendment to LB235:

FA168

Amend AM1719

page 2 line 4 strike "toward" insert "against"

Senator Nantkes filed the following amendment to LB235A:

AM1728

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The State Treasurer shall transfer (1)
- 4 \$2,500,000 from the General Fund to the Film Enhancement Rebate
- 5 Program Fund within five days after the effective date of this

6 act, or as soon thereafter as administratively possible, and (2)  
 7 an amount specified by the Department of Economic Development not  
 8 to exceed \$2,500,000 from the General Fund to the Film Enhancement  
 9 Rebate Program Fund on July 6, 2009, or as soon thereafter as  
 10 administratively possible.

11 Sec. 2. There is hereby appropriated (1) \$2,500,000  
 12 from the Film Enhancement Rebate Program Fund for FY2008-09 and  
 13 (2) \$2,500,000 from the Film Enhancement Rebate Program Fund for  
 14 FY2009-10 to the Department of Economic Development, for Program  
 15 603, to aid in carrying out the provisions of Legislative Bill 235,  
 16 One Hundredth Legislature, Second Session, 2008.

17 There is included in the appropriation in this section  
 18 for FY2008-09 \$2,385,000 for the payment of rebates, which  
 19 shall only be used for such purpose. There is included in the  
 20 appropriation in this section for FY2009-10 \$2,390,000 for the  
 21 payment of rebates, which shall only be used for such purpose.

22 Total expenditures for permanent and temporary salaries  
 23 and per diems from funds appropriated in this section shall not  
 1 exceed \$76,000 in FY2008-09 and \$79,000 in FY2009-10.

### **MOTION - Print in Journal**

Senator Chambers filed the following motion to LB235:  
 MO121  
 Reconsider the vote on FA166.

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

Senator Kopplin asked unanimous consent to add his name as cointroducer to LB700. No objections. So ordered.

Senator Avery asked unanimous consent to add his name as cointroducer to LB981. No objections. So ordered.

### **WITHDRAW - Cointroducer**

Senator Hudkins withdrew her name as cointroducer to LB1040.

### **VISITORS**

Visitors to the Chamber were members of Nebraska Dental Hygienists Association from across the state; Senator Carlson's wife and son, Margo and Nathan, from Holdrege; Senator Christensen's son and daughter, Steven Fish and Ryelee Christensen, from Imperial; Russ, Michelle, Haley, and Josh Kalkwarf from Wilber; Alexis Rencountre, Clerk of the Congress, and Archie Mason, Speaker of the Congress, from Osage Nation Congress, Pawhuska, Oklahoma; and members of the Nebraska Commission on Indian Affairs.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Heidemann, the Legislature adjourned until 10:00 a.m., Monday, February 4, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTEENTH DAY - FEBRUARY 4, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 4, 2008

**PRAYER**

The prayer was offered by Dr. Dan Flanagan, St. Paul's Church, Papillion.

**ROLL CALL**

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

The roll was called and all members were present except Senators Johnson and Langemeier who were excused; and Senators Pahls and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**ANNOUNCEMENT**

Senator Pirsch designates LB624 as his priority bill.

**MESSAGE FROM THE GOVERNOR**

January 31, 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 appointed to the Motor Vehicle Industry Licensing Board:

Roy Neneman, 18 Lillian Lane, Doniphan, NE 68832

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

### COMMITTEE REPORT

#### Natural Resources

The Natural Resources 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.

Leigh Hoyt - Environmental Quality Council  
John Kinter - Environmental Quality Council

Aye: 7 Senators Carlson, Christensen, Fischer, Hudkins, Kopplin, Louden, Wallman. Nay: 0. Absent: 0. Present and not voting: 1 Senator Dubas.

(Signed) LeRoy Louden, Chairperson

### MOTIONS - Approve Appointments

Senator McDonald moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 428:

State Electrical Board  
John F. Hiller

Voting in the affirmative, 36:

Adams	Engel	Heidemann	McDonald	Schimek
Aguilar	Erdman	Howard	McGill	Stuthman
Avery	Fischer	Hudkins	Nantkes	Wallman
Carlson	Friend	Janssen	Pankonin	Wightman
Christensen	Fulton	Karpisek	Pedersen	
Cornett	Gay	Kopplin	Pirsch	
Dierks	Hansen	Lautenbaugh	Raikes	
Dubas	Harms	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Chambers	Kruse	Nelson	Synowiecki
Burling	Flood	Lathrop	Preister	

Excused and not voting, 4:

Johnson      Langemeier      Pahls      White

The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 465:

Nebraska Game and Parks Commission  
Lynn Berggren

Voting in the affirmative, 34:

Adams	Dubas	Harms	Lautenbaugh	Raikes
Aguilar	Engel	Heidemann	Louden	Rogert
Avery	Erdman	Howard	McDonald	Schimek
Burling	Fischer	Hudkins	Nantkes	Stuthman
Carlson	Friend	Janssen	Pankonin	Wallman
Christensen	Fulton	Karpisek	Pedersen	Wightman
Dierks	Hansen	Kopplin	Pirsch	

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Flood	Lathrop	Preister
Chambers	Gay	McGill	Synowiecki
Cornett	Kruse	Nelson	

Excused and not voting, 4:

Johnson      Langemeier      Pahls      White

The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 491:

Environmental Quality Council  
John Baker  
John Turnbull

Voting in the affirmative, 36:

Adams	Erdman	Hudkins	Nelson	Synowiecki
Aguilar	Fischer	Janssen	Pahls	Wallman
Burling	Friend	Karpisek	Pankonin	White
Carlson	Gay	Kopplin	Pedersen	Wightman
Christensen	Hansen	Lautenbaugh	Pirsch	
Dierks	Harms	Louden	Preister	
Dubas	Heidemann	McGill	Rogert	
Engel	Howard	Nantkes	Stuthman	

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Cornett	Kruse	Raikes
Avery	Flood	Lathrop	Schimek
Chambers	Fulton	McDonald	

Excused and not voting, 2:

Johnson      Langemeier

The appointments were confirmed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 268.** Title read. Considered.

Committee AM1515, found on page 460, was considered.

Senator Hudkins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

The committee amendment was adopted with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 782.** Title read. Considered.

Committee AM1657, found on page 436, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Pending.

**COMMITTEE REPORTS**  
Health and Human Services

**LEGISLATIVE BILL 797.** Placed on General File.

**LEGISLATIVE BILL 806.** Placed on General File with amendment.  
AM1754

- 1 1. On page 22, line 19 after "may" insert "not"; and
- 2 strike beginning with "reasonable" in line 19 through line 20, show
- 3 as stricken, and insert "deposit".

**LEGISLATIVE BILL 513.** Indefinitely postponed.

**LEGISLATIVE BILL 550.** Indefinitely postponed.

(Signed) Tim Gay, Vice Chairperson

Revenue

The Revenue 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.

Ruth A. Sorensen - Property Tax Administrator - Property Assessment and Taxation

Aye: 7 Senators Burling, Cornett, Janssen, Langemeier, Preister, Raikes, White. Nay: 0. Absent: 1 Senator Dierks.

The Revenue 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.

Rob Hotz - Tax Equalization and Review Commission

Aye: 7 Senators Burling, Cornett, Janssen, Langemeier, Preister, Raikes, White. Nay: 0. Absent: 1 Senator Dierks.

The Revenue 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.

Nancy J. Salmon - Tax Equalization and Review Commission

Aye: 8 Senators Burling, Cornett, Dierks, Janssen, Langemeier, Preister, Raikes, White. Nay: 0. Absent: 0.

The Revenue 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.

William R. Wickersham - Tax Equalization and Review Commission

Aye: 7 Senators Burling, Cornett, Dierks, Janssen, Preister, Raikes, White.  
Nay: 0. Absent: 0. Present and not voting: 1 Senator Langemeier.

(Signed) Ray Janssen, Chairperson

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Neneman, Roy - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

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

### AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB39:  
AM1764

(Amendments to Final Reading copy)

- 1 1. On page 3, line 19; and page 4, line 25, after
- 2 "Nebraska" insert "or a resident of the State of Nebraska who is
- 3 at least sixteen years of age and otherwise qualified to be an
- 4 elector".

Senator Chambers filed the following amendment to LB235:  
FA169

Amendments to ER8140

P. 1, lines 12 and 13 strike "which is not child pornography or obscene material", and in line 19 strike the semicolon and insert ", and which is not child pornography or obscene material as defined by the United States Supreme Court;".

Senator Chambers filed the following amendment to LB235:  
FA170

Amendment to ER8140

P. 2, lines 20 and 21 strike "a reasonable chance of economic success" and insert "as much chance of economic success as a snowball's chance to survive in the Nether Regions, also known delicately as Hades".

Senator Chambers filed the following amendment to LB235:  
FA171

Amendments to ER8140

P. 1, line 18 place a period after the second appearance of "production" and strike remaining language through "success" in line 21.

**NOTICE OF COMMITTEE HEARING**

Revenue

Room 1524

Wednesday, February 27, 2008 1:30 p.m.

LB777 (cancel)

Wednesday, February 20, 2008 1:30 p.m.

LB777 (reschedule)

(Signed) Ray Janssen, Chairperson

**VISITOR**

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Kruse, the Legislature adjourned until 9:00 a.m., Tuesday, February 5, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature





**NINETEENTH DAY - FEBRUARY 5, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 5, 2008

**PRAYER**

The prayer was offered by Senator Dierks.

**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 Johnson, Langemeier, and Preister who were excused; and Senators Ashford, Cornett, Heidemann, Lathrop, Lautenbaugh, Pirsch, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighteenth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Appropriations

Room 1003

Wednesday, February 13, 2008 1:30 p.m.

Agency 9 - Secretary of State

(Signed) Lavon Heidemann, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 13, 2008 1:30 p.m.

Graf, Mark - State Emergency Response Commission

Wednesday, February 20, 2008 1:30 p.m.

Gandara, Gary - State Emergency Response Commission

(Signed) Ray Aguilar, Chairperson

**AMENDMENT - Print in Journal**

Senator Langemeier filed the following amendment to LB386:  
AM1691 is available in the Bill Room.

**ANNOUNCEMENT**

The Chair announced today is Senator Dubas' birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 782.** Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 235.** Senator Chambers renewed his motion, MO121, found on page 494, to reconsider the vote on FA166.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Nantkes offered the following motion:  
MO124

Unanimous consent to bracket until March 1, 2008.

No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 823.** Title read. Considered.

Committee AM1614, found on page 463, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**NOTICE OF COMMITTEE HEARINGS**  
Natural Resources

Room 1525

Wednesday, February 13, 2008 1:30 p.m.

Anderson, Douglas - Environmental Quality Council

LB1094  
LB1127  
LB1131  
LB1132

Wednesday, February 20, 2008 1:30 p.m.

LB1049  
LB1050  
LB802

Thursday, February 21, 2008 1:30 p.m.

LB1059  
LB1162  
LB1164

(Signed) LeRoy Louden, Chairperson

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 268.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORT**  
Education

**LEGISLATIVE BILL 849.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 624.** Title read. Considered.

Senator Chambers offered the following amendment:  
FA172

P. 3, line 15 after "results" insert "directly and proximately" and in line 16 after "person" insert "if such death or injury is caused directly and proximately by the vehicle being driven by the person fleeing to avoid arrest".

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

The Chambers amendment lost with 2 ayes, 18 nays, 23 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO125

Reconsider the vote on FA172.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 495.** Title read.

Senator White renewed his motion, MO115, found on page 396, to recommit to the Business and Labor Committee.

The White motion to recommit to committee prevailed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

### **AMENDMENT - Print in Journal**

Senator Schimek filed the following amendment to LB823:  
AM1735

- 1 1. Insert the following new sections:
- 2 Sec. 11. Section 86-552, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 86-552 For purposes of the Intergovernmental Data
- 5 Services Program Act, the definitions found in sections ~~86-553~~
- 6 86-554 to 86-561 apply.
- 7 Sec. 12. Section 86-562, Revised Statutes Cumulative
- 8 Supplement, 2006, is amended to read:
- 9 86-562 The purpose of the system is to allow for
- 10 the efficient operation of state government and its political
- 11 subdivisions. In managing and allocating resources on the system,
- 12 the ~~administrator-officer~~ shall assign first priority to providing
- 13 capacity for statewide applications that are essential to carrying
- 14 out the duties of state agencies in an efficient and effective

15 manner. The system may also serve local data processing needs of  
16 political subdivisions, provide citizens with a point of access to  
17 governmental services and information, and serve other state and  
18 local needs, subject to available resources.

19 Sec. 13. Section 86-563, Revised Statutes Cumulative  
20 Supplement, 2006, is amended to read:

21 86-563 In establishing and maintaining the system:

22 (1) The division:

23 (a) Shall provide the computer network and services for  
1 the system with assistance from the division of communications of  
2 the office;

3 (b) Shall, within available resources, assist ~~the~~  
4 ~~Intergovernmental Data Communications Advisory Council, the~~  
5 ~~Geographic Information System Steering Committee, and other~~ local,  
6 state, and federal collaborative efforts to encourage coordination  
7 of information systems and data sharing;

8 (c) Shall coordinate its activities and responsibilities  
9 with the functions of the division of communications to minimize  
10 overlap and duplication of technical services between the divisions  
11 in supporting the system, its applications, and application  
12 development; and

13 (d) May undertake and coordinate planning studies to  
14 determine the feasibility, benefits, costs, requirements, and  
15 options for the intergovernmental transfer of data;

16 (2) ~~The administrator:~~ officer:

17 (a) Shall approve and coordinate the design, development,  
18 installation, training, and maintenance of applications by state  
19 agencies for use on the system. Any agency proposing to add  
20 an application to the system shall submit an evaluation to  
21 the ~~administrator~~ officer that examines the cost-effectiveness,  
22 technical feasibility, and potential use of the proposed  
23 application; that identifies the total costs of the application,  
24 including design, development, testing, installation, operation,  
25 and any changes to the computer network that are necessary for its  
26 operation; and that provides a schedule that shows the estimated  
27 completion dates for design, development, testing, installation,  
1 training, and full operational status. The ~~administrator~~ officer  
2 shall not approve an application by a state agency for use on the  
3 system unless his or her review shows that the application is cost  
4 effective and technically feasible, that funding is available, and  
5 that the proposed schedule is reasonable and feasible;

6 (b) Shall approve changes in the design of applications  
7 by state agencies for use on the system. The ~~administrator~~ officer  
8 may require such information from the agency as necessary to  
9 determine that the proposed change in design is cost effective  
10 and technically feasible, that funding is available, and that the  
11 proposed schedule for implementation is reasonable and feasible;

12 (c) May, ~~with the approval of the officer,~~ contract with  
13 other governmental entities or private vendors in carrying out the

14 duties relating to the intergovernmental data services program;  
 15 (d) ~~Shall, in cooperation with the division of~~  
 16 ~~communications~~, establish a rate schedule that reflects the rates  
 17 adopted by the division of communications and the information  
 18 management services division, plus any additional costs of the  
 19 system. Such fees may reflect a base cost for access to the system,  
 20 costs for actual usage of the system, costs for special equipment  
 21 or services, or a combination of these factors. The ~~administrator~~  
 22 ~~officer~~ may charge for the costs of changes to the system that are  
 23 requested by or are necessary to accommodate a request by a user.  
 24 All fees shall be set to recover all costs of operation;

25 (e) ~~May, with the approval of the officer,~~ enter into  
 26 agreements with other state and local governments, the federal  
 27 government, or private-sector entities for the purpose of sale,  
 1 lease, or licensing for third-party resale of applications and  
 2 system design. Proceeds from such agreements shall be deposited to  
 3 the Data Systems Cash Fund;

4 (f) Shall determine whether a local application shall be  
 5 a component of the system. No local application shall be resident  
 6 or operational in any component of the system without explicit  
 7 authorization of the ~~administrator; officer; and~~

8 (g) Shall approve or disapprove the attachment of any  
 9 peripheral device to the system and may prescribe standards and  
 10 specifications that such devices must meet; ~~and~~

11 ~~(h) Shall provide assistance as requested by the Nebraska~~  
 12 ~~Information Technology Commission to support the technical panel~~  
 13 ~~created in section 86-521;~~

14 (3) The ~~officer and administrator~~ shall be responsible  
 15 for the proper operation of the system, applications, and  
 16 peripheral devices purchased or developed by the expenditure of  
 17 state funds. The ownership of such system, applications, and  
 18 peripheral devices shall be vested with the state; and

19 (4) All communications and telecommunications services  
 20 for the intergovernmental data services program and the system  
 21 shall be secured from the division of communications.

22 Sec. 14. Section 86-564, Revised Statutes Cumulative  
 23 Supplement, 2006, is amended to read:

24 86-564 (1) The ~~administrator-officer~~ shall submit as  
 25 part of the biennial budget request of the office a listing of  
 26 all applications submitted for consideration, cost estimates for  
 27 development, testing, and full operation of each application, a  
 1 recommended priority listing of the applications for which an  
 2 evaluation is completed, and funding recommendations by application  
 3 contained within the budget request for the division. All  
 4 application estimates and requests shall be scheduled over ensuing  
 5 fiscal years such that annual projected costs and completion of  
 6 application phases to the point of fully operational status can be  
 7 clearly determined. Local applications shall not be subject to the  
 8 provisions of this subsection.

9 (2) All development costs for approved new applications  
 10 shall be budgeted and appropriated to the division or to  
 11 participating state agencies at the discretion of the Legislature.  
 12 Agencies may independently request appropriations for such  
 13 application development, however such requests shall be subject  
 14 to the review and prioritization set forth in subdivision (2)(a)  
 15 of section 86-563, and at such time as the application becomes  
 16 an authorized application and funded by the Legislature, the  
 17 cost of such development shall be appropriated to the division  
 18 or to participating state agencies. To the extent possible, if  
 19 office cash or revolving funds or federal funds may be used  
 20 for application development, such funds may be transferred to  
 21 the division and expended for application development in order  
 22 to properly account for all costs associated with application  
 23 development.

24 Sec. 15. Section 86-565, Revised Statutes Cumulative  
 25 Supplement, 2006, is amended to read:

26 86-565 The ~~administrator-officer~~ may adopt and promulgate  
 27 rules, regulations, guidelines, and procedures to carry out  
 1 sections 86-563 and 86-564.

2 Sec. 16. Section 86-569, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:

4 86-569 (1) The Legislature finds that ~~the~~ Geographic  
 5 Information ~~System is~~ Systems are a computer-based technology that  
 6 captures, stores, analyzes, and displays information about the  
 7 earth's surface from ~~a geographically referenced system, systems,~~  
 8 that an interest in the ~~system systems~~ is rapidly increasing at all  
 9 levels of government, and that an institutional mechanism is needed  
 10 to encourage initiatives, coordinate efforts, avoid duplication,  
 11 seek efficiencies, develop guidelines, policies, and standards for  
 12 operations and management, promote education and training, and make  
 13 recommendations so that such technology will benefit the entire  
 14 state and endure as an analysis tool for decisionmakers.

15 ~~(2) The Intergovernmental Data Communications Advisory~~  
 16 ~~Council has found that there are many levels of experience,~~  
 17 ~~expertise, and hardware and software sophistication among the~~  
 18 ~~various levels of government and that guidelines, policies,~~  
 19 ~~coordination, and standards are required to realize the maximum~~  
 20 ~~benefits of this technology, avoid data quality problems, and~~  
 21 ~~resolve conflicts at a reasonable cost for the state.~~

22 ~~(3)-(2) It is the intent of the Legislature that a~~  
 23 ~~Geographic Information System Steering Committee Systems Council~~  
 24 ~~be created with statewide responsibilities to take an active~~  
 25 ~~role in implementing the Geographic Information System Systems.~~  
 26 Such ~~committee council~~ would help facilitate acquisition of such  
 27 technology at all levels of government and make recommendations  
 1 to the Legislature for program initiatives and funding and the  
 2 fostering of communication, training, and education.

3 (3) It is the intent of the Legislature that the

4 Geographic Information Systems Council serve as an advisory council  
 5 to the Nebraska Information Technology Commission and assist the  
 6 commission in its overall information technology planning and  
 7 oversight and provide technical advice and recommendations related  
 8 to the specialized needs of Geographic Information Systems.

9 Sec. 17. Section 86-570, Revised Statutes Supplement,  
 10 2007, is amended to read:

11 86-570 (1) The Geographic Information ~~System Steering~~  
 12 ~~Committee~~ Systems Council is hereby created and shall consist of  
 13 ~~nineteen members as follows:~~

14 (a) The Chief Information Officer or his or her designee  
 15 and the director or designee of the Department of Environmental  
 16 Quality, the Department of Health and Human Services, the  
 17 Conservation and Survey Division of the University of Nebraska, the  
 18 Department of Natural Resources, and the Governor's Policy Research  
 19 Office;

20 (b) The Director-State Engineer or designee;

21 (c) The State Surveyor or designee;

22 (d) The Clerk of the Legislature or designee;

23 (e) The secretary of the Game and Parks Commission or  
 24 designee;

25 (f) The Property Tax Administrator or designee;

26 (g) One representative of federal agencies appointed by  
 27 the Governor;

1 (h) One representative of the natural resources districts  
 2 nominated by the Nebraska Association of Resources Districts and  
 3 appointed by the Governor;

4 (i) One representative of the public power districts  
 5 appointed by the Governor;

6 (j) Two representatives of the counties nominated by  
 7 the Nebraska Association of County Officials and appointed by the  
 8 Governor;

9 (k) One representative of the municipalities nominated  
 10 by the League of Nebraska Municipalities and appointed by the  
 11 Governor; ~~and~~

12 (l) Two members at large appointed by the Governor; ~~and~~

13 (m) Such other members as nominated by the Nebraska  
 14 Information Technology Commission and appointed by the Governor.

15 (2) The appointed members shall serve ~~for terms of~~  
 16 ~~four years, except that of the initial members appointed by the~~  
 17 ~~Governor, one of the representatives of the counties shall be~~  
 18 ~~appointed for one year and the other shall be appointed for three~~  
 19 ~~years, one of the members at large shall be appointed for one~~  
 20 ~~year and the other for three years, and the representative of the~~  
 21 ~~public power districts shall be appointed for two years. Their~~  
 22 ~~successors shall be appointed for four year terms. Any vacancy~~  
 23 ~~on the committee shall be filled in the same manner as the~~  
 24 ~~original appointment, and the person selected to fill such vacancy~~  
 25 ~~shall have the same qualifications as the member whose vacancy is~~



26 ~~being filled~~, as determined by the Nebraska Information Technology  
27 Commission.

1 (3) The members shall be reimbursed for their actual and  
2 necessary expenses as provided in sections 81-1174 to 81-1177.

3 Sec. 18. Section 86-571, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 86-571 (1) The Geographic Information ~~System Steering~~  
6 ~~Committee Systems Council~~ shall elect a chairperson from its  
7 members and such other officers as the ~~committee council~~ deems  
8 necessary.

9 (2) As the need arises, advisory committees may be  
10 established by the ~~committee council~~ from various levels of  
11 government, industry, or the general public to assist the  
12 ~~committee council~~. The members of advisory committees shall be  
13 reimbursed for their actual and necessary expenses as provided in  
14 sections 81-1174 to 81-1177.

15 (3) The ~~committee council~~ shall meet quarterly or upon  
16 the call of the chairperson.

17 Sec. 19. Section 86-572, Revised Statutes Cumulative  
18 Supplement, 2006, is amended to read:

19 86-572 The Geographic Information ~~System Steering~~  
20 ~~Committee Systems Council~~ shall:

21 (1) Make recommendations to the Legislature and the  
22 Nebraska Information Technology Commission for program initiatives  
23 and funding;

24 (2) Establish guidelines and policies for statewide  
25 Geographic Information ~~System Systems~~ operations and management  
26 to include:

27 (a) The acquisition, development, maintenance, quality  
1 assurance such as ~~quality control~~ standards, access, ownership,  
2 cost recovery, and priorities of data bases;

3 (b) The compatibility, acquisition, and communications of  
4 hardware and software;

5 (c) The assessment of needs, identification of scope,  
6 setting of standards, and determination of an appropriate  
7 enforcement mechanism;

8 (d) The fostering of training programs and promoting  
9 education and information about ~~the Geographic Information System;~~  
10 Systems; and

11 (e) The promoting of ~~the Geographic Information System~~  
12 Systems development in the State of Nebraska and providing or  
13 coordinating additional support to address Geographic Information  
14 System Systems issues as such issues arise;

15 (3) Report to, assist, and advise the Chief Information  
16 Officer in setting information technology policy; and

17 (4) Provide assistance as requested by the ~~Nebraska~~  
18 ~~Information Technology Commission to~~ commission and support the  
19 technical panel created in section 86-521.

20 Sec. 20. Section 86-573, Revised Statutes Cumulative

21 Supplement, 2006, is amended to read:

22 ~~86-573 -Annually, the chairperson of the Geographic~~  
 23 ~~Information System Steering Committee shall submit a written~~  
 24 ~~report, approved by the committee, to the Governor and the Clerk~~  
 25 ~~of the Legislature and shall send a copy of such report to the~~  
 26 ~~Intergovernmental Data Communications Advisory Council.~~

27 The Geographic Information Systems Council shall provide  
 1 a report of its activities to the Nebraska Information Technology  
 2 Commission for inclusion in the biannual progress report submitted  
 3 to the Governor and the Legislature by the commission pursuant to  
 4 section 86-518.

5 Sec. 22. The following sections are outright repealed:

6 Sections 86-531, 86-532, 86-533, 86-534, 86-535, 86-536, 86-537,  
 7 86-538, 86-539, 86-540, 86-541, 86-542, 86-543, 86-544, 86-545,  
 8 86-546, 86-547, 86-548, 86-549, and 86-553, Revised Statutes  
 9 Cumulative Supplement, 2006.

10 2. On page 3, line 21, after the comma insert  
 11 "intergovernmental data communications,".

12 3. Renumber the remaining section and correct the  
 13 repealer accordingly.

## COMMITTEE REPORTS

### General Affairs

**LEGISLATIVE BILL 728.** Placed on General File.

The General Affairs 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 Vierk - Nebraska Arts Council  
 David Catalan - Nebraska Arts Council  
 Murray Newman - Nebraska Arts Council  
 Donna Hastings - Nebraska Arts Council  
 Nana Smith - Nebraska Arts Council

Aye: 7 Senators Dierks, Dubas, Erdman, Friend, Karpisek, McDonald, Preister. Nay: 0. Absent: 1 Senator Janssen.

(Signed) Vickie McDonald, Chairperson

### Judiciary

**LEGISLATIVE BILL 774.** Placed on General File.

**LEGISLATIVE BILL 775.** Placed on General File.

**LEGISLATIVE BILL 826.** Placed on General File.

(Signed) Brad Ashford, Chairperson

## Health and Human Services

**LEGISLATIVE BILL 765.** Placed on General File with amendment.  
AM1755

1 1. Strike original section 1 and insert the following new  
2 section:

3 Section 1. Section 71-5829.03, Reissue Revised Statutes  
4 of Nebraska, is amended to read:

5 71-5829.03 No person, including persons acting for or  
6 on behalf of a health care facility, shall engage in any of the  
7 following activities without having first applied for and received  
8 the necessary certificate of need:

9 (1) The initial establishment of long-term care beds  
10 or rehabilitation beds except as permitted under ~~subdivision (5)~~  
11 subdivisions (6) and (7) of this section;

12 ~~(2) An increase in the long-term care beds or~~  
13 ~~rehabilitation beds of a health care facility by more than ten beds~~  
14 ~~or more than ten percent of the total bed capacity, whichever is~~  
15 ~~less, over a two-year period;~~

16 (2) An increase in the long-term care beds of a health  
17 care facility by more than ten long-term care beds or more than ten  
18 percent of the total long-term care bed capacity of such facility,  
19 whichever is less, over a two-year period;

20 (3) An increase in the rehabilitation beds of a health  
21 care facility by more than ten rehabilitation beds or more than ten  
22 percent of the total rehabilitation bed capacity of such facility,  
23 whichever is less, over a two-year period;

1 ~~(3)-(4)~~ A relocation of long-term care beds from a  
2 health care facility at one physical facility or contiguous site to  
3 another noncontiguous site within the same health planning region  
4 if the relocation will cause an aggregate increase in long-term  
5 care beds between those locations of more than ten beds or more  
6 than ten percent of the total bed capacity, whichever is less, over  
7 a two-year period;

8 ~~(4)-(5)~~ Any relocation of long-term care beds from a  
9 health care facility located in one health planning region to a  
10 health care facility in a different health planning region;

11 ~~(5) Any conversion by a hospital of any type of hospital~~  
12 ~~beds to long-term care beds or rehabilitation beds if the total bed~~  
13 ~~capacity of the hospital will have changed by more than ten beds or~~  
14 ~~more than ten percent of the total bed capacity, whichever is less,~~  
15 ~~over a two-year period;~~

16 ~~(6) Any change by a residential care facility to convert~~  
17 ~~residential care beds to long-term care beds; or~~

18 ~~(7) Any change by a domiciliary facility to convert~~  
19 ~~domiciliary beds to long-term care beds.~~

20 (6) Any initial establishment of long-term care beds  
21 through conversion by a hospital of any type of hospital beds to  
22 long-term care beds if the total beds converted by the hospital

- 23 are more than ten beds or more than ten percent of the total  
 24 bed capacity of such hospital, whichever is less, over a two-year  
 25 period; or  
 26 (7) Any initial establishment of rehabilitation beds  
 27 through conversion by a hospital of any type of hospital beds to  
 1 rehabilitation beds if the total beds converted by the hospital  
 2 are more than ten beds or more than ten percent of the total  
 3 bed capacity of such hospital, whichever is less, over a two-year  
 4 period.

(Signed) Tim Gay, Vice Chairperson

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

Senators Aguilar, Avery, Harms, Pankonin, Pedersen, and Schimek asked unanimous consent to add their names as cointroducers to LB812. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Joann Jensen, Elizabeth Samelson, and Laurel Johnson from Bloomfield and Brenda Johnson from Norfolk; Senator Dubas' son and granddaughter, Ron and Mya Dubas, from Waverly; and members of Nebraska Bankers Association from across the state.

The Doctor of the Day was Dr. Shawn Murdock from Omaha.

### **ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Pankonin, the Legislature adjourned until 9:00 a.m., Wednesday, February 6, 2008.

Patrick J. O'Donnell  
 Clerk of the Legislature

**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

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, Loudon, 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





**TWENTY-FIRST DAY - FEBRUARY 7, 2008**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
SECOND SESSION**

**TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 7, 2008

**PRAYER**

The prayer was offered by Pastor Harold Bickford, Peru Community Church, Peru.

**ROLL CALL**

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

The roll was called and all members were present except Senators Gay, Johnson, and Pedersen who were excused; and Senators Dubas, Karpisek, Lautenbaugh, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**COMMITTEE REPORT**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 854.** Placed on General File with amendment.  
AM1779

- 1 1. On page 11, line 8, after "and" insert "rules and".
- 2 2. On page 14, line 9, strike "one thousand"; in line 24
- 3 after the underscored semicolon insert "and"; and strike line 25.
- 4 3. On page 15, strike lines 1 and 2; and in line 3 strike
- 5 "(iv)" and insert "(iii)".
- 6 4. On page 16, line 4, strike "one" and insert "three".
- 7 5. Strike beginning with page 20, line 22, through page
- 8 21, line 1.
- 9 6. On page 23, line 2, strike beginning with "on" through
- 10 "basis" in line 3; and strike beginning with line 4 through line
- 11 25.
- 12 7. Strike beginning with page 24, line 1, through page
- 13 25, line 5.
- 14 8. On page 31, strike beginning with the underscored

15 comma in line 1 through "Insurance" in line 2; and in line 3 strike  
 16 "email address" and insert "toll-free telephone number".  
 17 9. On page 32, line 3, after the underscored semicolon  
 18 insert "and"; and strike beginning with "Information" in line 4  
 19 through "(d)" in line 8.

(Signed) Rich Pahls, Chairperson

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 6, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Bromm, Curt  
 Insurance Premium Bonding Corporation, Nebraska

Macholan, Jessica L.  
 Class I's United

Plucker, Julia  
 N.H. Wright & Assoc., LLC

Radcliffe, Walter H. of Radcliffe & Associates  
 Bellevue Volunteer Fire Department  
 Indoor Tanning Association

Sedlacek, Ronald J.  
 Oriental Trading Company, Inc.

Vickers, Tom  
 Cass County School Districts, Washington County School Districts &  
 ESU #3

### **REPORTS**

The following reports were received by the Legislature:

**Administrative Services, Department of**  
 Comprehensive Annual Financial Report, Year Ended June 30, 2007  
**Natural Resources, Department of**  
 Forecast of Allowable Depletions in the Republican Basin

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 157.**

A BILL FOR AN ACT relating to children; to prohibit prosecution for leaving a child at a hospital; and to provide a duty for the hospital.

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

Voting in the affirmative, 41:

Adams	Engel	Howard	McGill	Stuthman
Aguilar	Erdman	Hudkins	Nantkes	Synowiecki
Ashford	Fischer	Janssen	Nelson	Wallman
Avery	Flood	Kopplin	Pahls	White
Burling	Friend	Kruse	Pankonin	Wightman
Carlson	Fulton	Langemeier	Pirsch	
Christensen	Hansen	Lathrop	Preister	
Cornett	Harms	Louden	Rogert	
Dierks	Heidemann	McDonald	Schimek	

Voting in the negative, 1:

Chambers

Excused and not voting, 7:

Dubas	Johnson	Lautenbaugh	Raikes
Gay	Karpisek	Pedersen	

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

**LEGISLATIVE BILL 196.**

A BILL FOR AN ACT relating to authorized emergency vehicles; to amend sections 55-133, 60-610, 60-6,230, and 60-6,231, Reissue Revised Statutes of Nebraska; to authorize the designation of certain vehicles as military emergency vehicles; to modify terms; to authorize use of lights for convoy control purposes; 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, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

White

Excused and not voting, 5:

Dubas	Gay	Johnson	Pedersen	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 465.**

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1928 and 29-1929, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to jailhouse informants; 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	Dierks	Kopplin	Pahls	Wallman
Aguilar	Engel	Kruse	Pankonin	White
Ashford	Fischer	Lathrop	Preister	Wightman
Avery	Harms	Louden	Rogert	
Carlson	Howard	McDonald	Schimek	
Chambers	Hudkins	McGill	Stuthman	
Cornett	Janssen	Nantkes	Synowiecki	

Voting in the negative, 10:

Christensen	Flood	Heidemann	Langemeier	Nelson
Erdman	Hansen	Karpisek	Lautenbaugh	Pirsch

Present and not voting, 3:

Burling            Friend            Fulton

Excused and not voting, 5:

Dubas            Gay            Johnson            Pedersen            Raikes

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

**LEGISLATIVE BILL 480.** With Emergency.

A BILL FOR AN ACT relating to health care; to amend section 71-7605, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to credit and transfers of funds, legislative intent, certain federal actions, reports on health care access and expenditures, funds, and a council; to provide an operative date; to repeal the original sections; to outright repeal sections 71-7601, 71-7602, 71-7604, and 71-7609, Reissue Revised Statutes of Nebraska, section 71-7610, Revised Statutes Cumulative Supplement, 2006, and sections 71-7603 and 71-7614, Revised Statutes Supplement, 2007; and to declare an emergency.

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

Voting in the affirmative, 43:

Adams	Dierks	Heidemann	Lautenbaugh	Rogert
Aguilar	Engel	Howard	Louden	Schimek
Ashford	Erdman	Hudkins	McDonald	Stuthman
Avery	Fischer	Janssen	McGill	Synowiecki
Burling	Flood	Karpisek	Nelson	Wallman
Carlson	Friend	Kopplin	Pahls	White
Chambers	Fulton	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pirsch	
Cornett	Harms	Lathrop	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Nantkes

Excused and not voting, 5:

Dubas            Gay            Johnson            Pedersen            Raikes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 621.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-682.01, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Supplement, 2007; to change provisions relating to points and fines for speeding; and to repeal the original sections.

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

Voting in the affirmative, 41:

Adams	Dierks	Heidemann	McDonald	Schimek
Aguilar	Engel	Howard	McGill	Synowiecki
Ashford	Erdman	Hudkins	Nantkes	Wallman
Avery	Fischer	Janssen	Nelson	White
Burling	Flood	Kopplin	Pahls	Wightman
Carlson	Friend	Kruse	Pankonin	
Chambers	Fulton	Langemeier	Pirsch	
Christensen	Hansen	Lathrop	Preister	
Cornett	Harms	Lautenbaugh	Rogert	

Voting in the negative, 3:

Karpisek	Louden	Stuthman
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Excused and not voting, 5:

Dubas	Gay	Johnson	Pedersen	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 632.**

A BILL FOR AN ACT relating to agriculture; to amend section 54-702, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the national uniform system of animal identification; and to repeal the original section.

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

Voting in the affirmative, 45:

Adams	Dierks	Harms	Lathrop	Pirsch
Aguilar	Dubas	Heidemann	Lautenbaugh	Preister
Ashford	Engel	Howard	Louden	Rogert
Avery	Erdman	Hudkins	McDonald	Schimek
Burling	Fischer	Janssen	McGill	Stuthman
Carlson	Flood	Karpisek	Nantkes	Synowiecki
Chambers	Friend	Kopplin	Nelson	Wallman
Christensen	Fulton	Kruse	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Gay                      Johnson                      Pedersen                      Raikes

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

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 157, 196, 465, 480, 621, and 632.

**GENERAL FILE**

**LEGISLATIVE BILL 609.** Title read. Considered.

**SENATOR LANGEMEIER PRESIDING**

Senator Chambers offered the following amendment:

FA173

P. 3, in line 11 strike beginning with "I" through the period in line 17.

P. 2, line 17 strike "positive".

Senator Chambers offered the following amendment to his amendment:

FA174

Amend FA173

Strike the first appearance of "17" and insert "14".

**SENATOR FRIEND PRESIDING**

Senator Chambers withdrew his amendment, AM174.

Senator Chambers withdrew his amendment, AM173.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 609A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on February 7, 2008, at 9:35 a.m. were the following: LBs 157, 196, 465, 480e, 621, and 632.

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

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 586.** Placed on Final Reading.

**LEGISLATIVE BILL 619.** Placed on Final Reading.

**LEGISLATIVE BILL 620.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 237.** Introduced by Heidemann, 1; Flood, 19.

WHEREAS, the Reverend Ray S. Wilke and Mr. Clayton Andrews, both of Norfolk, Nebraska, founded the Orphan Grain Train after Reverend Wilke visited Latvia and Russia in 1992 and saw the need for spiritual and humanitarian aid in those countries; and

WHEREAS, Orphan Grain Train's mission statement reads as follows: "In loving response to Christ, the Servant, the Orphan Grain Train movement encourages and enables God's people to share personal and material resources in bringing Christ's name and character to needy people, both far and near. Sometimes that character expresses itself as a word well spoken, sometimes as a bandage well applied, and sometimes as a child well fed."; and

WHEREAS, Orphan Grain Train's motto is from John 14:18: "I will not leave you as orphans; I will come to you."; and

WHEREAS, the Orphan Grain Train provides relief for human need worldwide; and

WHEREAS, the Orphan Grain Train has sent over fifty million pounds of supplies to needy people in more than forty countries; and

WHEREAS, more than one thousand three hundred semitrailer truckloads of clothes, medical supplies and equipment, food, quilts, Bibles, and Bible materials have been sent to Orphan Grain Train partners in North America and overseas; and



WHEREAS, people donate money, food, and materials to Orphan Grain Train for people in crises in this country and around the world; and

WHEREAS, in addition, many food and materials shipments go to missions and destitute families in the United States each year. Relief supplies are also sent in response to natural disasters, including support for the volunteer camps in Mississippi and Louisiana after Hurricane Katrina, support for the community of Greensburg, Kansas, after the May 3, 2007, F-5 tornado, and support for flood victims in Ohio; and

WHEREAS, clean clothing and medical supplies are carefully sorted and packed in boxes at Orphan Grain Train regional warehouses. The supplies are then loaded and shipped where they are most needed in the world. They are distributed by Orphan Grain Train partners to churches, hospitals, orphanages, prisons, and schools; and

WHEREAS, Orphan Grain Train has eighteen regional shipping depots and work centers which receive the donated money, food, and materials; and

WHEREAS, Orphan Grain Train is a faith-based organization that also furnishes material goods to other organizations that minister to spiritual and religious needs; and

WHEREAS, Orphan Grain Train shipments are approximately fifty percent within North America and fifty percent to other parts of the world; and

WHEREAS, Orphan Grain Train will not ship to any recipient until they have been thoroughly investigated and found to be responsible and in need; and

WHEREAS, much has been accomplished through Orphan Grain Train, though more remains to be done. Volunteers throughout the United States are invited to "climb aboard" the Orphan Grain Train using their own resources, time, and effort to respond to the material and spiritual needs of people around the world.

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

1. That Orphan Grain Train be recognized for its fifteen years of bringing relief to people in need worldwide and commended for its efforts here in Nebraska and around the world.

2. That copies of this resolution be sent to Orphan Grain Train, Inc., of Norfolk, Nebraska, and to the entire community of Norfolk for being the host city to this outstanding international organization.

Laid over.

## COMMITTEE REPORTS

Business and Labor

**LEGISLATIVE BILL 819.** Placed on General File with amendment.  
AM1791

- 1 1. Insert the following sections:
- 2 Sec. 5. Section 48-652, Revised Statutes Supplement,
- 3 2007, is amended to read:

4 48-652 (1)(a) A separate experience account shall be  
5 established for each employer who is liable for payment of  
6 contributions. Whenever and wherever in the Employment Security  
7 Law the terms reserve account or experience account are used,  
8 unless the context clearly indicates otherwise, such terms shall be  
9 deemed interchangeable and synonymous and reference to either of  
10 such accounts shall refer to and also include the other.

11 (b) A separate reimbursement account shall be established  
12 for each employer who is liable for payments in lieu of  
13 contributions. All benefits paid with respect to service in  
14 employment for such employer shall be charged to his or her  
15 reimbursement account and such employer shall be billed for and  
16 shall be liable for the payment of the amount charged when billed  
17 by the commissioner. Payments in lieu of contributions received  
18 by the commissioner on behalf of each such employer shall be  
19 credited to such employer's reimbursement account, and two or more  
20 employers who are liable for payments in lieu of contributions may  
21 jointly apply to the commissioner for establishment of a group  
22 account for the purpose of sharing the cost of benefits paid that  
23 are attributable to service in the employ of such employers. The  
1 commissioner shall prescribe such rules and regulations as he or  
2 she deems necessary with respect to applications for establishment,  
3 maintenance, and termination of group accounts authorized by this  
4 subdivision.

5 (2) All contributions paid by an employer shall be  
6 credited to the experience account of such employer. State  
7 unemployment insurance tax payments shall not be credited to  
8 the experience account of each employer. Partial payments of  
9 combined tax shall be credited so that at least eighty percent  
10 of the combined tax payment excluding interest and penalty is  
11 credited first to contributions due. In addition to contributions  
12 credited to the experience account, each employer's account shall  
13 be credited as of June 30 of each calendar year with interest  
14 at a rate determined by the commissioner based on the average  
15 annual interest rate paid by the Secretary of the Treasury of  
16 the United States of America upon the state's account in the  
17 Unemployment Trust Fund for the preceding calendar year multiplied  
18 by the balance in his or her experience account at the beginning  
19 of such calendar year. If the total credits as of such date to  
20 all employers' experience accounts are equal to or greater than  
21 ninety percent of the total amount in the Unemployment Compensation  
22 Fund, no interest shall be credited for that year to any employer's  
23 account. Contributions with respect to prior years which are  
24 received on or before January 31 of any year shall be considered  
25 as having been paid at the beginning of the calendar year. All  
26 voluntary contributions which are received on or before January  
27 10 of any year shall be considered as having been paid at the  
1 beginning of the calendar year.

2 (3)(a) Each experience account shall be charged only

3 for benefits based upon wages paid by such employer. No benefits  
4 shall be charged to the experience account of any employer if (i)  
5 such benefits were paid on the basis of a period of employment  
6 from which the claimant (A) left work voluntarily without good  
7 cause, (B) left work voluntarily due to a nonwork-connected illness  
8 or injury, (C) left work voluntarily with good cause to escape  
9 abuse as defined in section 42-903 between household members as  
10 provided in subdivision (1) of section 48-628.01, (D) left work  
11 from which he or she was discharged for misconduct connected with  
12 his or her work, or (E) left work voluntarily and is entitled to  
13 unemployment benefits without disqualification in accordance with  
14 subdivision (3) or (5) of section 48-628.01 and (ii) the employer  
15 has filed timely notice of the facts on which such exemption is  
16 claimed in accordance with rules and regulations prescribed by  
17 the commissioner. No benefits shall be charged to the experience  
18 account of any employer if such benefits were paid on the basis  
19 of wages paid in the base period that are wages for insured work  
20 solely by reason of subdivision (5)(b) of section 48-627.

21 (b) Each reimbursement account shall be charged only for  
22 benefits paid that were based upon wages paid by such employer in  
23 the base period that were wages for insured work solely by reason  
24 of subdivision (5) of section 48-627.

25 (c) Benefits paid to an eligible individual shall be  
26 charged against the account of his or her most recent employers  
27 within his or her base period against whose accounts the maximum  
1 charges hereunder have not previously been made in the inverse  
2 chronological order in which the employment of such individual  
3 occurred. The maximum amount so charged against the account of any  
4 employer, other than an employer for which services in employment  
5 as provided in subdivision (4)(a) of section 48-604 are performed,  
6 shall not exceed the total benefit amount to which such individual  
7 was entitled as set out in section 48-626 with respect to base  
8 period wages of such individual paid by such employer plus one-half  
9 the amount of extended benefits paid to such eligible individual  
10 with respect to base period wages of such individual paid by  
11 such employer. The commissioner shall by rules and regulations  
12 prescribe the manner in which benefits shall be charged against  
13 the account of several employers for whom an individual performed  
14 employment during the same quarter or during the same base period.  
15 Any benefit check duly issued and delivered or mailed to a claimant  
16 and not presented for payment within one year from the date of its  
17 issue may be invalidated and the amount thereof credited to the  
18 Unemployment Compensation Fund, except that a substitute check may  
19 be issued and charged to the fund on proper showing at any time  
20 within the year next following. Any charge made to an employer's  
21 account for any such invalidated check shall stand as originally  
22 made.

23 (4)(a) An employer's experience account shall be deemed  
24 to be terminated one calendar year after such employer has ceased

25 to be subject to the Employment Security Law, except that if the  
 26 commissioner finds that an employer's business is closed solely  
 27 because of the entrance of one or more of the owners, officers,  
 1 partners, or limited liability company members or the majority  
 2 stockholder into the armed forces of the United States, or of any  
 3 of its allies, after July 1, 1950, such employer's account shall  
 4 not be terminated and, if the business is resumed within two years  
 5 after the discharge or release from active duty in the armed forces  
 6 of such person or persons, the employer's experience account shall  
 7 be deemed to have been continuous throughout such period.

8 (b) An experience account terminated pursuant to this  
 9 subsection shall be reinstated if (i) the employer becomes subject  
 10 again to the Employment Security Law within one calendar year after  
 11 termination of such experience account and the employer makes a  
 12 written application for reinstatement of such experience account  
 13 to the commissioner within two calendar years after termination of  
 14 such experience account and (ii) the commissioner finds that the  
 15 employer is operating substantially the same business as prior to  
 16 the termination of such experience account.

17 (5) All money in the Unemployment Compensation Fund shall  
 18 be kept mingled and undivided. The payment of benefits to an  
 19 individual shall in no case be denied or withheld because the  
 20 experience account of any employer does not have a total of  
 21 contributions paid in excess of benefits charged to such experience  
 22 account.

23 (6) A contributory or reimbursable employer shall be  
 24 relieved of charges if the employer was previously charged for  
 25 wages and the same wages are being used a second time to establish  
 26 a new claim as a result of the October 1, 1988, change in the base  
 27 period.

1 (7) If an individual's base period wage credits  
 2 represent part-time employment for a contributory employer and  
 3 the contributory employer continues to employ the individual to  
 4 the same extent as during the base period, then the contributory  
 5 employer's experience account shall not be charged if the  
 6 contributory employer has filed timely notice of the facts on which  
 7 such exemption is claimed in accordance with rules and regulations  
 8 prescribed by the commissioner.

9 Sec. 7. Section 48-668, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 48-668 (1) The commissioner is hereby authorized to enter  
 12 into arrangements with the appropriate and duly authorized agencies  
 13 of other states or the federal government, or both, whereby:

14 ~~(4)~~(a) Services performed by an individual for a single  
 15 employer for which services are customarily performed by such  
 16 individual in more than one state shall be deemed to be services  
 17 performed entirely within any one of the states in which ~~(a)-(i)~~  
 18 any part of such individual's service is performed, ~~(b)-(ii)~~ such  
 19 individual has his or her residence, or ~~(c)-(iii)~~ the employer

20 maintains a place of business, if there is in effect, as to such  
21 services, an election by an employer with the acquiescence of such  
22 individual, approved by the agency charged with the administration  
23 of such state's unemployment compensation law, pursuant to which  
24 services performed by such individual for such employer are deemed  
25 to be performed entirely within such state;

26 ~~(2)~~(b) Service performed by not more than three  
27 individuals, on any portion of a day but not necessarily  
1 simultaneously, for a single employer which customarily operates  
2 in more than one state shall be deemed to be service performed  
3 entirely within the state in which such employer maintains the  
4 headquarters of his or her business if there is in effect, as  
5 to such service, an approved election by an employer with the  
6 affirmative consent of each such individual, pursuant to which  
7 service performed by such individual for such employer is deemed to  
8 be performed entirely within such state;

9 ~~(3)~~(c) Potential rights to benefits under the Employment  
10 Security Law may constitute the basis for payment of benefits  
11 by another state or the federal government and potential rights  
12 to benefits accumulated under the law of another state or the  
13 federal government may constitute the basis for the payment of  
14 benefits by this state. Such benefits shall be paid under the  
15 Employment Security Law or under the law of such state or the  
16 federal government or under such combination of the provisions of  
17 both laws, as may be agreed upon as being fair and reasonable  
18 to all affected interests. No such arrangement shall be entered  
19 into unless it contains provisions for reimbursement to the fund  
20 for such benefits as are paid on the basis of wages and service  
21 subject to the law of another state or the federal government,  
22 and provision for reimbursement from the fund for such benefits  
23 as are paid by another state or the federal government on the  
24 basis of wages and service subject to the Employment Security Law.  
25 Reimbursements paid from the fund pursuant to this section shall be  
26 deemed to be benefits for the purposes of the Employment Security  
27 Law; and

1 ~~(4)~~(d) Wages, upon the basis of which an individual may  
2 become entitled to benefits under an employment security law of  
3 another state or of the federal government, shall be deemed to be  
4 wages for insured work for the purpose of determining his or her  
5 benefits under the Employment Security Law; and wages for insured  
6 work, on the basis of which an individual may become entitled to  
7 benefits under the Employment Security Law, shall be deemed to be  
8 wages on the basis of which unemployment insurance is payable under  
9 such law of another state or of the federal government. No such  
10 arrangement shall be entered into unless it contains provisions  
11 for reimbursement to the fund for such of the benefits paid under  
12 the Employment Security Law upon the basis of such wages and  
13 provision for reimbursement from the fund for such benefits paid  
14 under such other law upon the basis of wages for insured work,

15 as the commissioner finds will be fair and reasonable to all  
 16 affected interests. Reimbursement paid from the fund pursuant to  
 17 this section shall be deemed to be benefits for the purposes of the  
 18 Employment Security Law.

19 (2) Notwithstanding any other provisions of this section,  
 20 the commissioner shall participate in any arrangements for the  
 21 payment of benefits on the basis of combining an individual's  
 22 wages and employment covered under the Employment Security Law with  
 23 his or her wages and employment covered under the unemployment  
 24 compensation laws of other states which are approved by the  
 25 United States Secretary of Labor in consultation with the state  
 26 unemployment compensation agencies as reasonably calculated to  
 27 assure the prompt and full payment of benefits in such situations  
 1 and which include provisions for (a) applying the base period  
 2 of a single state law to a claim involving the combining of an  
 3 individual's wages and employment covered under two or more state  
 4 unemployment compensation laws, and (b) avoiding the duplicate use  
 5 of wages and employment by reason of such combining. However, no  
 6 benefits paid pursuant to an agreement to combine wages entered  
 7 into under this subsection shall be charged against any employer's  
 8 experience account if the employer's experience account, under the  
 9 same or similar circumstances, would not be charged under the  
 10 Employment Security Law. Benefits received by a claimant pursuant  
 11 to an agreement entered into under this subsection to which he or  
 12 she is not entitled shall be credited to an employer's experience  
 13 account or reimbursement account in the same manner as claims paid  
 14 based solely upon the laws of this state.

15 Sec. 8. Section 48-668.02, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 48-668.02 Reimbursements paid from the fund pursuant to  
 18 ~~subsections (3) and (4) subdivisions (1)(c) and (1)(d)~~ of section  
 19 48-668 shall be deemed to be benefits for the purposes of the  
 20 Employment Security Law. The commissioner is authorized to make to  
 21 other state or federal agencies and to receive from such other  
 22 state or federal agencies reimbursements from or to the fund  
 23 in accordance with arrangements entered into pursuant to section  
 24 48-668.

25 Sec. 10. Since an emergency exists, this act takes effect  
 26 when passed and approved according to law.

27 2. On page 2, line 16, after "the" insert "Nebraska" and  
 1 after "Court" insert "which may use such information".

2 3. On page 15, line 9, strike "and" and show as stricken;  
 3 and in line 13 after "ratio" insert "; and

4 (iii) No employer with a positive experience account  
 5 balance shall be assigned to category 20".

6 4. On page 22, line 1, after "Original" insert "sections  
 7 48-668 and 48-668.02, Reissue Revised Statutes of Nebraska,"; and  
 8 in line 4 strike "and 48-649" and insert ", 48-649, and 48-652".

9 5. Renumber the remaining sections accordingly.

(Signed) Abbie Cornett, Chairperson

Agriculture

**LEGISLATIVE BILL 131.** Indefinitely postponed.

**LEGISLATIVE BILL 633.** Indefinitely postponed.

(Signed) Philip Erdman, Chairperson

Natural Resources

The Natural Resources 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.

Ronald Zeiger - Environmental Quality Council

Aye: 7 Senators Carlson, Christensen, Fischer, Hudkins, Kopplin, Loudon, Wallman. Nay: 0. Absent: 0. Present and not voting: 1 Senator Dubas.

(Signed) LeRoy Loudon, Chairperson

**AMENDMENT - Print in Journal**

Senator Schimek filed the following amendment to LB823:  
AM1786

(Amendments to E & R amendments, ER8154)

- 1 1. Insert the following new sections:
- 2 Sec. 12. Section 86-552, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 86-552 For purposes of the Intergovernmental Data
- 5 Services Program Act, the definitions found in sections ~~86-553~~
- 6 ~~86-554~~ to 86-561 apply.
- 7 Sec. 13. Section 86-562, Revised Statutes Cumulative
- 8 Supplement, 2006, is amended to read:
- 9 86-562 The purpose of the system is to allow for
- 10 the efficient operation of state government and its political
- 11 subdivisions. In managing and allocating resources on the system,
- 12 the ~~administrator-officer~~ shall assign first priority to providing
- 13 capacity for statewide applications that are essential to carrying
- 14 out the duties of state agencies in an efficient and effective
- 15 manner. The system may also serve local data processing needs of
- 16 political subdivisions, provide citizens with a point of access to
- 17 governmental services and information, and serve other state and
- 18 local needs, subject to available resources.
- 19 Sec. 14. Section 86-563, Revised Statutes Cumulative
- 20 Supplement, 2006, is amended to read:
- 21 86-563 In establishing and maintaining the system:

22 (1) The division:

1 (a) Shall provide the computer network and services for  
2 the system with assistance from the division of communications of  
3 the office;

4 (b) Shall, within available resources, assist ~~the~~  
5 ~~Intergovernmental Data Communications Advisory Council, the~~  
6 ~~Geographic Information System Steering Committee, and other local,~~  
7 state, and federal collaborative efforts to encourage coordination  
8 of information systems and data sharing;

9 (c) Shall coordinate its activities and responsibilities  
10 with the functions of the division of communications to minimize  
11 overlap and duplication of technical services between the divisions  
12 in supporting the system, its applications, and application  
13 development; and

14 (d) May undertake and coordinate planning studies to  
15 determine the feasibility, benefits, costs, requirements, and  
16 options for the intergovernmental transfer of data;

17 (2) ~~The administrator officer:~~

18 (a) Shall approve and coordinate the design, development,  
19 installation, training, and maintenance of applications by state  
20 agencies for use on the system. Any agency proposing to add  
21 an application to the system shall submit an evaluation to  
22 ~~the administrator officer~~ that examines the cost-effectiveness,  
23 technical feasibility, and potential use of the proposed  
24 application; that identifies the total costs of the application,  
25 including design, development, testing, installation, operation,  
26 and any changes to the computer network that are necessary for its  
27 operation; and that provides a schedule that shows the estimated  
1 completion dates for design, development, testing, installation,  
2 training, and full operational status. ~~The administrator officer~~  
3 shall not approve an application by a state agency for use on the  
4 system unless his or her review shows that the application is cost  
5 effective and technically feasible, that funding is available, and  
6 that the proposed schedule is reasonable and feasible;

7 (b) Shall approve changes in the design of applications  
8 by state agencies for use on the system. ~~The administrator officer~~  
9 may require such information from the agency as necessary to  
10 determine that the proposed change in design is cost effective  
11 and technically feasible, that funding is available, and that the  
12 proposed schedule for implementation is reasonable and feasible;

13 (c) ~~May, with the approval of the officer,~~ contract with  
14 other governmental entities or private vendors in carrying out the  
15 duties relating to the intergovernmental data services program;

16 (d) ~~Shall, in cooperation with the division of~~  
17 ~~communications,~~ establish a rate schedule that reflects the rates  
18 adopted by the division of communications and the information  
19 management services division, plus any additional costs of the  
20 system. Such fees may reflect a base cost for access to the system,  
21 costs for actual usage of the system, costs for special equipment



22 or services, or a combination of these factors. The ~~administrator~~  
23 officer may charge for the costs of changes to the system that are  
24 requested by or are necessary to accommodate a request by a user.  
25 All fees shall be set to recover all costs of operation;

26 (e) May, ~~with the approval of the officer,~~ enter into  
27 agreements with other state and local governments, the federal  
1 government, or private-sector entities for the purpose of sale,  
2 lease, or licensing for third-party resale of applications and  
3 system design. Proceeds from such agreements shall be deposited to  
4 the Data Systems Cash Fund;

5 (f) Shall determine whether a local application shall be  
6 a component of the system. No local application shall be resident  
7 or operational in any component of the system without explicit  
8 authorization of the ~~administrator, officer; and~~

9 (g) Shall approve or disapprove the attachment of any  
10 peripheral device to the system and may prescribe standards and  
11 specifications that such devices must meet; ~~and~~

12 (h) ~~Shall provide assistance as requested by the Nebraska~~  
13 ~~Information Technology Commission to support the technical panel~~  
14 ~~created in section 86-521;~~

15 (3) The officer ~~and administrator~~ shall be responsible  
16 for the proper operation of the system, applications, and  
17 peripheral devices purchased or developed by the expenditure of  
18 state funds. The ownership of such system, applications, and  
19 peripheral devices shall be vested with the state; and

20 (4) All communications and telecommunications services  
21 for the intergovernmental data services program and the system  
22 shall be secured from the division of communications.

23 Sec. 15. Section 86-564, Revised Statutes Cumulative  
24 Supplement, 2006, is amended to read:

25 86-564 (1) The ~~administrator-officer~~ shall submit as  
26 part of the biennial budget request of the office a listing of  
27 all applications submitted for consideration, cost estimates for  
1 development, testing, and full operation of each application, a  
2 recommended priority listing of the applications for which an  
3 evaluation is completed, and funding recommendations by application  
4 contained within the budget request for the division. All  
5 application estimates and requests shall be scheduled over ensuing  
6 fiscal years such that annual projected costs and completion of  
7 application phases to the point of fully operational status can be  
8 clearly determined. Local applications shall not be subject to the  
9 provisions of this subsection.

10 (2) All development costs for approved new applications  
11 shall be budgeted and appropriated to the division or to  
12 participating state agencies at the discretion of the Legislature.  
13 Agencies may independently request appropriations for such  
14 application development, however such requests shall be subject  
15 to the review and prioritization set forth in subdivision (2)(a)  
16 of section 86-563, and at such time as the application becomes

17 an authorized application and funded by the Legislature, the  
 18 cost of such development shall be appropriated to the division  
 19 or to participating state agencies. To the extent possible, if  
 20 office cash or revolving funds or federal funds may be used  
 21 for application development, such funds may be transferred to  
 22 the division and expended for application development in order  
 23 to properly account for all costs associated with application  
 24 development.

25 Sec. 16. Section 86-565, Revised Statutes Cumulative  
 26 Supplement, 2006, is amended to read:

27 ~~86-565 The administrator~~ officer may adopt and promulgate  
 1 rules, regulations, guidelines, and procedures to carry out  
 2 sections 86-563 and 86-564.

3 Sec. 17. Section 86-569, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:

5 ~~86-569 (1) The Legislature finds that the Geographic~~  
 6 ~~Information System is Systems~~ are a computer-based technology that  
 7 captures, stores, analyzes, and displays information about the  
 8 earth's surface from a geographically referenced ~~system, systems,~~  
 9 that an interest in the ~~system systems~~ is rapidly increasing at all  
 10 levels of government, and that an institutional mechanism is needed  
 11 to encourage initiatives, coordinate efforts, avoid duplication,  
 12 seek efficiencies, develop guidelines, policies, and standards for  
 13 operations and management, promote education and training, and make  
 14 recommendations so that such technology will benefit the entire  
 15 state and endure as an analysis tool for decisionmakers.

16 ~~(2) The Intergovernmental Data Communications Advisory~~  
 17 ~~Council has found that there are many levels of experience,~~  
 18 ~~expertise, and hardware and software sophistication among the~~  
 19 ~~various levels of government and that guidelines, policies,~~  
 20 ~~coordination, and standards are required to realize the maximum~~  
 21 ~~benefits of this technology, avoid data quality problems, and~~  
 22 ~~resolve conflicts at a reasonable cost for the state.~~

23 ~~(3)-(2) It is the intent of the Legislature that a~~  
 24 ~~Geographic Information System Steering Committee Systems Council~~  
 25 be created with statewide responsibilities to take an active  
 26 role in implementing ~~the Geographic Information System Systems.~~  
 27 Such ~~committee council~~ would help facilitate acquisition of such  
 1 technology at all levels of government and make recommendations  
 2 to the Legislature for program initiatives and funding and the  
 3 fostering of communication, training, and education.

4 ~~(3) It is the intent of the Legislature that the~~  
 5 ~~Geographic Information Systems Council serve as an advisory council~~  
 6 ~~to the Nebraska Information Technology Commission and assist the~~  
 7 ~~commission in its overall information technology planning and~~  
 8 ~~oversight and provide technical advice and recommendations related~~  
 9 ~~to the specialized needs of Geographic Information Systems.~~

10 Sec. 18. Section 86-570, Revised Statutes Supplement,  
 11 2007, is amended to read:

12 86-570 (1) The Geographic Information ~~System Steering~~  
 13 ~~Committee~~ Systems Council is hereby created and shall consist of  
 14 ~~nineteen members as follows:~~

15 (a) The Chief Information Officer or his or her designee  
 16 and the director or designee of the Department of Environmental  
 17 Quality, the Department of Health and Human Services, the  
 18 Conservation and Survey Division of the University of Nebraska, the  
 19 Department of Natural Resources, and the Governor's Policy Research  
 20 Office;

21 (b) The Director-State Engineer or designee;

22 (c) The State Surveyor or designee;

23 (d) The Clerk of the Legislature or designee;

24 (e) The secretary of the Game and Parks Commission or  
 25 designee;

26 (f) The Property Tax Administrator or designee;

27 (g) One representative of federal agencies appointed by  
 1 the Governor;

2 (h) One representative of the natural resources districts  
 3 nominated by the Nebraska Association of Resources Districts and  
 4 appointed by the Governor;

5 (i) One representative of the public power districts  
 6 appointed by the Governor;

7 (j) Two representatives of the counties nominated by  
 8 the Nebraska Association of County Officials and appointed by the  
 9 Governor;

10 (k) One representative of the municipalities nominated  
 11 by the League of Nebraska Municipalities and appointed by the  
 12 Governor; ~~and~~

13 (l) Two members at large appointed by the Governor; ~~and~~;

14 (m) Such other members as nominated by the Nebraska  
 15 Information Technology Commission and appointed by the Governor.

16 (2) The appointed members shall serve ~~for terms of~~  
 17 ~~four years, except that of the initial members appointed by the~~  
 18 ~~Governor, one of the representatives of the counties shall be~~  
 19 ~~appointed for one year and the other shall be appointed for three~~  
 20 ~~years, one of the members at large shall be appointed for one~~  
 21 ~~year and the other for three years, and the representative of the~~  
 22 ~~public power districts shall be appointed for two years. Their~~  
 23 ~~successors shall be appointed for four year terms. Any vacancy~~  
 24 ~~on the committee shall be filled in the same manner as the~~  
 25 ~~original appointment, and the person selected to fill such vacancy~~  
 26 ~~shall have the same qualifications as the member whose vacancy is~~  
 27 ~~being filled, as determined by the Nebraska Information Technology~~  
 1 Commission.

2 (3) The members shall be reimbursed for their actual and  
 3 necessary expenses as provided in sections 81-1174 to 81-1177.

4 Sec. 19. Section 86-571, Revised Statutes Cumulative  
 5 Supplement, 2006, is amended to read:

6 86-571 (1) The Geographic Information ~~System Steering~~

7 ~~Committee-Systems Council~~ shall elect a chairperson from its  
8 members and such other officers as the ~~committee-council~~ deems  
9 necessary.

10 (2) As the need arises, advisory committees may be  
11 established by the ~~committee-council~~ from various levels of  
12 government, industry, or the general public to assist the  
13 ~~committee-council~~. The members of advisory committees shall be  
14 reimbursed for their actual and necessary expenses as provided in  
15 sections 81-1174 to 81-1177.

16 (3) The ~~committee-council~~ shall meet quarterly or upon  
17 the call of the chairperson.

18 Sec. 20. Section 86-572, Revised Statutes Cumulative  
19 Supplement, 2006, is amended to read:

20 86-572 The Geographic Information ~~System-Steering~~  
21 ~~Committee-Systems Council~~ shall:

22 (1) Make recommendations to the Legislature and the  
23 Nebraska Information Technology Commission for program initiatives  
24 and funding;

25 (2) Establish guidelines and policies for statewide  
26 Geographic Information ~~System-Systems~~ operations and management  
27 to include:

1 (a) The acquisition, development, maintenance, quality  
2 assurance such as ~~quality control~~-standards, access, ownership,  
3 cost recovery, and priorities of data bases;

4 (b) The compatibility, acquisition, and communications of  
5 hardware and software;

6 (c) The assessment of needs, identification of scope,  
7 setting of standards, and determination of an appropriate  
8 enforcement mechanism;

9 (d) The fostering of training programs and promoting  
10 education and information about ~~the-Geographic Information System;~~  
11 Systems; and

12 (e) The promoting of ~~the-Geographic Information System~~  
13 Systems development in the State of Nebraska and providing or  
14 coordinating additional support to address Geographic Information  
15 ~~System-Systems~~ issues as such issues arise;

16 (3) Report to, assist, and advise the Chief Information  
17 Officer in setting information technology policy; and

18 (4) Provide assistance as requested by the ~~Nebraska~~  
19 ~~Information Technology Commission to-commission and~~ support the  
20 technical panel created in section 86-521.

21 Sec. 21. Section 86-573, Revised Statutes Cumulative  
22 Supplement, 2006, is amended to read:

23 86-573 ~~Annually, the chairperson of the Geographic~~  
24 ~~Information System Steering Committee shall submit a written~~  
25 ~~report, approved by the committee, to the Governor and the Clerk~~  
26 ~~of the Legislature and shall send a copy of such report to the~~  
27 ~~Intergovernmental Data Communications Advisory Council.~~

1 The Geographic Information Systems Council shall provide

2 a report of its activities to the Nebraska Information Technology  
 3 Commission for inclusion in the biannual progress report submitted  
 4 to the Governor and the Legislature by the commission pursuant to  
 5 section 86-518.

6 Sec. 23. The following sections are outright repealed:  
 7 Sections 86-531, 86-532, 86-533, 86-534, 86-535, 86-536, 86-537,  
 8 86-538, 86-539, 86-540, 86-541, 86-542, 86-543, 86-544, 86-545,  
 9 86-546, 86-547, 86-548, 86-549, and 86-553, Revised Statutes  
 10 Cumulative Supplement, 2006.

11 2. On page 3, line 2, after the comma insert

12 "intergovernmental data communications,".

13 3. Renumber the remaining section and correct the  
 14 repealer accordingly.

### EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 157, 196, 465, 480, and 621.

(Signed) Annette Dubas

### GENERAL FILE

**LEGISLATIVE BILL 668.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 715.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 279.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 896.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 898.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 790.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**ANNOUNCEMENT**

Senator Cornett designates LB766 as her priority bill.

**AMENDMENT - Print in Journal**

Senator Flood filed the following amendment to LB140:  
AM1800

- 1 1. On page 6, line 23, after "department" insert ".The
- 2 copy of such complaint shall include the name of the complainant;".

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Harms asked unanimous consent to add his name as cointroducer to LB534 and LB1056. No objections. So ordered.

Senator Gay asked unanimous consent to add his name as cointroducer to LB830. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LB880. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Bill and Isabelle Thomas; members of Leadership Plenty from Hebron; and members of Scottsbluff/Gering United Chamber and Leadership Scotts Bluff from Scottsbluff and Gering and Leadership Box Butte from Alliance.

The Doctor of the Day was Dr. Mikala Albertson from Omaha.

**MOTION - Adjournment**

Senator Rogert moved to adjourn. The motion prevailed with 22 ayes, 6 nays, 15 present and not voting, and 6 excused and not voting, and at 11:56 a.m., the Legislature adjourned until 10:00 a.m., Monday, February 11, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-SECOND DAY - FEBRUARY 11, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 11, 2008

**PRAYER**

The prayer was offered by Pastor Victor Haworth, First Brethren Church, Falls City.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-first day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 123.** Placed on Final Reading.

**LEGISLATIVE BILL 179.** Placed on Final Reading.  
ST9064

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

1. On page 1, lines 3 and 4, "provide for the suppression of certain evidence" has been struck and "require jury instructions for failure to comply" inserted.

**LEGISLATIVE BILL 179A.** Placed on Final Reading.

**LEGISLATIVE BILL 386.** Placed on Final Reading.  
ST9065

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

1. In the Langemeier amendment, AM1691:

- a. On page 1, line 14, an underscored comma has been inserted after "law";
- b. On page 4, line 8, an underscored comma has been inserted after "otherwise";
- c. On page 8, line 16, "(a)" has been struck and "(i)" inserted; and in line 17 "(b)" has been struck and "(ii)" inserted;
- d. On page 10, line 3, the first comma has been struck and "or" inserted and the second comma has been struck; and
- e. On page 11, line 23, the comma has been struck.

(Signed) Amanda McGill, Chairperson

### COMMITTEE REPORT

Banking, Commerce and Insurance

**LEGISLATIVE BILL 851.** Placed on General File with amendment. AM1782 is available in the Bill Room.

(Signed) Rich Pahls, Chairperson

### MESSAGE FROM THE GOVERNOR

February 7, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 92, 177, 202, 204, 204A, 205e, 210, 246e, 269, 312, 379, 380, 383, 690, 706e, and 707 were received in my office on February 1, 2008.

I signed these bills and delivered them to the Secretary of State on February 7, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

### NOTICE OF COMMITTEE HEARING

Transportation and Telecommunications

Room 1113

Tuesday, February 26, 2008 1:30 p.m.

Neneman, Roy - Motor Vehicle Industry Licensing Board



(Signed) Deb Fischer, Chairperson

### COMMUNICATION

Received a copy of House Joint Resolution 08-1004 from the state of Colorado relating to the participation in the "Legislators Step to Health" program.

### RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR236 was adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR236.

### MOTIONS - Approve Appointments

Senator McDonald moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 514:

Nebraska Arts Council

Richard Vierk

David Catalan

Murray Newman

Donna Hastings

Nana Smith

Senator McDonald requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator McDonald moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 514:

Nebraska Arts Council

Richard Vierk

Murray Newman

Donna Hastings

Nana Smith

Voting in the affirmative, 33:

Adams	Fischer	Heidemann	McDonald	Stuthman
Aguilar	Flood	Howard	Nantkes	Synowiecki
Burling	Friend	Janssen	Nelson	Wallman
Carlson	Fulton	Johnson	Pahls	White
Dierks	Gay	Karpisek	Pirsch	Wightman
Engel	Hansen	Kopplin	Raikes	
Erdman	Harms	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 13:

Ashford	Hudkins	Lathrop	Pankonin	Schimek
Avery	Kruse	Lautenbaugh	Pedersen	
Chambers	Langemeier	McGill	Preister	

Excused and not voting, 3:

Christensen	Cornett	Dubas		
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The appointments were confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The consideration of the appointment of David Catalan - Nebraska Arts Council has been deferred at this time.

Senator Pahls moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 518:

Department of Insurance  
Director Ann Frohman

Voting in the affirmative, 34:

Adams	Erdman	Howard	Louden	Pirsch
Aguilar	Fischer	Janssen	McDonald	Raikes
Avery	Flood	Johnson	McGill	Stuthman
Burling	Friend	Karpisek	Nantkes	Wallman
Carlson	Fulton	Kopplin	Nelson	White
Dierks	Hansen	Langemeier	Pahls	Wightman
Engel	Heidemann	Lautenbaugh	Pedersen	

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Harms	Lathrop	Rogert	
Chambers	Hudkins	Pankonin	Schimek	
Gay	Kruse	Preister	Synowiecki	

Excused and not voting, 3:

Christensen    Cornett            Dubas

The appointment was confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 528:

Board of Educational Lands and Funds

John F. Lund

Voting in the affirmative, 35:

Adams	Erdman	Hudkins	McDonald	Raikes
Aguilar	Fischer	Janssen	McGill	Rogert
Avery	Flood	Johnson	Nantkes	Stuthman
Burling	Friend	Karpisek	Nelson	Synowiecki
Chambers	Gay	Kopplin	Pahls	Wallman
Dierks	Hansen	Langemeier	Pankonin	White
Engel	Howard	Louden	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Harms	Lathrop	Preister
Carlson	Heidemann	Lautenbaugh	Schimek
Fulton	Kruse	Pedersen	

Excused and not voting, 3:

Christensen    Cornett            Dubas

The appointment was confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 533:

Board of Public Roads Classifications and Standards

Randy Peters

James Bauer

Darold Tagge

Henry Thieman

Richard Pierce

Edward Wootton

Roger Figard

Voting in the affirmative, 36:

Adams	Erdman	Hudkins	Nantkes	Stuthman
Aguilar	Fischer	Janssen	Nelson	Wallman
Avery	Flood	Johnson	Pahls	White
Burling	Friend	Karpisek	Pankonin	Wightman
Carlson	Gay	Kopplin	Pedersen	
Chambers	Hansen	Langemeier	Pirsch	
Dierks	Heidemann	Louden	Raikes	
Engel	Howard	McGill	Rogert	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Harms	Lathrop	McDonald	Schimek
Fulton	Kruse	Lautenbaugh	Preister	Synowiecki

Excused and not voting, 3:

Christensen	Cornett	Dubas
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The appointments were confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 533:

Motor Vehicle Industry Licensing Board  
 Douglas Rolfsmeier  
 Sid Dillon  
 Fred Stone

Voting in the affirmative, 37:

Adams	Engel	Heidemann	Louden	Rogert
Aguilar	Erdman	Howard	McGill	Stuthman
Avery	Fischer	Hudkins	Nantkes	Wallman
Burling	Flood	Janssen	Nelson	White
Carlson	Friend	Johnson	Pahls	Wightman
Chambers	Fulton	Karpisek	Pankonin	
Cornett	Gay	Langemeier	Pedersen	
Dierks	Hansen	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Kopplin	Lathrop	Preister	Schimek
Harms	Kruse	McDonald	Raikes	Synowiecki

Excused and not voting, 2:

Christensen    Dubas

The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 534:

Board of Public Roads Classifications and Standards  
Richard Ruby

Voting in the affirmative, 31:

Adams	Erdman	Harms	McGill	Stuthman
Aguilar	Fischer	Heidemann	Nelson	Wallman
Carlson	Flood	Howard	Pahls	White
Chambers	Friend	Johnson	Pankonin	
Cornett	Fulton	Karpisek	Pedersen	
Dierks	Gay	Langemeier	Pirsch	
Engel	Hansen	Lautenbaugh	Schimek	

Voting in the negative, 1:

Hudkins

Present and not voting, 15:

Ashford	Janssen	Lathrop	Nantkes	Rogert
Avery	Kopplin	Louden	Preister	Synowiecki
Burling	Kruse	McDonald	Raikes	Wightman

Excused and not voting, 2:

Christensen    Dubas

The appointment was confirmed with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 551:

Environmental Quality Council  
Ronald Zeiger

Voting in the affirmative, 31:

Adams	Friend	Hudkins	Nantkes	Stuthman
Aguilar	Fulton	Janssen	Nelson	Wallman
Carlson	Gay	Johnson	Pahls	White
Dierks	Hansen	Karpisek	Pankonin	
Engel	Harms	Kopplin	Pedersen	
Erdman	Heidemann	Lautenbaugh	Pirsch	
Fischer	Howard	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 16:

Ashford	Cornett	Lathrop	Raikes
Avery	Flood	McDonald	Schimek
Burling	Kruse	McGill	Synowiecki
Chambers	Langemeier	Preister	Wightman

Excused and not voting, 2:

Christensen    Dubas

The appointment was confirmed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 280.** Placed on Select File with amendment.  
ER8158

- 1 1. On page 5, line 24, after "paternity" insert "or
- 2 custody".

**LEGISLATIVE BILL 280A.** Placed on Select File with amendment.  
ER8157

- 1 1. On page 1, line 3, strike "First Session, 2007" and
- 2 insert "Second Session, 2008".
- 3 2. On page 2, lines 2 and 8, strike "FY2007-08" and
- 4 insert "FY2008-09"; in lines 3 and 8 strike "FY2008-09" and insert
- 5 "FY2009-10"; and in line 5 strike "First Session, 2007" and insert
- 6 "Second Session, 2008".

**LEGISLATIVE BILL 500.** Placed on Select File with amendment.  
ER8156

- 1 1. On page 1, strike beginning with "48-628" in line 2
- 2 through "benefits" in line 4 and insert "48-652, Revised Statutes
- 3 Supplement, 2007; to change provisions governing charges to the
- 4 experience account of employers".

**LEGISLATIVE BILL 623.** Placed on Select File.

**LEGISLATIVE BILL 609.** Placed on Select File with amendment.  
ER8159

- 1 1. On page 3, lines 4 and 12, strike "2007-08" and insert
- 2 "2008-09"; in line 13 strike "2008-09" and insert "2009-10"; and in
- 3 line 14 strike "2009-10" and insert "2010-11".

**LEGISLATIVE BILL 609A.** Placed on Select File with amendment.  
ER8160

- 1 1. On page 1, line 3, strike "First Session, 2007" and
- 2 insert "Second Session, 2008".
- 3 2. On page 2, line 2, strike "FY2007-08" and insert
- 4 "FY2008-09"; in line 3 strike "FY2008-09" and insert "FY2009-10";
- 5 and in line 5 strike "First Session, 2007" and insert "Second
- 6 Session, 2008".

**LEGISLATIVE BILL 668.** Placed on Select File.

**LEGISLATIVE BILL 715.** Placed on Select File.

**LEGISLATIVE BILL 279.** Placed on Select File.

**LEGISLATIVE BILL 896.** Placed on Select File.

**LEGISLATIVE BILL 898.** Placed on Select File.

**LEGISLATIVE BILL 790.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### COMMITTEE REPORT

Government, Military and Veterans Affairs

**LEGISLATIVE RESOLUTION 223.** Reported to the Legislature for further consideration.

(Signed) Ray Aguilar, Chairperson

### AMENDMENT - Print in Journal

Senator Johnson filed the following amendment to LB395:  
AM1736

(Amendments to Final Reading copy)

- 1 1. Strike sections 16, 17, and 22 and insert the
- 2 following new sections:
- 3 Sec. 20. This act becomes operative twelve months after
- 4 its effective date.
- 5 Sec. 23. Since an emergency exists, this act takes effect
- 6 when passed and approved according to law.
- 7 2. On page 3, line 1, strike "21" and insert "19"; and in
- 8 line 8 after "law" insert ", ordinance, or resolution".

- 9 3. On page 5, strike beginning with the second "retail"  
 10 in line 6 through line 8 and insert "store that sells only tobacco  
 11 and products directly related to tobacco. Products directly related  
 12 to tobacco do not include alcohol, coffee, soft drinks, candy,  
 13 groceries, or gasoline."; and strike beginning with "sections" in  
 14 line 9 through "17" in line 10 and insert "section 15".
- 15 4. On page 8, strike beginning with "or" in line 12  
 16 through "department" in line 13.
- 17 5. Renumber the remaining sections accordingly.
- 18 6. On page 1, line 3, strike "operative dates" and insert  
 19 "an operative date".
- 20 7. Strike beginning with page 1, line 8, through page  
 21 2, line 2, and page 10, lines 3 through 8 and insert "and  
 22 sections 71-5707, 71-5710, 71-5711, and 71-5713, Revised Statutes  
 1 Supplement, 2007.".

## RESOLUTION

### LEGISLATIVE RESOLUTION 238. Introduced by Kruse, 13.

WHEREAS, the opportunity to have access to health care and long-term financial security is a basic need that all Nebraskans share and is the foundation for future generations; and

WHEREAS, we believe all Nebraskans should have peace of mind about their future long-term financial security; and

WHEREAS, all Nebraskans should have access to affordable health care, including prescription drugs, and these costs should not burden future generations; and

WHEREAS, wellness and prevention efforts for Nebraskans, including changes in personal behavior such as diet and exercise, should be top priorities of our state; and

WHEREAS, Nebraskans should have choices when it comes to long-term care allowing them to maintain their independence at home or in their communities with expanded and affordable financing options; and

WHEREAS, workers should be provided with financial incentives to save, should have access to effective retirement plans, and should be able to keep working and contributing to society regardless of age; and

WHEREAS, Nebraskans of all ages should have access to tools to help manage their finances and save for the future and better, easy to understand information to help them increase their financial literacy and wisely manage their money; and

WHEREAS, individuals, businesses, health care providers, nonprofit organizations, and government must work together to find solutions personally, privately, and publicly; and

WHEREAS, the American Association of Retired Persons, the Business Roundtable, the National Federation of Independent Businesses, and the Service Employees International Union have launched "Divided We Fail", an effort that engages millions of Americans to call on their elected leaders



to work together across party lines to provide answers, action, and accountability on these issues.

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

1. That the Legislature commends the "Divided We Fail" effort and urges our state and federal elected officials and candidates to consider ways we can be united.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR238 was referred to the Reference Committee.

### **GENERAL FILE**

**LEGISLATIVE BILL 791.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 925.** Title read. Considered.

Committee AM1607, found on page 364, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 915.** Title read. Considered.

Committee AM1622, found on page 393, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 750.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 752.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 856.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 857.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 763.** Title read. Considered.

Committee AM1625, found on page 394, was considered.

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

The committee amendment was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**NOTICE OF COMMITTEE HEARING**  
Business and Labor

Room 1524

Monday, February 25, 2008 1:30 p.m.

LB1073

(Signed) Abbie Cornett, Chairperson

**COMMITTEE REPORT**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 855.** Placed on General File with amendment. AM1832 is available in the Bill Room.

(Signed) Rich Pahls, Chairperson

**ANNOUNCEMENT**

The Banking, Commerce and Insurance Committee designates LB851 as its priority bill.

**MOTION - Print in Journal**

Senator Stuthman filed the following motion to LB280A:  
 MO126  
 Indefinitely postpone.

**AMENDMENTS - Print in Journal**

Senator Janssen filed the following amendment to LB914:  
 AM1834 is available in the Bill Room.

Senator Erdman filed the following amendment to LB763:  
 FA175

Amend AM1625

On page 1 strike beginning with "from" through line 3 and insert "by the City of Lincoln."

Senator Erdman filed the following amendment to LB395:  
 AM1840

(Amendments to AM1736)

- 1 1. On page 1, strike beginning with "twelve" in line 3
- 2 through line 4 and insert "April 1, 2009."; and strike lines 5 and
- 3 6.

Senator Carlson filed the following amendment to LB1094:  
 AM1808

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Legislature finds that water right holders
- 4 who agreed to lease and forgo water use during the 2007 irrigation
- 5 season to assist in the management, protection, and conservation
- 6 of the water resources of river basins, but remain unpaid due to
- 7 litigation challenging Laws 2007, LB 701, must be paid. It is the
- 8 intent of the Legislature to provide payment to such water right
- 9 holders through the financial assistance provided in section 2 of
- 10 this act. The Legislature further finds the financial assistance
- 11 provided by the state under such section shall be repaid through
- 12 the authority granted under Laws 2007, LB 701, or such other means
- 13 as provided by the Legislature once the litigation is resolved.
- 14 Sec. 2. (1) The Water Contingency Cash Fund is created.
- 15 The Department of Natural Resources shall administer the fund. Any
- 16 money in the fund available for investment shall be invested by the
- 17 state investment officer pursuant to the Nebraska Capital Expansion
- 18 Act and the Nebraska State Funds Investment Act.
- 19 (2) No later than ten days after the effective date of
- 20 this act, the department shall expend from the Water Contingency
- 21 Cash Fund an amount necessary to provide financial assistance
- 22 to natural resources districts with jurisdiction that includes a
- 23 river subject to an interstate compact among three or more states

1 and that also includes one or more irrigation districts within  
2 the compact river basin who, using authority provided by the  
3 Legislature, entered into agreements to acquire water rights in the  
4 2007 irrigation season. The natural resources districts shall use  
5 the financial assistance provided by the state to compensate water  
6 right holders who agreed to lease and forgo the use of water in  
7 the 2007 irrigation season. Any financial assistance provided under  
8 this section not used for such purpose by the natural resources  
9 district within sixty days after it is received by such district  
10 shall be returned to the department for credit in the Water  
11 Contingency Cash Fund.

12 Sec. 3. Section 84-612, Revised Statutes Supplement,  
13 2007, is amended to read:

14 84-612 (1) There is hereby created within the state  
15 treasury a fund known as the Cash Reserve Fund which shall be under  
16 the direction of the State Treasurer. The fund shall only be used  
17 pursuant to this section.

18 (2) The State Treasurer shall transfer funds from the  
19 Cash Reserve Fund to the General Fund upon certification by the  
20 Director of Administrative Services that the current cash balance  
21 in the General Fund is inadequate to meet current obligations. Such  
22 certification shall include the dollar amount to be transferred.  
23 Any transfers made pursuant to this subsection shall be reversed  
24 upon notification by the Director of Administrative Services that  
25 sufficient funds are available.

26 (3) The State Treasurer, at the direction of the  
27 budget administrator of the budget division of the Department  
1 of Administrative Services, shall transfer such amounts not to  
2 exceed seven million seven hundred fifty-three thousand two hundred  
3 sixty-three dollars in total from the Cash Reserve Fund to the  
4 Nebraska Capital Construction Fund between July 1, 2003, and June  
5 30, 2007.

6 (4) The State Treasurer, at the direction of the budget  
7 administrator, shall transfer an amount equal to the total amount  
8 transferred pursuant to subsection (3) of this section from the  
9 General Fund to the Cash Reserve Fund on or before June 30, 2008.

10 (5) In addition to receiving transfers from other funds,  
11 the Cash Reserve Fund shall receive federal funds received by the  
12 State of Nebraska for undesignated general government purposes,  
13 federal revenue sharing, or general fiscal relief of the state.

14 (6) On June 15, 2007, the State Treasurer shall transfer  
15 fifteen million six hundred seventy-four thousand one hundred seven  
16 dollars from the Cash Reserve Fund to the General Fund.

17 (7) On June 16, 2008, the State Treasurer shall transfer  
18 seventeen million nine hundred thirty-one thousand thirty dollars  
19 from the Cash Reserve Fund to the General Fund.

20 (8) On June 15, 2009, the State Treasurer shall transfer  
21 four million nine hundred ninety thousand five hundred five dollars  
22 from the Cash Reserve Fund to the General Fund.

23 (9) On or before June 16, 2008, the State Treasurer, at  
24 the direction of the budget administrator, shall transfer fifty  
25 million dollars from the Cash Reserve Fund to the General Fund.

26 (10) On or before June 16, 2009, the State Treasurer,  
27 at the direction of the budget administrator, shall transfer fifty  
1 million dollars from the Cash Reserve Fund to the General Fund.

2 (11) From the effective date of an endowment agreement  
3 as defined in subdivision (3)(c) of section 79-1101 until June  
4 30, 2007, forty million dollars of the Cash Reserve Fund shall be  
5 deemed to constitute the Early Childhood Education Endowment Fund.  
6 Such funds shall remain part of the Cash Reserve Fund for all  
7 purposes, except that the interest earned on such forty million  
8 dollars shall accrue as provided in section 84-613.

9 (12) The State Treasurer, at the direction of the budget  
10 administrator, shall transfer such amounts, as certified by the  
11 Director of Administrative Services, for employee health insurance  
12 claims and expenses, not to exceed twelve million dollars in total  
13 from the Cash Reserve Fund to the State Employees Insurance Fund  
14 between May 1, 2007, and June 30, 2011.

15 (13) On July 9, 2007, the State Treasurer shall transfer  
16 twelve million dollars from the Cash Reserve Fund to the Nebraska  
17 Capital Construction Fund.

18 (14) On July 9, 2007, the State Treasurer shall transfer  
19 five million dollars from the Cash Reserve Fund to the Job Training  
20 Cash Fund. The State Treasurer shall transfer from the Job Training  
21 Cash Fund to the Cash Reserve Fund such amounts as directed in  
22 section 81-1201.21.

23 (15) On July 7, 2008, the State Treasurer shall transfer  
24 five million dollars from the Cash Reserve Fund to the Job Training  
25 Cash Fund. The State Treasurer shall transfer from the Job Training  
26 Cash Fund to the Cash Reserve Fund such amounts as directed in  
27 section 81-1201.21.

1 (16) On or before August 1, 2007, the State Treasurer,  
2 at the direction of the budget administrator, shall transfer  
3 seventy-five million dollars from the Cash Reserve Fund to the  
4 Nebraska Capital Construction Fund.

5 (17) On or before June 30, 2009, the State Treasurer  
6 shall transfer nine million five hundred ninety thousand dollars  
7 from the Cash Reserve Fund to the Nebraska Capital Construction  
8 Fund.

9 (18) The State Treasurer, at the direction of the budget  
10 administrator, shall transfer an amount equal to the total amount  
11 transferred pursuant to subsection (12) of this section from  
12 the appropriate health insurance accounts of the State Employees  
13 Insurance Fund in such amounts as certified by the Director of  
14 Administrative Services to the Cash Reserve Fund on or before June  
15 30, 2011.

16 (19) On July 9, 2007, the State Treasurer shall  
17 transfer one million dollars from the Cash Reserve Fund to the

18 Microenterprise Development Cash Fund.

19 (20) On July 9, 2007, the State Treasurer shall transfer  
20 two hundred fifty thousand dollars from the Cash Reserve Fund to  
21 the Building Entrepreneurial Communities Cash Fund.

22 (21) On July 7, 2008, the State Treasurer shall  
23 transfer one million dollars from the Cash Reserve Fund to the  
24 Microenterprise Development Cash Fund.

25 (22) On July 7, 2008, the State Treasurer shall transfer  
26 two hundred fifty thousand dollars from the Cash Reserve Fund to  
27 the Building Entrepreneurial Communities Cash Fund.

1 (23) Within seven days after the effective date of this  
2 act, the State Treasurer shall transfer nine million dollars from  
3 the Cash Reserve Fund to the Water Contingency Cash Fund.

4 Sec. 4. Original section 84-612, Revised Statutes  
5 Supplement, 2007, is repealed.

### EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LB157, LB465, and LB621.

(Signed) Dwite Pedersen

### UNANIMOUS CONSENT - Add Cointroducer

Senator Aguilar asked unanimous consent to add his name as cointroducer to LR223. No objections. So ordered.

### VISITORS

Visitor to the Chamber was Nebraska Congressman Adrian Smith.

The Doctor of the Day was Dr. Shannon DeShazo from Bellevue.

### ADJOURNMENT

At 12:03 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, February 12, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-THIRD DAY - FEBRUARY 12, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 12, 2008

**PRAYER**

The prayer was offered by Pastor Jimmy Shelbourn, First Presbyterian Church, Beatrice.

**ROLL CALL**

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

The roll was called and all members were present except Senator Johnson who was excused; and Senators Ashford, Cornett, Fulton, Preister, Synowiecki, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-second day was approved.

**ANNOUNCEMENT**

The Banking, Commerce and Insurance Committee designates LB855 as its priority bill.

**GENERAL FILE**

**LEGISLATIVE BILL 763.** Considered.

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

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

Voting in the affirmative, 20:

Adams	Friend	Kruse	Pahls	Rogert
Aguilar	Gay	Lathrop	Pankonin	Schimek
Avery	Hansen	Lautenbaugh	Pedersen	Synowiecki
Christensen	Janssen	McDonald	Raikes	Wightman

Voting in the negative, 13:

Burling	Dubas	Harms	Langemeier	Stuthman
Carlson	Flood	Heidemann	Nantkes	
Chambers	Fulton	Hudkins	Nelson	

Present and not voting, 12:

Ashford	Fischer	Kopplin	Pirsch
Cornett	Howard	Louden	Preister
Engel	Karpisek	McGill	White

Excused and not voting, 4:

Dierks	Erdman	Johnson	Wallman
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Failed to advance to Enrollment and Review for Initial with 20 ayes, 13 nays, 12 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR238	Health and Human Services

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

### NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Wednesday, February 20, 2008 1:30 p.m.

AM1808 to LB1094

(Signed) LeRoy Louden, Chairperson



**RESOLUTION**

**LEGISLATIVE RESOLUTION 239.** Introduced by Loudon, 49; Fischer, 43.

WHEREAS, Alice Marie Jones was born in Hyannis, Nebraska, on February 20, 1908; and

WHEREAS, Ms. Jones attended Chillicothe (Missouri) Business College, taught school, and worked at the Alliance, Nebraska, Air Base before pursuing a long and productive career with the federal government in Colorado and Kansas; and

WHEREAS, Ms. Jones will celebrate her one hundredth birthday with friends and relatives in Alliance, Nebraska, on February 16, 2008.

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

1. That the Legislature congratulates A. Marie Jones on her one hundredth birthday February 20, 2008.

2. That a copy of this resolution be presented to A. Marie Jones.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 744.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 747.** Title read. Considered.

**SENATOR LANGEMEIER PRESIDING**

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 722.** Title read. Considered.

**SPEAKER FLOOD PRESIDING****SENATOR LANGEMEIER PRESIDING**

Pending.

**COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 804.** Placed on General File.

(Signed) Brad Ashford, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 761A.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 761, One Hundredth Legislature, Second Session, 2008.

### **COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 791.** Placed on Select File.

**LEGISLATIVE BILL 925.** Placed on Select File with amendment.

ER8161

- 1 1. On page 1, strike beginning with "sections" in line 1
- 2 through line 4 and insert "section 54-401, Reissue Revised Statutes
- 3 of Nebraska; to provide liability for damage done by certain goats
- 4 as prescribed; and to repeal the original section."
- 5 2. Renumber original section 3 as section 2.

(Signed) Amanda McGill, Chairperson

### **MESSAGE FROM THE GOVERNOR**

February 12, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 632 was received in my office on February 7, 2008.

I signed this bill and delivered it to the Secretary of State on February 12, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

**GENERAL FILE**

**LEGISLATIVE BILL 722.** Senator Chambers offered the following amendment:

FA176

P. 4, line 1 strike "sixty-five" and insert "ninety-five".

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 22:

Burling	Erdman	Harms	Lathrop	Pirsch
Carlson	Flood	Heidemann	Lautenbaugh	Stuthman
Christensen	Fulton	Karpisek	McDonald	
Dubas	Gay	Kopplin	Pankonin	
Engel	Hansen	Kruse	Pedersen	

Present and not voting, 21:

Aguilar	Howard	McGill	Raikes	Wightman
Ashford	Hudkins	Nantkes	Rogert	
Avery	Janssen	Nelson	Schimek	
Fischer	Langemeier	Pahls	Synowiecki	
Friend	Louden	Preister	Wallman	

Excused and not voting, 5:

Adams	Cornett	Dierks	Johnson	White
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The Chambers amendment lost with 1 aye, 22 nays, 21 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

**AMENDMENTS - Print in Journal**

Senator Howard filed the following amendment to LB782:

AM1847

- 1 1. On page 4, after line 12, insert the following new
- 2 subsection:

3     "(5) For purposes of this section, the best interests of  
 4 the child, the child's siblings, or other children in the household  
 5 does not allow the disclosure of information that would impede  
 6 a pending or current criminal investigation by a law enforcement  
 7 agency."; and in line 13 strike "(5)" and insert "(6)".

Senator Pirsch filed the following amendment to LB624:  
 AM1842

1     1. Strike original section 1 and insert the following new  
 2 section:  
 3     Section 1. Section 28-905, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:  
 5     28-905 (1) Any person who operates any motor vehicle to  
 6 flee in such vehicle in an effort to avoid arrest or citation ~~for~~  
 7 ~~the violation of any law of the State of Nebraska constituting a~~  
 8 ~~misdemeanor, infraction, traffic infraction, or any city or village~~  
 9 ~~ordinance, except nonmoving traffic violations, commits the offense~~  
 10 of ~~misdemeanor~~ operation of a motor vehicle to avoid arrest.  
 11     (2) ~~Any person who operates any motor vehicle to flee~~  
 12 ~~in such vehicle in an effort to avoid arrest for the violation of~~  
 13 ~~any law of the State of Nebraska constituting a felony commits the~~  
 14 ~~offense of felony operation of a motor vehicle to avoid arrest.~~  
 15     (3) ~~Operating a motor vehicle to avoid arrest under~~  
 16 ~~subsection (1) of this section is a Class I misdemeanor. The court~~  
 17 ~~shall, as part of the judgment of conviction, order such person not~~  
 18 ~~to operate any motor vehicle for any purpose for a period of two~~  
 19 ~~years and shall order that the operator's license of such person be~~  
 20 ~~revoked for a like period.~~  
 21     (4) ~~Operating a motor vehicle to avoid arrest under~~  
 22 ~~subsection (2) of this section is a Class IV felony. The court~~  
 23 ~~shall, as part of the judgment of conviction, order such person not~~  
 1 ~~to operate any motor vehicle for any purpose for a period of two~~  
 2 ~~years and shall order that the operator's license of such person be~~  
 3 ~~revoked for a like period.~~  
 4     (2)(a) Except as otherwise provided in subsection (3)  
 5 of this section, any person who violates subsection (1) of this  
 6 section shall be guilty of a Class I misdemeanor.  
 7     (b) The court may, as part of the judgment of conviction  
 8 under subdivision (a) of this subsection, order that the operator's  
 9 license of such person be revoked or impounded for a period of  
 10 not more than one year and order the person not to drive any  
 11 motor vehicle for any purpose in the State of Nebraska for a like  
 12 period. The revocation or impoundment shall be administered upon  
 13 sentencing, upon final judgment of any appeal or review, or upon  
 14 the date that any probation is revoked.  
 15     (3)(a) Any person who violates subsection (1) of this  
 16 section shall be guilty of a Class IV felony if, in addition to  
 17 the violation of subsection (1) of this section, one or more of the  
 18 following also applies:

- 19 (i) The person committing the offense has previously been  
 20 convicted under this section;  
 21 (ii) The flight to avoid arrest results directly and  
 22 proximately in the death of or injury to any person if such death  
 23 or injury is caused directly and proximately by the vehicle being  
 24 driven by the person fleeing to avoid arrest; or  
 25 (iii) The flight to avoid arrest includes the willful  
 26 reckless operation of the motor vehicle.  
 27 (b) The court shall, as part of the judgment of  
 1 conviction under subdivision (a) of this subsection, order that  
 2 the operator's license of such person be revoked or impounded for  
 3 a period of two years and order the person not to drive any  
 4 motor vehicle for any purpose in the State of Nebraska for a like  
 5 period. The revocation or impoundment shall be administered upon  
 6 sentencing, upon final judgment of any appeal or review, or upon  
 7 the date that any probation is revoked.  
 8 (5)(a)-(4)(a) Any person who operates a vessel as defined  
 9 in section 37-1203 to flee in such vessel in an effort to avoid  
 10 arrest or citation for the violation of any statute punishable as  
 11 a misdemeanor or any city or village ordinance shall be guilty of  
 12 misdemeanor operation of a vessel to avoid arrest.  
 13 (b) Any person violating subdivision (a) of this  
 14 subsection shall be guilty of a Class I misdemeanor. Upon  
 15 conviction thereof the court shall, as part of the judgment of  
 16 conviction, order such person not to operate any vessel for any  
 17 purpose for a period of one year.  
 18 (6)(a)-(5)(a) Any person who operates a vessel as defined  
 19 in section 37-1203 to flee in such vessel in an effort to avoid  
 20 arrest for the violation of any statute punishable as a felony  
 21 shall be guilty of felony operation of a vessel to avoid arrest.  
 22 (b) Any person violating subdivision (a) of this  
 23 subsection shall be guilty of a Class IV felony. Upon conviction  
 24 thereof the court shall, as part of the judgment of conviction,  
 25 order such person not to operate any vessel for any purpose for a  
 26 period of two years.  
 27 (7)-(6) An order of the court under subsection (4) or  
 1 (5) of this section prohibiting operation of a ~~vehicle or~~ vessel  
 2 and ~~revoking the operator's license~~ shall be administered upon  
 3 sentencing, upon final judgment of any appeal or review, or upon  
 4 the date that any probation is revoked, ~~whichever is later.~~  
 5 Sec. 2. Original section 28-905, Revised Statutes  
 6 Cumulative Supplement, 2006, is repealed.

Senator Johnson filed the following amendment to LB395A:  
 AM1870

(Amendments to Final Reading copy)

- 1 1. Strike section 1 and insert the following new section:  
 2 Section 1. There is hereby appropriated (1) \$25,000 from  
 3 the Tobacco Prevention and Control Cash Fund for FY2008-09 and

- 4 (2) \$25,000 from the Tobacco Prevention and Control Cash Fund  
 5 for FY2009-10 to the Department of Health and Human Services, for  
 6 Program 179, to aid in carrying out the provisions of Legislative  
 7 Bill 395, One Hundredth Legislature, Second Session, 2008.  
 8 No expenditures for permanent and temporary salaries and  
 9 per diems for state employees shall be made from funds appropriated  
 10 in this section.  
 11 2. On page 1, line 3, strike "First Session, 2007" and  
 12 insert "Second Session, 2008".

### **MOTION - Print in Journal**

Senator Chambers filed the following motion to LB722:  
 MO127  
 Indefinitely postpone.

### **COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 1063.** Placed on General File with amendment.  
 AM1841 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Lautenbaugh asked unanimous consent to add his name as  
 cointroducer to LB873 and LB879. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 37 seventh-grade students, teacher, and  
 sponsors from Cross County School, Benedict; Family and Consumer  
 Science teachers and students from across the state; Rogene Aulner from  
 Hastings and Edith Solomon from Blair; and 6 high school students and  
 teacher from Omaha Public Schools, Omaha.

The Doctor of the Day was Dr. Brett Meyer from Omaha.

### **ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Loudon, the Legislature adjourned  
 until 9:00 a.m., Wednesday, February 13, 2008.

Patrick J. O'Donnell  
 Clerk of the Legislature

**TWENTY-FOURTH DAY - FEBRUARY 13, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 13, 2008

**PRAYER**

The prayer was offered by Pastor Jim Wooten, Federated Church, Columbus.

**ROLL CALL**

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

The roll was called and all members were present except Senators Carlson, Dierks, Dubas, Kruse, Raikes, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-third day was approved.

**MESSAGE FROM THE GOVERNOR**

February 12, 2008

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

Dear Mr. President and Members of the Legislature:

I am returning LB 39 without my signature and with my objections.

This legislation would create new restrictions to access the petition process under the Nebraska Election Act. The bill would require petition circulators to be electors, would restrict circulators from being paid based upon the number of signatures collected, and would create reporting requirements for total amounts paid to circulators.

In my view, the restrictions proposed by LB 39, when coupled with the signature threshold requirements that exist in current law, would unfairly inhibit the ability of citizens to petition their government. I do not believe that we should enact additional barriers to the powers of the initiative and the referendum that are reserved for the people in Article III of the Nebraska Constitution.

For these reasons, I respectfully urge you to sustain my veto of LB 39.

Sincerely,  
(Signed) Dave Heineman  
Governor

### ANNOUNCEMENT

Senator Chambers designates LB1063 as his priority bill.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 915.** Placed on Select File with amendment.  
ER8163

- 1 1. On page 1, lines 4 and 5, strike "section 77-2717" and
- 2 insert "sections 77-2717 and 77-5803"; and in line 6 after "tax"
- 3 insert ", tax credits,".

**LEGISLATIVE BILL 750.** Placed on Select File.

**LEGISLATIVE BILL 752.** Placed on Select File with amendment.  
ER8162

- 1 1. On page 1, line 1, before "Nebraska" insert "the".

**LEGISLATIVE BILL 856.** Placed on Select File.

**LEGISLATIVE BILL 857.** Placed on Select File.

**LEGISLATIVE BILL 744.** Placed on Select File.

**LEGISLATIVE BILL 747.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 823.** ER8154, found on page 523, was adopted.

Senator Schimek withdrew her amendment, AM1735, found on page 508.

Senator Schimek renewed her amendment, AM1786, found on page 551.

The Schimek amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.



Advanced to Enrollment and Review for Engrossment.

**WITHDRAW - Motion to LB395**

Senator Johnson withdrew his motion, found on page 1829, First Session, 2007, to bracket until January 9, 2008, to LB395.

**WITHDRAW - Amendments to LB395**

Senator Preister withdrew his amendment, AM893, found on page 1023, First Session, 2007, to LB395.

Senator Johnson withdrew his amendment, AM939, found on page 1102, First Session, 2007, to LB395.

The Mines amendment, AM1087, found on page 1277, First Session, 2007, was withdrawn.

Senator Johnson withdrew his amendment, AM1530, found on page 168.

**MOTION - Return LB395 to Select File**

Senator Johnson moved to return LB395 to Select File for his specific amendment, AM1736, found on page 567.

**SENATOR FRIEND PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Kruse moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

The Johnson motion to return prevailed with 31 ayes, 10 nays, 7 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 395.** The Johnson specific amendment, AM1736, found on page 567, was renewed.

**SENATOR FRIEND PRESIDING**

Pending.

**COMMITTEE REPORTS**

Education

**LEGISLATIVE BILL 1089.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Business and Labor

**LEGISLATIVE BILL 821.** Placed on General File with amendment.  
AM1868

- 1 1. On page 12, line 7, strike "one year" and insert "two
- 2 years".

(Signed) Abbie Cornett, Chairperson

General Affairs

**LEGISLATIVE BILL 723.** Placed on General File with amendment.  
AM1668

- 1 1. On page 5, line 1; and page 8, line 6, after "Code"
- 2 insert "and have met the continuing education requirement of
- 3 subsection (1) of section 81-2117.01".

**LEGISLATIVE BILL 1058.** Placed on General File with amendment.  
AM1866

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 71-816, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 71-816 (1) The Legislature finds that the main sources
- 6 of funding for the Compulsive Gamblers Assistance Fund are the
- 7 Charitable Gaming Operations Fund as provided in section 9-1,101
- 8 and the State Lottery Operation Trust Fund as provided in section
- 9 9-812 and Article III, section 24, of the Constitution of Nebraska.
- 10 It is the intent of the Legislature that the Compulsive Gamblers
- 11 Assistance Fund be used primarily for counseling and treatment
- 12 services for problem gamblers and their families who are residents
- 13 of Nebraska.
- 14 ~~(4)-(2)~~ The State ~~Advisory~~ Committee on Problem Gambling
- 15 and Addiction Services is created. Members of the committee
- 16 shall have a demonstrated interest and commitment and specialized
- 17 knowledge, experience, or expertise relating to the provision of
- 18 problem gambling and addiction services in the State of Nebraska.
- 19 The committee shall consist of twelve members appointed by the
- 20 Governor and shall include at least three consumers of problem
- 21 gambling or addiction services. The committee shall appoint one of
- 22 its members as chairperson of the committee and other officers as
- 23 it deems appropriate. The committee shall conduct regular meetings

1 and shall meet upon the call of the chairperson or a majority of  
2 its members to conduct its official business.

3 (3) The committee shall develop and recommend to  
4 the division guidelines and standards for the distribution and  
5 disbursement of money in the Compulsive Gamblers Assistance  
6 Fund. Such guidelines and standards shall be based on nationally  
7 recognized standards for compulsive gamblers assistance programs.

8 (4) In addition, the committee shall develop  
9 recommendations regarding (a) the evaluation and approval  
10 process for provider applications and contracts for treatment  
11 funding from the Compulsive Gamblers Assistance Fund, (b) the  
12 use and expenditure of funds for education regarding problem  
13 gambling and prevention of problem gambling, and (c) the creation  
14 and implementation of outreach and educational programs regarding  
15 problem gambling for Nebraska residents. The committee may engage  
16 in other activities it finds necessary to carry out its duties  
17 under this section.

18 (5) Based on the recommendations of the committee, the  
19 division shall adopt guidelines and standards for the distribution  
20 and disbursement of money in the fund and for administration of  
21 problem gambling and addiction services in Nebraska.

22 (6) The division and the committee shall jointly submit  
23 a report within sixty days after the end of each fiscal year  
24 to the Legislature and the Governor that provides details of the  
25 administration of services and distribution of funds.

26 ~~(2) The committee shall be responsible to the division~~  
27 ~~and shall (a) conduct regular meetings, (b) provide advice and~~  
1 ~~assistance to the division relating to the provision of problem~~  
2 ~~gambling and addiction services in the State of Nebraska, (c)~~  
3 ~~evaluate applications for funding from the Compulsive Gamblers~~  
4 ~~Assistance Fund and make recommendations relating to disbursements~~  
5 ~~from the fund, (d) promote the interests of consumers and their~~  
6 ~~families, (e) provide reports as requested by the division, and (f)~~  
7 ~~engage in such other activities as directed or authorized by the~~  
8 ~~division.~~

9 Sec. 2. Section 71-817, Revised Statutes Cumulative  
10 Supplement, 2006, is amended to read:

11 71-817 The Compulsive Gamblers Assistance Fund is  
12 created. The fund shall include revenue transferred from the  
13 State Lottery Operation Trust Fund under section 9-812 and the  
14 Charitable Gaming Operations Fund under section 9-1,101 and any  
15 other revenue received by the division for credit to the fund from  
16 any other public or private source, including, but not limited  
17 to, appropriations, grants, donations, gifts, devises, bequests,  
18 fees, or reimbursements. The division shall administer the fund  
19 for the treatment of problem gamblers as recommended by the State  
20 ~~Advisory~~-Committee on Problem Gambling and Addiction Services  
21 established under section 71-816 and shall spend no more than ten  
22 percent of the money appropriated to the fund for administrative

23 costs. The Director of Administrative Services shall draw warrants  
 24 upon the Compulsive Gamblers Assistance Fund upon the presentation  
 25 of proper vouchers by the division. Money from the Compulsive  
 26 Gamblers Assistance Fund shall be used exclusively for the purpose  
 27 of providing assistance to agencies, groups, organizations, and  
 1 individuals that provide education, assistance, and counseling to  
 2 individuals and families experiencing difficulty as a result of  
 3 problem gambling, to promote the awareness of gamblers assistance  
 4 programs, and to pay the costs and expenses of the division and the  
 5 committee with regard to problem gambling. The division shall not  
 6 provide any direct services to problem gamblers or their families.  
 7 Funds appropriated from the Compulsive Gamblers Assistance Fund  
 8 shall not be granted or loaned to or administered by any regional  
 9 behavioral health authority unless the authority is a direct  
 10 provider of a problem gamblers assistance program. Any money in  
 11 the fund available for investment shall be invested by the state  
 12 investment officer pursuant to the Nebraska Capital Expansion Act  
 13 and the Nebraska State Funds Investment Act.  
 14 Sec. 3. Original sections 71-816 and 71-817, Revised  
 15 Statutes Cumulative Supplement, 2006, are repealed.  
 16 Sec. 4. Since an emergency exists, this act takes effect  
 17 when passed and approved according to law.

(Signed) Vickie McDonald, Chairperson

**NOTICE OF COMMITTEE HEARING**  
 Natural Resources

Room 1525

Thursday, February 21, 2008 1:30 p.m.

Keim, Lon - Environmental Quality Council

(Signed) LeRoy Louden, Chairperson

**COMMITTEE REPORT**  
 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.

Clark Anderson - Coordinating Commission for Postsecondary Education

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

(Signed) Ron Raikes, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Nebraska Retirement Systems

Room 1525

Thursday, March 27, 2008 12:00 p.m.

Nebraska Public Employees Retirement System Annual Report  
State Investment Officer Annual Report

(Signed) John Synowiecki, Chairperson

Health and Human Services

Room 1510

Wednesday, February 20, 2008 1:30 p.m.

LB1163 (cancel)

Wednesday, February 27, 2008 1:30 p.m.

LB1163 (reschedule)

(Signed) Joel Johnson, Chairperson

**MOTION - Print in Journal**

Senator Schimek filed the following motion to LB39:  
MO128

Becomes law notwithstanding the objections of the Governor.

**ANNOUNCEMENT**

The General Affairs Committee designates LB1058 as its priority bill.

**AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB782:  
AM1878

- 1 1. Insert the following section:
- 2 Section 1. Section 24-721, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 24-721 Any citizen of the State of Nebraska shall
- 5 have the right at all times to complain to the Commission on
- 6 Judicial Qualifications with reference to the acts, activities,
- 7 or qualifications of any Justice or judge of the Supreme Court
- 8 or judge of any of the courts of the State of Nebraska or to
- 9 request that the commission consider the qualifications of any

10 Justice or judge of the Supreme Court or judge of any of the  
11 courts of the State of Nebraska. Upon receipt of any such complaint  
12 or request, the commission shall make such investigation as it  
13 determines to be necessary. The commission shall have the right  
14 to subpoena witnesses; to hold hearings; to require the Justice  
15 or judge to submit to physical or mental examination by medical  
16 experts; to appoint special masters to conduct hearings; to make  
17 independent investigations, either by members of the commission  
18 or by special investigators employed by the commission; to hold  
19 confidential prehearing proceedings with the person or persons  
20 filing the complaint or request, or with his or her or their agents  
21 or attorneys; and to hold confidential prehearing proceedings with  
22 the judge or Justice involved in the complaint or request. If  
23 the commission finds probable cause for the existence of any of  
1 the grounds for disciplinary action or retirement specified in  
2 section 24-722, it shall reprimand the Justice or judge or order a  
3 formal open hearing to be held before it concerning the reprimand,  
4 discipline, censure, suspension, removal, or retirement of such  
5 Justice or judge. ~~Any reprimand shall be public and shall be  
6 announced in a fashion similar to that of a published opinion  
7 of the Supreme Court.~~ A judge who receives official notice of a  
8 complaint or request pursuant to this section shall not be allowed  
9 to retire pursuant to the Judges Retirement Act until the matter is  
10 resolved by the commission or the Supreme Court, if the commission  
11 recommends action by the court. If a hearing is ordered, the  
12 commission shall advise the judge or Justice involved, in writing,  
13 of the specific charges which have been made and supported,  
14 substantiated, or revealed by the independent investigation of the  
15 commission. The judge or Justice shall be given reasonable time in  
16 which to formally answer such charges in writing and the matter  
17 shall then be set for formal open hearing, at which time the  
18 commission shall cause the testimony and the documentary evidence  
19 relating to the charges to be produced and recorded in such manner  
20 as the commission shall determine to be advisable, giving the judge  
21 or Justice involved and his or her attorney a full opportunity to  
22 question and cross-examine the witnesses and evidence so produced.  
23 The judge or Justice shall have an opportunity to produce at such  
24 hearing, testimony, evidence, and documents relating to the charges  
25 involved; thereafter any rebuttal evidence may be produced. In  
26 the alternative or in addition, the commission may request the  
27 Supreme Court to appoint one or more special masters who shall  
1 be judges of courts of record to hold a formal open hearing to  
2 take evidence in any such matter, and to report to the commission.  
3 Whenever any person shall refuse to testify or to produce books,  
4 papers, or other evidence when required to do so in any hearing  
5 held before the Commission on Judicial Qualifications or before a  
6 special master or masters appointed under the provisions of this  
7 section for the reason that the testimony or evidence required of  
8 him or her may tend to incriminate him or her or subject him or her

9 to a forfeiture or penalty, he or she may nevertheless be compelled  
10 to testify or produce such evidence by order of the Commission  
11 on Judicial Qualifications or special master or masters on motion  
12 of counsel to the commission. No person who testifies or produces  
13 evidence in obedience to the command of the commission or special  
14 master or masters in such case shall be liable to any forfeiture  
15 or penalty for or on account of any transaction, matter, or thing  
16 concerning or arising from that as to which he or she may so  
17 testify or produce evidence, nor shall such testimony or evidence  
18 be used directly or indirectly in any proceedings against him or  
19 her, except that no person shall be exempt from prosecution and  
20 punishment for perjury or contempt committed in so testifying. The  
21 requirement to testify or produce evidence shall not apply when  
22 such person proves the real and substantial danger of a prosecution  
23 against him or her in another jurisdiction based on the admissions  
24 to be made by him or her in this state. The commission or special  
25 master or masters shall have power to punish for contempt for any  
26 action specified in section 25-2121. If, after formal open hearing,  
27 or after considering the record and report of the masters, the  
1 commission finds that the charges are established by clear and  
2 convincing evidence, it shall recommend to the Supreme Court that  
3 the Justice or judge of the Supreme Court or other judge involved  
4 shall be reprimanded, disciplined, censured, suspended without pay  
5 for a definite period of time not to exceed six months, removed,  
6 or retired as the case may be. All hearings before the commission  
7 and all proceedings before masters and before the Supreme Court  
8 shall be conducted in accordance with rules promulgated or to be  
9 promulgated by the Supreme Court.

10 2. On page 7, line 5, strike "section" and insert  
11 "sections 24-721 and".

12 3. Renumber the remaining sections and correct internal  
13 references accordingly.

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

Senators Pedersen and Schimek asked unanimous consent to add their names as cointroducers to LB1092. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were members of AARP.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, February 14, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FIFTH DAY - FEBRUARY 14, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 14, 2008

**PRAYER**

The prayer was offered by Pastor Paul Coen, Luther Memorial Lutheran Church, Syracuse.

**ROLL CALL**

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

The roll was called and all members were present except Senator Hansen who was excused; and Senators Cornett and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fourth day was approved.

**MESSAGES FROM THE GOVERNOR**

February 13, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 157, 196, 465, 480e, and 621 were received in my office on February 7, 2008.

I signed these bills and delivered them to the Secretary of State on February 13, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

February 4, 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 appointed to the Nebraska Railway Council:

Patrick Meuret, 106 N. Franklin, Brunswick, NE 68720

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

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 13, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Brandt, Horan, Hallstrom and Stilmock  
Lancaster County Agricultural Society  
Cutshall & Nowka  
Eastern Nebraska Human Services Agency  
Lincoln Medical Education Partnership (Withdrawn 02/08/2008)  
Jarecke, David A.  
Cooperative Council, Nebraska  
Kissel/Erickson & Sederstrom Associates, LLC  
Lancaster Event Center (Withdrawn 02/08/2008)

**REPORTS**

The following reports were received by the Legislature:

**Auditor of Public Accounts**

Audit reports

Retirement Systems, Public Employees Retirement Systems - School Employees, Judges, and State Patrol Retirement Plans

Attestation report

Revenue, Department of, Charitable Gaming Investigation Petty Cash Fund

**Energy Office, Nebraska**

Nebraska Energy Statistics

**Rural Development Commission**

2007 Annual Report

**ANNOUNCEMENT**

The Transportation and Telecommunications Committee designates LB756 and LB755 as its priority bills.

**SELECT FILE**

**LEGISLATIVE BILL 395.** Senator Johnson renewed his specific amendment, AM1736, found on page 567 and considered on page 585.

**PRESIDENT SHEEHY PRESIDING**

Senator Aguilar moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 14 nays, and 2 not voting.

The Johnson specific amendment was adopted with 33 ayes, 13 nays, 2 present and not voting, and 1 excused and not voting.

Senator Erdman requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Reengrossment with 33 ayes, 14 nays, 1 present and not voting, and 1 excused and not voting.

**ANNOUNCEMENT**

Senator Kopplin designates LB880 as his priority bill.

**COMMITTEE REPORTS**  
Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

Norm Riffel - Nebraska Investment Council

Aye: 6 Senators Erdman, Heidemann, Karpisek, Loudon, Synowiecki, White. Nay: 0. Absent: 0.

(Signed) John Synowiecki, Chairperson

Natural Resources

The Natural Resources 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 Anderson - Environmental Quality Council

Aye: 8 Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Loudon, Wallman. Nay: 0. Absent: 0.

(Signed) LeRoy Loudon, Chairperson

Agriculture

The Agriculture 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.

Mike Hayes - Climate Assessment Response Committee

Aye: 5 Senators Dierks, Erdman, Karpisek, McDonald, Wallman. Nay: 0. Absent: 2 Senators Chambers, Preister. Present and not voting: 1 Senator Dubas.

(Signed) Philip Erdman, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Meuret, Patrick - Nebraska Railway Council - Transportation and Telecommunications

(Signed) Pat Engel, Chairperson  
Legislative Council, Executive Board

**WITHDRAW - Amendment to LB395**

Senator Erdman withdrew his amendment, AM1840, found on page 571, to LB395.

**MOTION - Return LB LB395 to Select File**

Senator Synowiecki moved to return LB LB395 to Select File for the following specific amendment:

AM1872

(Amendments to Final Reading copy)

- 1 1. On page 5, line 25, strike "and".
- 2 2. On page 6, line 1, strike the underscored period and
- 3 insert "; and
- 4 (4) Licensed racetrack enclosures located within twelve
- 5 miles of a teleracing facility outside of this state which conducts
- 6 interstate simulcasting if smoking is permitted at such teleracing
- 7 facility.".

Senator Synowiecki requested a roll call vote on his motion to return.

Voting in the affirmative, 27:

Ashford	Erdman	Hudkins	Nantkes	Schimek
Avery	Fischer	Janssen	Nelson	Synowiecki
Burling	Flood	Karpisek	Pahls	Wallman
Christensen	Friend	Kopplin	Pedersen	
Dubas	Harms	Langemeier	Pirsch	
Engel	Heidemann	Lautenbaugh	Rogert	

Voting in the negative, 6:

Adams	Dierks	Pankonin
Chambers	Kruse	Raikes

Present and not voting, 13:

Aguilar	Fulton	Lathrop	Preister	Wightman
Carlson	Gay	McDonald	Stuthman	
Cornett	Johnson	McGill	White	

Excused and not voting, 3:

Hansen	Howard	Louden
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The Synowiecki motion to return prevailed with 27 ayes, 6 nays, 13 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 395.** The Synowiecki specific amendment, AM1872, found in this day's Journal, was renewed.

Senator Chambers requested a roll call vote on the Synowiecki specific amendment.

Voting in the affirmative, 14:

Ashford	Janssen	Langemeier	Pahls	Schimek
Burling	Karpisek	Nantkes	Pedersen	Synowiecki
Cornett	Kopplin	Nelson	Rogert	

Voting in the negative, 22:

Adams	Dierks	Fulton	Kruse	Stuthman
Avery	Dubas	Gay	McGill	Wightman
Carlson	Erdman	Harms	Pankonin	
Chambers	Fischer	Hudkins	Pirsch	
Christensen	Flood	Johnson	Raikes	

Present and not voting, 10:

Aguilar	Friend	Lathrop	McDonald	Wallman
Engel	Heidemann	Lautenbaugh	Preister	White

Excused and not voting, 3:

Hansen	Howard	Louden
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The Synowiecki specific amendment lost with 14 ayes, 22 nays, 10 present and not voting, and 3 excused and not voting.

Senator Erdman requested a machine vote to readvance the bill.

Readvanced to Enrollment and Review for Reengrossment with 32 ayes, 11 nays, 3 present and not voting, and 3 excused and not voting.

**MOTION - Return LB395 to Select File**

Senator Erdman moved to return LB395 to Select File for the following specific amendment:

AM1901

(Amendments to AM1736)

- 1 1. On page 1, strike beginning with "twelve" in line 3
- 2 through line 4 and insert "June 1, 2009."; and strike lines 5 and
- 3 6.

The Erdman motion to return prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 395.** The Erdman specific amendment, AM1901, found in this day's Journal, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### MOTION - Return LB395 to Select File

Senator Erdman moved to return LB395 to Select File for the following specific amendment:

AM1903

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Sec. 16. (1) On and after the operative date of this
- 3 section, the governing body of any city, village, or county, or
- 4 the voters of any city, village, or unincorporated area of any
- 5 county as provided in subsection (2) of this section, may adopt
- 6 a nonsmoking ordinance or resolution that is less stringent than
- 7 or more stringent than the Nebraska Clean Indoor Air Act enacted
- 8 by this legislative bill, except that such ordinance or resolution
- 9 shall not be less stringent than sections 71-5707 to 71-5709 as
- 10 such sections existed prior to the operative date of this section.
- 11 (2) A proposed nonsmoking ordinance or resolution or
- 12 proposed repeal of an enacted ordinance or resolution may be
- 13 placed on the ballot for the voters of the city, village, or
- 14 unincorporated area of the county (a) by a majority vote of the
- 15 governing body of such city, village, or county, (b) by initiative
- 16 under sections 18-2501 to 18-2538, or (c) by petition meeting the
- 17 requirements of and subject to sections 32-628 to 32-630 and signed
- 18 by at least thirty-five percent of the registered voters residing
- 19 in the unincorporated area of such county on the day such petitions
- 20 are filed for verification. The election shall be conducted as
- 21 provided in sections 32-556 to 32-559.
- 22 (3) Any ordinance or resolution adopted by the governing
- 1 body of any city, village, or county under subsection (1) of this
- 2 section without being submitted to the voters under subsection (2)
- 3 of this section shall take effect ninety days after its adoption
- 4 unless, within such ninety-day period, such governing body receives
- 5 a petition signed by at least thirty-five percent of the registered
- 6 voters residing in such city, village, or unincorporated area of
- 7 such county on the date the ordinance or resolution was adopted
- 8 requesting that such ordinance or resolution be repealed. Upon
- 9 verification of the signatures on such petition, the ordinance or
- 10 resolution shall be placed on the ballot.

11 (4) A copy of any ordinance or resolution adopted or  
 12 repealed by a city, village, or county under this section shall  
 13 be provided to the Department of Health and Human Services and to  
 14 the local public health department as defined in section 71-1626 of  
 15 such city, village, or county.

16 Sec. 19. Sections 16 and 19 of this act become operative  
 17 on their effective date. The other sections of this act become  
 18 operative on June 1, 2009.

19 2. On page 5, line 9, strike beginning with "sections"  
 20 in line 9 through "17" in line 10 and all amendments thereto and  
 21 insert "sections 15 and 16".

22 3. In AM1736, strike sections 20 and 23.

23 4. Renumber the remaining sections accordingly.

Senator Erdman withdrew his motion to return.

## COMMITTEE REPORTS

### Education

**LEGISLATIVE BILL 903.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

### Transportation and Telecommunications

**LEGISLATIVE BILL 845.** Placed on General File.

**LEGISLATIVE BILL 867.** Placed on General File.

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.

Ronald Books - State Highway Commission

Aye: 7 Senators Aguilar, Fischer, Hudkins, Lautenbaugh, Pedersen, Schimek, Stuthman. Nay: 0. Absent: 0. Present and not voting: 1 Senator Loudon.

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.

Jerome Fagerland - State Highway Commission

Aye: 8 Senators Aguilar, Fischer, Hudkins, Lautenbaugh, Loudon, 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 Reiser - State Highway Commission

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

Gary Rasmussen - Nebraska Railway Council  
John Rebensdorf - Nebraska Railway Council  
Frank Landis - Nebraska Railway Council

Aye: 7 Senators Aguilar, Fischer, Hudkins, Lautenbaugh, Louden, Pedersen, Stuthman. Nay: 0. Absent: 0. Present and not voting: 1 Senator Schimek.

(Signed) Deb Fischer, Chairperson

### AMENDMENT - Print in Journal

Senator Erdman filed the following amendment to LB395:  
AM1907

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Sec. 16. (1) On and after the operative date of this
- 3 section, the governing body of any county, or the voters of any
- 4 county, as provided in subsection (2) of this section, may adopt a
- 5 nonsmoking resolution that is less stringent than or more stringent
- 6 than the Nebraska Clean Indoor Air Act enacted by this legislative
- 7 bill, except that such resolution shall not be less stringent than
- 8 sections 71-5707 to 71-5709 as such sections existed prior to the
- 9 operative date of this section.
- 10 (2) A proposed nonsmoking resolution or proposed repeal
- 11 of an enacted nonsmoking resolution may be placed on the ballot for
- 12 the voters of the county (a) by a majority vote of the governing
- 13 body of such county, (b) by initiative under sections 18-2501 to
- 14 18-2538, or (c) by petition meeting the requirements of and subject
- 15 to sections 32-628 to 32-630 and signed by at least thirty-five
- 16 percent of the registered voters residing in such county on the day
- 17 such petitions are filed for verification. The election shall be
- 18 conducted as provided in sections 32-556 to 32-559.
- 19 (3) A resolution adopted by the governing body of
- 20 any county under subsection (1) of this section without being

21 submitted to the voters under subsection (2) of this section  
 22 shall take effect ninety days after its adoption unless, within  
 1 such ninety-day period, such governing body receives a petition  
 2 signed by at least thirty-five percent of the registered voters  
 3 residing in such county on the date the resolution was adopted  
 4 requesting that such resolution be repealed. Upon verification of  
 5 the signatures on such petition, the resolution shall be placed on  
 6 the ballot.

7 (4) A copy of a resolution adopted or repealed by a  
 8 county under this section shall be provided to the Department of  
 9 Health and Human Services and to the local public health department  
 10 as defined in section 71-1626 of such county.

11 Sec. 19. Sections 16 and 19 of this act become operative  
 12 on their effective date. The other sections of this act become  
 13 operative on June 1, 2009.

14 2. On page 5, line 9, strike beginning with "sections"  
 15 in line 9 through "17" in line 10 and all amendments thereto and  
 16 insert "sections 15 and 16".

17 3. In AM1736, strike sections 20 and 23.

18 4. Renumber the remaining sections accordingly.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Howard asked unanimous consent to add her name as cointroducer to LB1092. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Bill Pearson from Ceresco and his granddaughter, Bethany Krull, from Kearney; Lonnie, Maris, Jessica, Sawyer, Grant, and Derek Buller from Ashland; and Dennis Sweeney and Roger Diesing from Omaha.

The Doctor of the Day was Dr. Abigail Ihrke from Omaha.

### **ADJOURNMENT**

At 11:58 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, February 19, 2008.

Patrick J. O'Donnell  
 Clerk of the Legislature

**TWENTY-SIXTH DAY - FEBRUARY 19, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 19, 2008

**PRAYER**

The prayer was offered by Pastor Jane Boesch, Emmanuel Lutheran Church, Tekamah.

**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 Senator Janssen who was excused; and Senators Dierks, Heidemann, and Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 395.** Placed on Final Reading Second.

**LEGISLATIVE BILL 823.** Placed on Final Reading.

ST9066

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

1. In the E & R amendments, ER8154, on page 9, line 19, "and 86-530" has been struck and "86-530, 86-552, 86-562, 86-563, 86-564, 86-565, 86-569, 86-571, 86-572, and 86-573" inserted; and in line 20 "and section 86-570, Revised Statutes Supplement, 2007," has been inserted after the second comma.

2. On page 1, the matter beginning with "the" in line 1 through line 11 and all amendments thereto have been struck and "information technology; to amend sections 86-501, 86-506, 86-516, 86-520, 86-521, 86-526, 86-527, 86-528, 86-529, 86-530, 86-552, 86-562, 86-563, 86-564, 86-565, 86-569, 86-571, 86-572, and 86-573, Revised Statutes Cumulative Supplement,

2006, and section 86-570, Revised Statutes Supplement, 2007; to change provisions relating to enterprise projects under the Information Technology Infrastructure Act, the Nebraska Information Technology Commission, the Chief Information Officer, the technical panel, and the Information Technology Infrastructure Fund; to provide powers and duties for the Nebraska Information Technology Commission and the Chief Information Officer; to require reporting of information technology plans by state agencies, boards, and commissions; to change and eliminate provisions of the Intergovernmental Data Services Program Act; to rename and change provisions relating to the Geographic Information System Steering Committee; to repeal the Intergovernmental Data Communications Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 86-531, 86-532, 86-533, 86-534, 86-535, 86-536, 86-537, 86-538, 86-539, 86-540, 86-541, 86-542, 86-543, 86-544, 86-545, 86-546, 86-547, 86-548, 86-549, and 86-553, Revised Statutes Cumulative Supplement, 2006." inserted.

(Signed) Amanda McGill, Chairperson

### ANNOUNCEMENTS

Senator Avery designates LB912 as his priority bill.

Senator McDonald designates LB1055 as her priority bill.

### NOTICE OF COMMITTEE HEARING

Transportation and Telecommunications

Room 1113

Tuesday, February 26, 2008 1:30 p.m.

Meuret, Patrick - Nebraska Railway Council

(Signed) Deb Fischer, Chairperson

### COMMITTEE REPORTS

Transportation and Telecommunications

**LEGISLATIVE BILL 756.** Placed on General File with amendment. AM1893 is available in the Bill Room.

**LEGISLATIVE BILL 712.** Indefinitely postponed.

**LEGISLATIVE BILL 827.** Indefinitely postponed.

**LEGISLATIVE BILL 834.** Indefinitely postponed.

**LEGISLATIVE BILL 841.** Indefinitely postponed.

**LEGISLATIVE BILL 874.** Indefinitely postponed.

**LEGISLATIVE BILL 917.** Indefinitely postponed.

**LEGISLATIVE BILL 919.** Indefinitely postponed.

**LEGISLATIVE BILL 1087.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Health and Human Services

**LEGISLATIVE BILL 892.** Placed on General File.

**LEGISLATIVE BILL 906.** Placed on General File.

**LEGISLATIVE BILL 749.** Placed on General File with amendment.  
AM1541

- 1 1. On page 4, line 4, after the period insert "The
- 2 department shall remit any collected civil penalty to the State
- 3 Treasurer for distribution in accordance with Article VII, section
- 4 5, of the Constitution of Nebraska.".

**LEGISLATIVE BILL 713.** Indefinitely postponed.

**LEGISLATIVE BILL 818.** Indefinitely postponed.

**LEGISLATIVE BILL 835.** Indefinitely postponed.

**LEGISLATIVE BILL 836.** Indefinitely postponed.

**LEGISLATIVE BILL 885.** Indefinitely postponed.

(Signed) Joel Johnson, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 240.** Introduced by Pahls, 31.

WHEREAS, March is Lymphedema Awareness Month; and

WHEREAS, lymphedema is an abnormal swelling associated with a malfunctioning lymphatic system which, if left untreated, is progressive and can become debilitating; and

WHEREAS, lymphedema can result from congenital factors, chronic circulatory problems, tissue trauma, injury, or surgery, especially in the treatment of cancer; and

WHEREAS, although there is no cure, effective treatment and education are available and can assist those living with lymphedema to live full and productive lives; and

WHEREAS, the general public is largely unaware of lymphedema and its potential risks and treatment even though approximately three million people in the United States suffer daily from its effects; and

WHEREAS, this lack of awareness contributes to lymphedema sufferers having difficulty finding adequate medical care and obtaining fair and adequate insurance coverage for treatment, in particular payment for compression garments necessary for daily control of lymphedema and prevention of severe and potentially debilitating infections.

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

1. That the Legislature recognizes March of 2008 as Lymphedema Awareness Month in Nebraska.

2. That increased recognition and awareness will benefit those diagnosed with lymphedema in obtaining fair and adequate treatment and insurance coverage for this condition.

Laid over.

### **MOTIONS - Approve Appointments**

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 446:

Nebraska Department of Health and Human Services

Chief Executive Officer Christine Peterson

Director within HHS Scot Adams

Director within HHS Todd Landry

Director within HHS Vivianne Chaumont

Chief Medical Officer Joann Schaefer

Director within HHS John Hilgert

Director within HHS John C. Wyvill

Voting in the affirmative, 37:

Adams	Dubas	Hudkins	Louden	Schimek
Aguilar	Engel	Johnson	McDonald	Stuthman
Ashford	Erdman	Karpisek	Nantkes	Synowiecki
Avery	Fischer	Kopplin	Nelson	Wallman
Burling	Flood	Kruse	Pankonin	Wightman
Carlson	Gay	Langemeier	Pirsch	
Christensen	Hansen	Lathrop	Raikes	
Dierks	Harms	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 9:

Chambers	Friend	Howard	Pahls	White
Cornett	Fulton	McGill	Preister	

Excused and not voting, 3:

Heidemann	Janssen	Pedersen
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The appointments were confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 588:

Coordinating Commission for Postsecondary Education  
Clark Anderson

Voting in the affirmative, 38:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Engel	Hudkins	McDonald	Schimek
Ashford	Erdman	Karpisek	McGill	Synowiecki
Avery	Fischer	Kopplin	Nantkes	Wallman
Carlson	Flood	Kruse	Nelson	White
Christensen	Friend	Langemeier	Pahls	Wightman
Cornett	Gay	Lathrop	Pirsch	
Dierks	Harms	Lautenbaugh	Raikes	

Voting in the negative, 0.

Present and not voting, 8:

Burling	Fulton	Johnson	Preister
Chambers	Hansen	Pankonin	Stuthman

Excused and not voting, 3:

Heidemann	Janssen	Pedersen
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The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Erdman moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 596:

Climate Assessment Response Committee  
Mike Hayes

Voting in the affirmative, 39:

Aguilar	Fischer	Johnson	McDonald	Rogert
Avery	Flood	Karpisek	McGill	Schimek
Burling	Friend	Kopplin	Nantkes	Stuthman
Carlson	Fulton	Kruse	Nelson	Synowiecki
Christensen	Gay	Langemeier	Pahls	Wallman
Cornett	Harms	Lathrop	Pankonin	White
Dierks	Howard	Lautenbaugh	Pirsch	Wightman
Dubas	Hudkins	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 7:

Adams	Chambers	Erdman	Preister
Ashford	Engel	Hansen	

Excused and not voting, 3:

Heidemann	Janssen	Pedersen
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The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 596:

Environmental Quality Council  
Douglas Anderson

Voting in the affirmative, 32:

Aguilar	Erdman	Johnson	Louden	Stuthman
Ashford	Fischer	Karpisek	McDonald	Wallman
Carlson	Flood	Kopplin	Nantkes	White
Christensen	Friend	Kruse	Nelson	Wightman
Dierks	Fulton	Langemeier	Pahls	
Dubas	Gay	Lathrop	Pankonin	
Engel	Hudkins	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 14:

Adams	Chambers	Harms	Preister	Schimek
Avery	Cornett	Howard	Raikes	Synowiecki
Burling	Hansen	McGill	Rogert	

Excused and not voting, 3:

Heidemann	Janssen	Pedersen
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The appointment was confirmed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Synowiecki moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 596:

Nebraska Investment Council  
Norm Riffel

Voting in the affirmative, 35:



Aguilar	Engel	Harms	Lautenbaugh	Pirsch
Ashford	Erdman	Hudkins	Louden	Schimek
Burling	Fischer	Johnson	McDonald	Stuthman
Carlson	Flood	Karpisek	Nantkes	Synowiecki
Christensen	Friend	Kopplin	Nelson	Wallman
Dierks	Fulton	Kruse	Pahls	White
Dubas	Gay	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 11:

Adams	Cornett	Lathrop	Raikes
Avery	Hansen	McGill	Rogert
Chambers	Howard	Preister	

Excused and not voting, 3:

Heidemann	Janssen	Pedersen
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The appointment was confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 600:

State Highway Commission  
Ronald Books

Voting in the affirmative, 36:

Aguilar	Erdman	Hudkins	McDonald	Synowiecki
Avery	Fischer	Johnson	Nantkes	Wallman
Burling	Friend	Karpisek	Nelson	White
Carlson	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Schimek	
Engel	Howard	Lautenbaugh	Stuthman	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Chambers	Flood	McGill	Raikes
Ashford	Dubas	Louden	Preister	Rogert

Excused and not voting, 3:

Heidemann    Janssen            Pedersen

The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 600:

State Highway Commission  
Jerome Fagerland

Voting in the affirmative, 32:

Aguilar	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Karpisek	Nantkes	Stuthman
Burling	Friend	Kopplin	Nelson	Wallman
Carlson	Fulton	Kruse	Pahls	White
Christensen	Gay	Langemeier	Pankonin	
Cornett	Hansen	Lautenbaugh	Pirsch	
Engel	Harms	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 14:

Adams	Dierks	Howard	McGill	Synowiecki
Ashford	Dubas	Johnson	Preister	Wightman
Chambers	Flood	Lathrop	Rogert	

Excused and not voting, 3:

Heidemann    Janssen            Pedersen

The appointment was confirmed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 601:

State Highway Commission  
Richard Reiser

Voting in the affirmative, 31:

Avery	Fischer	Kopplin	Pahls	Wallman
Burling	Flood	Kruse	Pankonin	White
Carlson	Gay	Langemeier	Pirsch	Wightman
Christensen	Harms	Lathrop	Rogert	
Cornett	Howard	Lautenbaugh	Schimek	
Engel	Hudkins	Nantkes	Stuthman	
Erdman	Karpisek	Nelson	Synowiecki	

Voting in the negative, 1:

Louden

Present and not voting, 14:

Adams	Chambers	Friend	Johnson	Preister
Aguilar	Dierks	Fulton	McDonald	Raikes
Ashford	Dubas	Hansen	McGill	

Excused and not voting, 3:

Heidemann    Janssen            Pedersen

The appointment was confirmed with 31 ayes, 1 nay, 14 present and not voting, and 3 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 601:

Nebraska Railway Council  
 Gary Rasmussen  
 John Rebensdorf  
 Frank Landis

Voting in the affirmative, 32:

Aguilar	Engel	Hudkins	Louden	Schimek
Avery	Erdman	Johnson	Nantkes	Wallman
Burling	Fischer	Karpisek	Nelson	White
Carlson	Gay	Kopplin	Pahls	Wightman
Christensen	Hansen	Kruse	Pankonin	
Cornett	Harms	Langemeier	Pirsch	
Dierks	Howard	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 14:

Adams	Dubas	Fulton	McGill	Stuthman
Ashford	Flood	Lathrop	Preister	Synowiecki
Chambers	Friend	McDonald	Raikes	

Excused and not voting, 3:

Heidemann    Janssen            Pedersen

The appointments were confirmed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

### COMMITTEE REPORT

#### Urban Affairs

**LEGISLATIVE BILL 1096.** Placed on General File with amendment. AM1911

1        1. Strike the original sections and insert the following  
 2 new sections:  
 3        Section 1. The Legislature finds that matters relating to  
 4 emergency medical first response and fire protection are matters of  
 5 state concern, particularly in larger cities that rely primarily or  
 6 entirely upon volunteers to provide these services. Recognizing the  
 7 increasing complexity and difficulty of providing these services,  
 8 the stringent and growing training demands made upon volunteers,  
 9 the demographics of an aging population, the economic pressures  
 10 that deny or inhibit employers from granting the opportunity for  
 11 volunteers to respond to emergency calls during business hours, and  
 12 the economic costs to residents and businesses of financing either  
 13 a paid or partly-paid emergency response system, the Legislature  
 14 hereby declares the necessity of establishing a system and process  
 15 whereby certain cities of the first class would be required to  
 16 review, study, and modify on a continuing basis their emergency  
 17 response systems, with appropriate public input, based upon local  
 18 conditions and circumstances.

19        Sec. 2. Not later than January 5, 2009, each city of the  
 20 first class with a population in excess of thirty-five thousand  
 21 inhabitants shall employ a full-time fire chief with appropriate  
 22 training, credentials, and experience and for whom firefighting or  
 23 emergency medical first response is a full-time career. The fire  
 1 chief shall be appointed by the mayor with the approval of the city  
 2 council. The fire chief shall have the immediate superintendence of  
 3 the fire prevention, fire suppression, and emergency medical first  
 4 response services and the facilities and equipment related to such  
 5 services of the city.

6        Sec. 3. (1) In addition to such duties as may be  
 7 performed by the fire chief, he or she shall keep and maintain  
 8 full and complete records regarding the twelve-month period ending  
 9 thirty days prior to the annual report of the chief to the city  
 10 council as provided for in subsection (2) of this section. Such

11 records include, but are not limited to, the number of volunteers  
 12 in active volunteer service providing emergency response services  
 13 to the city including their ages, the amount and type of training  
 14 received by each volunteer during the course of his or her time  
 15 of service as an active volunteer, the number of new volunteers  
 16 recruited during such period, the number of volunteers who ceased  
 17 to be active volunteers during that period, the basic information  
 18 regarding each volunteer specified in section 35-1309.01, the  
 19 number and nature of calls or requests for emergency services, the  
 20 response time for each call, to be calculated from the time of  
 21 receipt of the dispatch to the time of arrival of the first fire  
 22 or rescue emergency response vehicle at the site of the request,  
 23 the number of volunteers responding to each call, and the time  
 24 each call was received. The city council may specify any additional  
 25 information to be gathered or collected by the fire chief or as the  
 26 fire chief may recommend.

27 (2) The fire chief shall collate and analyze the  
 1 information gathered pursuant to subsection (1) of this section  
 2 and shall, no less than once in any twelve-month period, on a  
 3 date specified by the city council, provide a report to the  
 4 city council at a regular council meeting on the prior year's  
 5 experience regarding the volunteer department and shall make such  
 6 recommendations as he or she deems appropriate.

7 Sec. 4. Section 35-901, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 35-901 (1) For purposes of this section, volunteer  
 10 department shall mean volunteer fire department or volunteer  
 11 first-aid, rescue, or emergency squad or volunteer fire company  
 12 serving any city, village, county, township, or rural or suburban  
 13 fire protection district.

14 (2) ~~Each~~ Except as provided in subsection (4) of this  
 15 section, each volunteer department may establish a volunteer  
 16 department trust fund. All general donations, ~~or~~ contributions,  
 17 bequests, or annuities made to the volunteer department and all  
 18 money raised by or for the volunteer department shall be deposited  
 19 in the trust fund. The trust fund shall be under the control  
 20 of the volunteer department, and the volunteer department may  
 21 make expenditures from the trust fund as it deems necessary. The  
 22 treasurer of the volunteer department shall be the custodian of the  
 23 trust fund.

24 (3) The trust fund shall not be considered public funds  
 25 or funds of any city, village, county, township, or rural or  
 26 suburban fire protection district for any purpose, including the  
 27 Nebraska Budget Act, nor shall any city, village, county, township,  
 1 or rural or suburban fire protection district incur any liability  
 2 solely by reason of any expenditure from such fund except liability  
 3 for property when any city, village, county, township, or rural  
 4 or suburban fire protection district receives title to property  
 5 acquired with money from such fund.

6 (4)(a) If the total amount of expenditures and receipts  
7 in the trust fund exceeds one hundred thousand dollars in  
8 any twelve-month period, the volunteer department shall inform  
9 any city, village, county, township, or rural or suburban fire  
10 protection district receiving service from the department and such  
11 entity may examine or cause to be examined all books, accounts,  
12 vouchers, records, and expenditures with regard to the trust fund.

13 (b) Funds, fees, charges, or donations collected or  
14 received by a volunteer department that are (i) in consequence  
15 of the performance of fire or rescue services by the volunteer  
16 department, (ii) accomplished through the use by the volunteer  
17 department of equipment owned by the taxing authority supporting  
18 such department and provided to the volunteer department for that  
19 purpose, and (iii) paid by or on behalf of the recipient of those  
20 services shall not be deposited in a trust fund authorized by  
21 this section. Such funds are public funds of the taxing authority  
22 supporting the volunteer department and are deemed to have been  
23 collected by the volunteer department as the agent of the taxing  
24 authority and are held by the department on its behalf. If such  
25 funds are in the possession of a volunteer department, the taxing  
26 authority shall cause all the books, accounts, records, vouchers,  
27 expenditures, and statements regarding such funds to be examined  
1 and independently audited by a qualified professional auditor or  
2 the Auditor of Public Accounts for the immediately preceding five  
3 years.

4 (4)-(5) Nothing in this section shall be construed or  
5 deemed to permit a violation of the Nebraska Liquor Control Act.

6 (5)-(6) All expenditures of public funds as defined in  
7 the Nebraska Budget Act for support of a volunteer department or  
8 its purposes shall be submitted as claims, approved by the taxing  
9 authority supporting such department or its purposes, and published  
10 as required by law. All such claims shall be properly itemized for  
11 proposed expenditure or reimbursement for costs already incurred  
12 and paid except as may be otherwise permitted pursuant to section  
13 35-106.

14 (6)-(7) All money raised pursuant to the Nebraska Bingo  
15 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card  
16 Lottery Act, and the Nebraska Small Lottery and Raffle Act shall be  
17 subject to such acts with respect to the deposit and expenditure of  
18 such money.

19 (8) No volunteer department shall charge or collect any  
20 funds, fees, charges, or donations as described in subdivision  
21 (4)(b) of this section without the express authorization of the  
22 taxing authority supporting the department by vote of a majority of  
23 the members of the governing body of such taxing authority. Such  
24 authorization shall not extend beyond a twelve-month period but  
25 may be renewed at the discretion of the taxing authority in the  
26 same manner in which it was initially granted. Upon collection or  
27 receipt, such funds, fees, charges, or donations shall be remitted

1 to the designated officer of the taxing authority for deposit  
 2 to the account of the taxing authority. The taxing authority may  
 3 appropriate and expend some or all of such funds for the support of  
 4 a service award benefit program adopted and conducted pursuant to  
 5 the Volunteer Emergency Responders Recruitment and Retention Act.  
 6 Sec. 5. Original section 35-901, Reissue Revised Statutes  
 7 of Nebraska, is repealed.

(Signed) Mike Friend, Chairperson

## NOTICE OF COMMITTEE HEARING

Education

Room 1525

Thursday, March 06, 2008 8:00 a.m.

Suarez, Michelle - Board of Trustees of the Nebraska State Colleges

(Signed) Ron Raikes, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 241.** Introduced by Raikes, 25.

WHEREAS, "We the People: The Citizen and the Constitution" is a nationally acclaimed civic education program that helps students understand the history and principles of the nation's constitutional government; and

WHEREAS, the Lincoln East High School "We the People" team won the 2008 Nebraska State High School Competition on January 16, 2008, in Lincoln; and

WHEREAS, the Lincoln East team members, Sarah Anthony, Lauren Bavitz, Mark Carraher, Sasan Choobineh, Kelley Christensen, Alex Churchill, Darja Dobermann, Shawn Donahue, Sean Dwyer, Callie Feingold, Dain Finke, Brady Gilg, James Hao, Lauren Harrison, Susan Kachman, George Miller, Mela Naco, Carly Persell, Ryan Pickerill, Adam Russnogle, and Tina Zheng, spent many hours since the beginning of the school year preparing for the competition; and

WHEREAS, the Lincoln East team will go to Washington, D.C., to compete in the 2008 National Finals in May.

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

1. That the Legislature congratulates the Lincoln East High School "We the People" team and their instructor, Kevin Rippe, on winning the 2008 Nebraska State High School Competition and extends its encouragement for a successful showing at the 2008 National Finals.

2. That a copy of this resolution be sent to the Lincoln East team and Kevin Rippe.

Laid over.

**AMENDMENT - Print in Journal**

Senator Fischer filed the following amendment to LB755:  
AM1898

(Amendments to Standing Committee amendments, AM1707)

- 1 1. On page 14, strike lines 21 to 25 and insert the
- 2 following:
- 3 "(3) A wireless carrier receiving funds from the Enhanced
- 4 Wireless 911 Fund shall not directly assess any of the costs
- 5 associated with the implementation or provision of enhanced
- 6 wireless 911 service to any public safety answering point, county,
- 7 or municipality without the express consent of the commission.".

**UNANIMOUS CONSENT - Room Changes**

Senators Erdman and Raikes asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, February 26, 2008, in Room 1525 and the Education Committee conduct its hearing in Room 1524. No objections. So ordered.

**MOTION - Override Veto on LB39**

Senator Schimek renewed her motion, MO128, found on page 589, that LB39 becomes law notwithstanding the objections of the Governor.

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

Senator Schimek requested a roll call vote.

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

Voting in the affirmative, 30:

Adams	Chambers	Hudkins	McDonald	Raikes
Aguilar	Christensen	Johnson	McGill	Rogert
Ashford	Dubas	Karpisek	Nantkes	Schimek
Avery	Engel	Kopplin	Pankonin	Synowiecki
Burling	Harms	Kruse	Pedersen	Wallman
Carlson	Howard	Lathrop	Preister	White

Voting in the negative, 17:



Cornett	Flood	Heidemann	Nelson	Wightman
Dierks	Friend	Langemeier	Pahls	
Erdman	Gay	Lautenbaugh	Pirsch	
Fischer	Hansen	Louden	Stuthman	

Excused and not voting, 2:

Fulton            Janssen

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

**SPEAKER FLOOD PRESIDING**

**WITHDRAW - Amendment to LB395A**

Senator Johnson withdrew his amendment, AM1870, found on page 581, to LB395A.

**MOTION - Return LB395A to Select File**

Senator Johnson moved to return LB395A to Select File for the following specific amendment:

AM1915

(Amendments to Final Reading copy)

- 1     1. Strike section 1 and insert the following new section:
- 2     Section 1. There is hereby appropriated (1) \$5,000 from
- 3     the Tobacco Prevention and Control Cash Fund for FY2008-09 and
- 4     (2) \$25,000 from the Tobacco Prevention and Control Cash Fund
- 5     for FY2009-10 to the Department of Health and Human Services, for
- 6     Program 33, to aid in carrying out the provisions of Legislative
- 7     Bill 395, One Hundredth Legislature, Second Session, 2008.
- 8     No expenditures for permanent and temporary salaries and
- 9     per diems for state employees shall be made from funds appropriated
- 10    in this section.
- 11    2. On page 1, line 3, strike "First Session, 2007" and
- 12    insert "Second Session, 2008".

The Johnson motion to return prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 395A.** The Johnson specific amendment, AM1915, found in this day's Journal, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### **RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR237 was adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR237.

### **COMMITTEE REPORTS**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 904.** Placed on General File.

**LEGISLATIVE BILL 962.** Placed on General File.

**LEGISLATIVE BILL 870.** Indefinitely postponed.

The Government, Military and Veterans Affairs 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.

Mark Graf - State Emergency Response Commission

Keith Deiml - State Emergency Response Commission

Aye: 7 Senators Adams, Aguilar, Avery, Friend, Karpisek, Lautenbaugh, Rogert. Nay: 0. Absent: 1 Senator Pahls.

The Government, Military and Veterans Affairs 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.

Gregory Osborn - State Personnel Board

Aye: 7 Senators Adams, Aguilar, Avery, Friend, Karpisek, Lautenbaugh, Rogert. Nay: 0. Absent: 1 Senator Pahls.

The Government, Military and Veterans Affairs 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 Nelson - Nebraska Accountability and Disclosure Commission

Aye: 7 Senators Adams, Aguilar, Avery, Friend, Karpisek, Lautenbaugh, Rogert. Nay: 0. Absent: 1 Senator Pahls.

(Signed) Ray Aguilar, Chairperson

Education

**LEGISLATIVE BILL 973.** Placed on General File with amendment.  
AM1849

1 1. Insert the following new sections:

2 Section 1. Section 85-2205, Revised Statutes Supplement,  
3 2007, is amended to read:

4 85-2205 Base growth factor means

5 (1) For the calculation of aid for fiscal year 2008-09,  
6 the base limitation described in section 77-3446 minus one-half  
7 percent; and

8 (2) For the calculation of aid for fiscal year 2009-10  
9 and each fiscal year thereafter, the base limitation described in  
10 section 77-3446 ~~minus~~ plus one-half percent.

11 Sec. 7. Section 85-2227, Revised Statutes Supplement,  
12 2007, is amended to read:

13 85-2227 The maximum levy for each community college area  
14 shall be certified by the Department of Revenue annually and  
15 shall equal one hundred ~~fifteen~~ twenty percent of the local effort  
16 rate calculated pursuant to section 85-2224 plus amounts allowed  
17 pursuant to subsection (2) of section 85-1517.

18 2. On page 3, line 4, strike "years 2007-08 and", show  
19 as stricken, and insert "year"; strike beginning with "The" in line  
20 12 through "calculation" in line 15 and insert "The average annual  
21 percentage growth shall be calculated by taking the difference  
22 between the three-year full-time equivalent enrollment average for  
23 the current funding year and the three-year full-time equivalent  
1 enrollment average for the prior funding year and dividing by  
2 the three-year full-time equivalent enrollment average from the  
3 prior funding year"; in line 18 strike "ninety-five" and insert  
4 "ninety-eight"; in line 19 after "or" insert "one plus the greater  
5 of zero or the average annual percentage growth in full-time  
6 equivalent enrollments attributable to each community college area  
7 times"; and in line 21 after the period insert "The average annual  
8 percentage growth shall be calculated by taking the difference  
9 between the three-year full-time equivalent enrollment average for  
10 the current funding year and the three-year full-time equivalent  
11 enrollment average for the prior funding year and dividing by the  
12 three-year full-time equivalent enrollment average from the prior  
13 funding year.".

14 3. On page 4, line 19, reinstate the stricken "per".

15 4. On page 5, line 14, strike "and" and show as stricken;  
16 and in line 17 after "areas" insert ";

17 (h) Funding year, for purposes of calculating average  
18 annual percentage growth, means the fiscal year for which aid is  
19 being calculated; and

20 (i) Three-year full-time equivalent enrollment average  
 21 for any given funding year equals the sum of the audited full-time  
 22 equivalent enrollment for the three years preceding the funding  
 23 year divided by three".

24 5. Amend the repealer and renumber the remaining sections  
 25 accordingly.

(Signed) Ron Raikes, Chairperson

Judiciary

**LEGISLATIVE BILL 766.** Placed on General File with amendment.  
 AM1865

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

3 Section 1. For purposes of sections 1 to 9 of this act:

4 (1) Fixed location means any site occupied by a secondary  
 5 metals recycler as the owner of a site or as a lessee of a site  
 6 under a lease or other rental agreement providing for occupation of  
 7 the site by the secondary metals recycler for a total duration of  
 8 not less than one year;

9 (2) Regulated metals property means all nonferrous metal,  
 10 except gold and silver, and metal beer kegs, including those kegs  
 11 made of stainless steel;

12 (3) Secondary metals recycler means any person, firm, or  
 13 corporation in this state that:

14 (a) Is engaged in the business of gathering or obtaining  
 15 nonferrous metals and metal beer kegs, including those kegs made of  
 16 stainless steel, that have served their original economic purpose;  
 17 or

18 (b) Is in the business of or has facilities for  
 19 performing the manufacturing process by which nonferrous metals or  
 20 metal beer kegs, including those kegs made of stainless steel, are  
 21 converted into raw material products consisting of prepared grades  
 22 and having an existing or potential economic value by methods  
 23 including, but not limited to, processing, sorting, cutting,  
 1 classifying, cleaning, baling, wrapping, shredding, shearing, or  
 2 changing the physical form or chemical content of the metals, but  
 3 not including the exclusive use of hand tools.

4 Sec. 2. (1) A secondary metals recycler shall maintain a  
 5 record, either as a hard copy or electronically, of all purchase  
 6 transactions in which the secondary metals recycler purchases  
 7 regulated metals property.

8 (2) The following information shall be maintained for  
 9 transactions in which a secondary metals recycler purchases  
 10 regulated metals property:

11 (a) The name and address of the secondary metals  
 12 recycler;

13 (b) The name and signature of the individual entering the

14 information;

15 (c) The date and time of the transaction;

16 (d) The weight and grade of the regulated metals property  
17 purchased;

18 (e) The description made in accordance with the custom of  
19 the trade of the type of regulated metals property purchased;

20 (f) The amount of consideration given for the regulated  
21 metals property, if any;

22 (g) The name, signature, date of birth, and address of  
23 the vendor of the regulated metals property;

24 (h) The operator's license number, state identification  
25 card number, or federal government-issued identification card  
26 number of the person delivering the regulated metals property  
27 to the secondary metals recycler;

1 (i) A photocopy of the current operator's license,  
2 state-issued identification card, or federal government-issued  
3 identification card, of the person delivering the regulated metals  
4 property to the secondary metals recycler;

5 (j) A fingerprint from the person delivering the  
6 regulated metals property. The fingerprint shall be taken from the  
7 right index finger, but if the right index finger is missing, the  
8 fingerprint shall be taken from the left index finger; and

9 (k) A photograph or time-stamped video recording of the  
10 regulated metals property.

11 (3) The vendor of the regulated metals property shall  
12 receive at no charge a plain written or printed receipt of the  
13 recorded transaction containing a copy of the entries required by  
14 this section.

15 (4) A secondary metals recycler shall keep and maintain  
16 the information required under this section for not less than  
17 one year after the date of the purchase of the regulated metals  
18 property.

19 Sec. 3. During the usual and customary business hours of  
20 a secondary metals recycler, any peace officer shall have the right  
21 to inspect:

22 (1) Any and all purchased regulated metals property in  
23 the possession of the secondary metals recycler; and

24 (2) Any and all records required to be maintained under  
25 section 2 of this act.

26 Sec. 4. No secondary metals recycler shall purchase  
27 regulated metals property for cash consideration unless the  
1 purchase total is not more than twenty-five dollars. Purchases  
2 made with the same seller within a four-hour period shall be  
3 considered a single transaction. Payment shall be made payable only  
4 to the individual named on the identification presented pursuant  
5 to section 2 of this act.

6 Sec. 5. No secondary metals recycler shall purchase or  
7 receive regulated metals property;

8 (1) From any person who is under the age of majority; or

9 (2) From any person who does not possess a valid  
 10 form of personal identification or current operator's license  
 11 required under section 2 of this act at the time of the recorded  
 12 transaction.

13 Sec. 6. No secondary metals recycler shall purchase or  
 14 receive a metal beer keg, including those kegs made of stainless  
 15 steel, if the serial number or other identifying insignia has been  
 16 destroyed, removed, altered, covered, or defaced.

17 Sec. 7. Sections 1 to 9 of this act do not apply to:

18 (1) Purchases of regulated metals property from a  
 19 manufacturing, industrial, or other commercial vendor that  
 20 generates or sells regulated metals in the ordinary course of its  
 21 business;

22 (2) The collection or purchase of regulated metals  
 23 property in the form of beverage or food cans; or

24 (3) Recycling or neighborhood cleanup programs contracted  
 25 or sponsored by the state or any political subdivision.

26 Sec. 8. Any person violating any of the provisions of  
 27 sections 1 to 9 of this act is guilty of a Class II misdemeanor.

1 Sec. 9. Nothing in sections 1 to 9 of this act shall  
 2 be construed to abrogate or affect the provisions of any lawful  
 3 rule, regulation, resolution, ordinance, or statute which is more  
 4 restrictive than sections 1 to 9 of this act.

**LEGISLATIVE BILL 1055.** Placed on General File with amendment.  
 AM1876

1 1. Insert the following new section:

2 Section 1. Section 54-607, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 ~~54-607 Whoever, being the~~ The owner of any dog, ~~shall~~  
 5 ~~permit the same to run~~ running at large for ten days, without ~~such~~  
 6 ~~a collar as hereinbefore described being securely placed upon the~~  
 7 ~~neck of such dog, required in section 54-605 shall be fined in any~~  
 8 ~~sum not exceeding an amount not to exceed twenty-five dollars.~~

9 2. On page 2, lines 3 through 5, reinstate the stricken  
 10 matter; in line 5 strike "It"; and in lines 9 through 16 strike the  
 11 new matter.

12 3. On page 3, line 5, after "and" insert "he, she, or it  
 13 may".

14 4. On page 4, line 16, reinstate "may regulate" and  
 15 "or" and strike "shall"; and in line 22 after the period  
 16 insert "A county adopting regulations in accordance with this  
 17 subsection shall provide for an appeal process with respect to such  
 18 regulations.".

19 5. On page 6, line 6, strike "any", show as stricken, and  
 20 insert "a"; in line 10 after "provocation" insert an underscoring  
 21 semicolon and strike "while" and show as stricken; and in line 11  
 22 strike the new matter.

23 6. On page 7, line 22, after the period insert "The

1 cost of both procedures is the responsibility of the owner of the  
 2 dangerous dog."

3 7. On page 11, line 19, strike "sections are" and insert  
 4 "section is"; and in line 20 strike "Sections 54-607 and" and  
 5 insert "Section".

6 8. Renumber the remaining sections and correct the  
 7 repealer and internal references accordingly.

(Signed) Brad Ashford, Chairperson

**AMENDMENTS - Print in Journal**

Senator Erdman filed the following amendment to LB395:  
 AM1914

(Amendments to Second Final Reading copy)

1 1. Insert the following section:

2 Sec. 20. The Nebraska Clean Indoor Air Act preempts any  
 3 smoking ban ordinance, resolution, regulation, or legislation of  
 4 a political subdivision, and any ordinance, resolution, or other  
 5 regulation or legislation enacted by a political subdivision prior  
 6 to the operative date of this act is null and void.

7 2. On page 2, line 1, strike "19" and insert "20".

8 3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB395:  
 AM1913

(Amendments to Second Final Reading copy)

1 1. Strike section 20 and insert the following new  
 2 sections:

3 Sec. 20. (1) On and after the operative date of this  
 4 section, the governing body of any county, or the voters of any  
 5 county, as provided in subsection (2) of this section, may adopt  
 6 a nonsmoking resolution that is less restrictive than the Nebraska  
 7 Clean Indoor Air Act, except that such resolution shall not be  
 8 less restrictive than sections 71-5707 to 71-5709 as such sections  
 9 existed prior to the operative date of this section.

10 (2) A proposed nonsmoking resolution or proposed repeal  
 11 of an enacted nonsmoking resolution may be placed on the ballot for  
 12 the voters of the county (a) by a majority vote of the governing  
 13 body of such county, (b) by initiative under sections 18-2501 to  
 14 18-2538, or (c) by petition meeting the requirements of and subject  
 15 to sections 32-628 to 32-630 and signed by at least thirty-five  
 16 percent of the registered voters residing in such county on the day  
 17 such petitions are filed for verification. The election shall be  
 18 conducted as provided in sections 32-556 to 32-559.

19 (3) A resolution adopted by the governing body of  
 20 any county under subsection (1) of this section without being  
 21 submitted to the voters under subsection (2) of this section  
 22 shall take effect ninety days after its adoption unless, within

- 1 such ninety-day period, such governing body receives a petition  
 2 signed by at least thirty-five percent of the registered voters  
 3 residing in such county on the date the resolution was adopted  
 4 requesting that such resolution be repealed. Upon verification  
 5 of the signatures on such petition, the proposed repeal of the  
 6 resolution shall be placed on the ballot for the voters of the  
 7 county. The election shall be conducted as provided in sections  
 8 32-556 to 32-559.  
 9 (4) A copy of a resolution adopted or repealed by a  
 10 county under this section shall be provided to the Department of  
 11 Health and Human Services and to the local public health department  
 12 as defined in section 71-1626 of such county.  
 13 Sec. 21. Sections 20 and 21 of this act become operative  
 14 on their effective date. The other sections of this act become  
 15 operative on June 1, 2009.  
 16 2. On page 2, line 1, strike "19" and insert "20".  
 17 3. On page 4, line 11, strike "section 15" and insert  
 18 "sections 15 and 20".  
 19 4. Renumber the remaining sections accordingly.

### UNANIMOUS CONSENT - Add Cointroducer

Senator Pahls asked unanimous consent to add his name as cointroducer to LB983. No objections. So ordered.

### COMMUNICATION

February 19, 2008

The Honorable John Gale  
 Secretary of State  
 2300 State Capitol Building  
 Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB39 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB39, notwithstanding the objections of the Governor.

Sincerely,  
 (Signed) Richard Brown  
 Assistant Clerk of the Legislature

RB:jk  
 Enc.



**CERTIFICATE**

Legislative Bill 39, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 19th day of February 2008.

(Signed) Michael Flood  
President of the Legislature

**VISITORS**

Visitors to the Chamber were 39 fourth-grade students and teachers from Lincoln Christian School, Lincoln; 41 fourth-grade students and teachers from Eagle; and members of Youth Leadership Tomorrow from Hall County.

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

**ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Cornett, the Legislature adjourned until 9:00 a.m., Wednesday, February 20, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-SEVENTH DAY - FEBRUARY 20, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 20, 2008

**PRAYER**

The prayer was offered by Senator Carlson.

**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 Janssen and Synowiecki who were excused; and Senators Ashford, Engel, and Heidemann who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-sixth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 395A.** Placed on Final Reading Second.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**

Revenue

**LEGISLATIVE BILL 846.** Placed on General File with amendment.  
AM1731

- 1 1. Insert the following new sections:
- 2 Sec. 20. Sections 5, 9, 15, and 21 of this act become
- 3 operative on January 1, 2009. The other sections of this act become
- 4 operative on their effective date.
- 5 Sec. 21. Original sections 66-4,105 and 66-6,107, Revised
- 6 Statutes Cumulative Supplement, 2006, and section 66-489, Revised
- 7 Statutes Supplement, 2007, are repealed.
- 8 2. On page 20, line 4; and page 23, line 2, strike "At"

- 9 and insert "Commencing January 1, 2009, at".  
 10 3. On page 27, line 15, before "sections" insert "and";  
 11 in line 16 strike "66-4,105,"; in line 17 strike "66-6,107,"; and  
 12 strike beginning with "and" in line 18 through the last comma in  
 13 line 19.  
 14 4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 912.** Placed on General File with amendment.  
 AM1927

- 1 1. On page 3, line 3, strike "(5)", show as stricken, and  
 2 insert "(5)(a)" and in line 9 after the semicolon insert "and  
 3 (b) Beginning with applications for financial assistance  
 4 received on or after February 1, 2008, eligible facility does not  
 5 include any publicly or privately owned sports arena facility with  
 6 a seating capacity greater than sixteen thousand seats;".

**LEGISLATIVE BILL 732.** Indefinitely postponed.  
**LEGISLATIVE BILL 733.** Indefinitely postponed.  
**LEGISLATIVE BILL 737.** Indefinitely postponed.  
**LEGISLATIVE BILL 757.** Indefinitely postponed.  
**LEGISLATIVE BILL 881.** Indefinitely postponed.  
**LEGISLATIVE BILL 913.** Indefinitely postponed.  
**LEGISLATIVE BILL 946.** Indefinitely postponed.  
**LEGISLATIVE BILL 974.** Indefinitely postponed.  
**LEGISLATIVE BILL 1012.** Indefinitely postponed.  
**LEGISLATIVE BILL 1026.** Indefinitely postponed.  
**LEGISLATIVE BILL 1040.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 220CA.** Indefinitely postponed.  
**LEGISLATIVE RESOLUTION 230CA.** Indefinitely postponed.

(Signed) M. L. Dierks, Vice Chairperson

### SELECT FILE

**LEGISLATIVE BILL 268.** Advanced to Enrollment and Review for  
 Engrossment.

**LEGISLATIVE BILL 782.** ER8155, found on page 522, was adopted.

Senator Howard renewed her amendment, AM1847, found on page 579.

The Howard amendment was adopted with 26 ayes, 0 nays, 12 present and  
 not voting, and 11 excused and not voting.

Pending.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR239 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR239.

**SELECT FILE**

**LEGISLATIVE BILL 782.** Senator Chambers renewed his amendment, AM1878, found on page 589.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 581.** Indefinitely postponed.

**LEGISLATIVE BILL 945.** Indefinitely postponed.

(Signed) LeRoy Louden, Chairperson

**MOTION - Print in Journal**

Senator Johnson filed the following motion to LB1149:

MO130

Withdraw.

**NOTICE OF COMMITTEE HEARING**

Revenue

Room 1524

Wednesday, February 27, 2008 1:30 p.m.

LB1149 (cancel)

(Signed) M. L. Dierks, Vice Chairperson

**AMENDMENTS - Print in Journal**

Senator Lautenbaugh filed the following amendment to LB725:

AM1710

- 1 1. On page 3, strike beginning with the second "of" in
- 2 line 11 through "population" in line 13 and insert "and villages".

Senator Heidemann filed the following amendment to LB756:  
AM1853

- 1 1. Insert the following new section:
- 2 Sec. 12. Section 60-6,310, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-6,310 No person shall operate a moped upon a highway
- 5 unless such person has ~~(1) a valid Class O operator's license, or~~
- 6 ~~(2) a valid school or learner's permit.~~
- 7 2. On page 17, line 18, strike "15" and insert "16";
- 8 and in line 20 after "Original" insert "section 60-6,310, Reissue
- 9 Revised Statutes of Nebraska, and".
- 10 3. Renumber the remaining sections accordingly.

### RESOLUTION

**LEGISLATIVE RESOLUTION 242.** Introduced by Aguilar, 35.

WHEREAS, Isaiah Aguilar is the winner of the 112-pound Class A 2008 State Championship in wrestling; and

WHEREAS, Isaiah, a senior at Grand Island Senior High School, defeated Patrick Rollins of Omaha Creighton Prep to win the championship, 6-4; and

WHEREAS, Isaiah's opponents in the semifinal and final rounds had previously defeated him a combined total of ten times; and

WHEREAS, the Legislature should recognize the academic, athletic, 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 Isaiah Aguilar be congratulated for his achievements at the Class A 2008 State Championship in wrestling.

2. That a copy of this resolution be sent to Isaiah Aguilar.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 624.** Senator Pirsch renewed his amendment, AM1842, found on page 580.

The Pirsch amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 851.** Title read. Considered.

Committee AM1782, found on page 560, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 755.** Title read. Considered.

Committee AM1707, found on page 463, was considered.

Senator Fischer renewed her amendment, AM1898, found on page 616, to the committee amendment.

The Fischer amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 280.** ER8158, found on page 566, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 280A.** ER8157, found on page 566, was adopted.

Senator Stuthman renewed his motion, MO126, found on page 571, to indefinitely postpone.

The Stuthman motion to indefinitely postpone failed with 6 ayes, 16 nays, 24 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 500.** ER8156, found on page 566, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 623.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 609.** ER8159, found on page 567, was adopted.

Senator Carlson offered the following amendment:  
AM1960

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 81-12,126, Revised Statutes  
 4 Supplement, 2007, is amended to read:  
 5 81-12,126 The purpose of the Building Entrepreneurial  
 6 Communities Act is to support economically depressed rural areas  
 7 of Nebraska in building entrepreneurial communities through grants  
 8 that will create community capacity to build and sustain programs  
 9 to generate and retain wealth in the community and region.  
 10 Specifically, the act will:  
 11 (1) Provide education and technical assistance to  
 12 energize small business development and entrepreneurship;  
 13 (2) Provide technical assistance to facilitate small  
 14 business transfer;  
 15 (3) Build community business capacity and leadership  
 16 programs;  
 17 (4) Generate opportunities that will attract and retain  
 18 young people and families;  
 19 (5) Provide education about philanthropy and  
 20 intergenerational transfer of wealth;  
 21 (6) Build community endowments to support these  
 22 activities; ~~and~~  
 23 (7) Establish community initiatives to attract new  
 1 residents; ~~and-~~  
 2 (8) Provide marketing assistance to communities to  
 3 attract new residents from outside of the State of Nebraska.  
 4 Marketing assistance may include the creation of new web sites,  
 5 the improvement of existing web sites, creation and distribution  
 6 of printed or electronic marketing materials, and programs which  
 7 promote the community to new residents.  
 8 Sec. 2. Original section 81-12,126, Revised Statutes  
 9 Supplement, 2007, is repealed.

The Carlson amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 609A.** ER8160, found on page 567, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 668.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 715.** Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 279.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 896.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 898.** Considered.

Speaker Flood requested to pass over LB898.

**LEGISLATIVE BILL 790.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 791.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 925.** ER8161, found on page 578, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 915.** ER8163, found on page 584, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 750.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 752.** ER8162, found on page 584, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 856.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 857.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 744.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 747.** Advanced to Enrollment and Review for Engrossment.

## **COMMITTEE REPORT**

Natural Resources

**LEGISLATIVE BILL 880.** Placed on General File with amendment.

AM1787

1 1. Insert the following new sections:  
2 Sec. 5. Section 2-3234, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:  
4 2-3234 ~~Each~~ Except as provided in section 2 of this  
5 act, each district shall have the power and authority to exercise  
6 the power of eminent domain when necessary to carry out its  
7 authorized purposes within the limits of the district or outside  
8 its boundaries. Exercise of eminent domain shall be governed by the  
9 provisions of sections 76-704 to 76-724, except that whenever any  
10 district seeks to acquire the right to interfere with the use of  
11 any water being used for power purposes in accordance with sections  
12 46-204, 70-668, 70-669, and 70-672 and is unable to agree with  
13 the user of such water upon the compensation to be paid for such  
14 interference, the procedure to condemn property shall be followed  
15 in the manner set forth in sections 76-704 to 76-724 and no other  
16 property shall be included in such condemnation. No district shall  
17 contract for delivery of water to persons within the corporate  
18 limits of any village, city, or metropolitan utilities district,  
19 nor in competition therewith outside such corporate limits, except  
20 by consent of and written agreement with the governing body of such  
21 political subdivision. A village, city, or metropolitan utilities  
22 district may negotiate and, if necessary, exercise the power of  
23 eminent domain for the acquisition of water supply facilities of  
1 the district which are within its boundaries.

2 Sec. 6. Section 2-3290.01, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:  
4 2-3290.01 (1) A district shall permit public use of  
5 those portions of a water project located on lands owned by  
6 the district and on land over which the district has a lease  
7 or an easement permitting use thereof for public recreational  
8 purposes. All recreational users of such portions of a water  
9 project shall abide by the applicable rules and regulations adopted  
10 and promulgated by the board.

11 (2) The district shall provide public access for  
12 recreational use at designated access points at any water  
13 project. Recreational users, whether public or private, shall  
14 abide by all applicable rules and regulations for use of the  
15 water project adopted and promulgated by the district or the  
16 political subdivision in which the water project is located. Public  
17 recreational users may only access the water project through such  
18 designated access points. Nothing in this subsection shall require  
19 public access when the portion of the project cost paid by the  
20 natural resources district with public funds does not exceed twenty  
21 percent of the total cost of the project.

22 (3) For purposes of this section water project means  
23 a project with cooperators or others, as authorized in section  
24 2-3235, that results in construction of a reservoir or other body  
25 of water having a permanent pool suitable for recreational purposes

26 greater than one hundred fifty surface acres, the construction  
 27 of which commenced after July 14, 2006. Water project shall  
 1 not mean soil conservation projects, wetlands projects, projects  
 2 described in section 2 of this act, or other district projects with  
 3 cooperators or others that do not have a recreational purpose.

4 Sec. 8. Original sections 2-3234 and 2-3290.01, Revised  
 5 Statutes Cumulative Supplement, 2006, are repealed.

6 2. On page 2, line 10, before "The" insert "(1)"; and in  
 7 line 15 after the period insert: "No such project shall include a  
 8 reservoir or water quality basin having a permanent pool greater  
 9 than five hundred surface acres. Any project having a permanent  
 10 pool greater than twenty surface acres shall provide for public  
 11 access.

12 (2) A district shall not acquire real property for a  
 13 project described in subsection (1) of this section by eminent  
 14 domain proceedings pursuant to sections 76-704 to 76-724 if the  
 15 real property is to be turned over to a nonpublic entity after such  
 16 acquisition."

17 3. Renumber the remaining section accordingly.

(Signed) LeRoy Loudon, Chairperson

**AMENDMENT - Print in Journal**

Senator Stuthman filed the following amendment to LB766:  
 AM1966

(Amendments to Standing Committee amendments, AM1865)

- 1 1. On page 3, line 4, after the semicolon insert "and";
- 2 strike lines 5 through 8; and in line 9 strike "(k)" and insert
- 3 "(j)".

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Engel and Kruse asked unanimous consent to add their names as  
 cointroducers to LB786. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Senator Lautenbaugh's sons, Kyle and Nathan  
 Lautenbaugh; Jane Behrhorst from Axtell; Bonnie Reed and Cherie Brendel  
 from Holdrege, Sue Williams from Nora, and Ann Karthausser and Linda  
 Brown from Lincoln; members of Leadership Grand Island, Hastings, and  
 York; members of Youth Advisory Leadership Council and teacher from  
 Madison; and a group from Madison County.

The Doctor of the Day was Dr. Erin Cooper from Omaha.

**ADJOURNMENT**

At 11:54 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, February 21, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-EIGHTH DAY - FEBRUARY 21, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 21, 2008

**PRAYER**

The prayer was offered by Pastor Doyle Karst, St. John's Lutheran Church, Sterling.

**ROLL CALL**

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

The roll was called and all members were present except Senators Dierks, Dubas, and Johnson who were excused; and Senators Ashford, Erdman, Howard, Karpisek, Lautenbaugh, Loudon, Nantkes, Pedersen, Raikes, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-seventh day was approved.

**ANNOUNCEMENTS**

Senator Fulton designates LB765 as his priority bill.

Senator Ashford designates LB958 as his priority bill.

Senator Engel designates LB878 as his priority bill.

Senator Kruse designates LB810 as his priority bill.

**MOTION - Withdraw LB1149**

Senator Gay renewed the Johnson motion, MO130, found on page 629, to withdraw LB1149.

The Johnson motion to withdraw prevailed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

**ANNOUNCEMENT**

The Chair announced today is Senator Hudkins' birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 766.** Title read. Considered.

Committee AM1865, found on page 620, was considered.

Senator Stuthman renewed his amendment, AM1966, found on page 635, to the committee amendment.

**SENATOR AGUILAR PRESIDING****SENATOR MCDONALD PRESIDING**

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

Senator Stuthman requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Burling	Fischer	Harms	Nelson	Wightman
Christensen	Flood	Kopplin	Stuthman	
Erdman	Hansen	Louden	Wallman	

Voting in the negative, 27:

Adams	Engel	Lathrop	Pankonin	Schimek
Aguilar	Fulton	Lautenbaugh	Pedersen	Synowiecki
Ashford	Howard	McDonald	Pirsch	White
Avery	Hudkins	McGill	Preister	
Chambers	Karpisek	Nantkes	Raikes	
Cornett	Kruse	Pahls	Rogert	

Present and not voting, 4:

Carlson	Gay	Heidemann	Janssen
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Excused and not voting, 5:

Dierks	Dubas	Friend	Johnson	Langemeier
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The Stuthman amendment lost with 13 ayes, 27 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

**ANNOUNCEMENTS**

Senator Fischer designates LB846 as her priority bill.

Senator Janssen designates LB965 as his priority bill.

The Revenue Committee designates LB916 and LB964 as its priority bills.

Senator Nelson designates LB1165 as his priority bill.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 268.** Placed on Final Reading.

**LEGISLATIVE BILL 624.** Placed on Final Reading.

ST9067

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

1. Original section 2 has been struck.

**LEGISLATIVE BILL 782.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 798.** Placed on General File with amendment.

AM1894

- 1 1. Strike the original sections and insert the following
- 2 new sections:

- 3 Section 1. Section 46-283, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:

- 5 46-283 The Legislature hereby finds and declares that the
- 6 practice of reusing ground water from irrigation water reuse pits
- 7 on irrigated land contributes to the efficient use and conservation
- 8 of the state's water resources and that such reuse may be more
- 9 feasible when done from irrigation water reuse pits located within
- 10 ephemeral natural streams.

- 11 Sec. 2. Section 46-286, Revised Statutes Cumulative
- 12 Supplement, 2006, is amended to read:

- 13 46-286 ~~Headwater segment of a~~ An ephemeral natural stream
- 14 shall mean that portion of a natural stream in which water
- 15 flows only after a precipitation event or when augmented by
- 16 surface water runoff caused by the pumping of ground water for

17 irrigation. The ~~that~~ portion of a natural stream that is shown as  
 18 an intermittent stream on the most ~~recently published~~ recent United  
 19 States Geological Survey topographic quadrangle map ~~published prior~~  
 20 to the effective date of this act shall be considered an ephemeral  
 21 natural stream unless the Department of Natural Resources has  
 22 investigated the stream and determined that the stream or a reach  
 23 of the stream is perennial or intermittent and subject to Chapter  
 1 46, article 2. The department's determination for the purposes  
 2 of this section shall be adopted and promulgated in rule or  
 3 regulation.

4 Sec. 3. Section 46-287, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6 46-287 Notwithstanding any other provision of law, any  
 7 person intending to or in the process of reusing ground water from  
 8 an irrigation water reuse pit located within ~~a headwater segment of~~  
 9 ~~a~~ an ephemeral natural stream shall be exempt from the provisions  
 10 of Chapter 46, article 2, which would otherwise apply to such pits,  
 11 and from the provisions of section 46-637.

12 Sec. 4. Section 46-291, Revised Statutes Cumulative  
 13 Supplement, 2006, is amended to read:

14 46-291 (1) Upon receipt of an application filed under  
 15 section 46-290 for a transfer in the location of use of an  
 16 appropriation, the Department of Natural Resources shall review  
 17 it for compliance with this subsection. The Director of Natural  
 18 Resources may approve the application without notice or hearing  
 19 if he or she determines that: (a) The appropriation is used and  
 20 will continue to be used exclusively for irrigation purposes; (b)  
 21 the only lands involved in the proposed transfer are (i) lands  
 22 within the quarter section of land to which the appropriation is  
 23 appurtenant, (ii) lands within such quarter section of land and  
 24 one or more quarter sections of land each of which is contiguous  
 25 to the quarter section of land to which the appropriation is  
 26 appurtenant, or (iii) lands within the boundaries or service  
 27 area of and capable of service by the same irrigation district,  
 1 reclamation district, public power and irrigation district, or  
 2 mutual irrigation or canal company; (c) after the transfer, the  
 3 total number of acres irrigated under the appropriation will be no  
 4 greater than the number of acres that could legally be irrigated  
 5 under the appropriation prior to the transfer; (d) all the land  
 6 involved in the transfer is under the same ownership or is within  
 7 the same irrigation district, reclamation district, public power  
 8 and irrigation district, or mutual irrigation or canal company;  
 9 (e) the transfer will not result in a change in the point of  
 10 diversion or the point of diversion will be changed but the  
 11 change meets the following requirements: (i) The new point of  
 12 diversion is on the same named stream, the same tributary, or  
 13 the same river or creek as the approved point of diversion; (ii)  
 14 the proposed point of diversion will not move above or below an  
 15 existing diversion point owned by another appropriator; and (iii)



16 the proposed point of diversion will not move above or below a  
17 tributary stream or a constructed river return or a constructed  
18 drain; and (f) the transfer will not diminish the water supply  
19 available for or otherwise adversely affect any other surface  
20 water appropriator. If transfer of an appropriation with associated  
21 incidental underground water storage is approved in accordance  
22 with this subsection, the associated incidental underground water  
23 storage also may be transferred pursuant to this subsection as  
24 long as such transfer would continue to be consistent with the  
25 requirements of this subsection. If necessary, the boundaries of  
26 the incidental underground water storage area may be modified to  
27 reflect any change in the location of that storage consistent with  
1 such a transfer. Transfers shall not be approved pursuant to this  
2 subsection until the department has adopted and promulgated rules  
3 and regulations establishing the criteria it will use to determine  
4 whether proposed transfers are consistent with subdivision (1)(f)  
5 of this section.

6 (2) If after reviewing an application filed under section  
7 46-290 the director determines that it cannot be approved pursuant  
8 to subsection (1) of this section, he or she shall cause a notice  
9 of such application to be posted on the department's web site,  
10 to be sent by certified mail to each holder of a mortgage or  
11 deed of trust that is identified by the applicant pursuant to  
12 subdivision (1)(b)(v) of section 46-290 and to any entity owning  
13 facilities currently used or proposed to be used for purposes  
14 of diversion or delivery of water under the appropriation, and  
15 to be published at the applicant's expense at least once each  
16 week for three consecutive weeks in at least one newspaper of  
17 general circulation in each county containing lands to which the  
18 appropriation is appurtenant and, if applicable, in at least one  
19 newspaper of general circulation in each county containing lands to  
20 which the appropriation is proposed to be transferred.

21 (3) The notice shall contain: (a) A description of the  
22 appropriation; (b) the number assigned to such appropriation in  
23 the records of the department; (c) the date of priority; (d) if  
24 applicable, a description of the land or stream reach to which  
25 such water appropriation is proposed to be transferred; (e) if  
26 applicable, the type of appropriation to which the appropriation  
27 is proposed to be changed; (f) if applicable, the proposed change  
1 in the purpose of use; (g) whether the proposed transfer or change  
2 is to be permanent or temporary and, if temporary, the duration  
3 of the proposed transfer or change; and (h) any other information  
4 the director deems relevant and essential to provide the interested  
5 public with adequate notice of the proposed transfer or change.

6 (4) The notice shall state (a) that any interested person  
7 may object to and request a hearing on the application by filing  
8 such objections in writing specifically stating the grounds for  
9 each objection and (b) that any such objection and request shall be  
10 filed in the office of the department within two weeks after the

11 date of final publication of the notice.

12 (5) Within the time period allowed by this section for  
 13 the filing of objections and requests for hearings, the county  
 14 board of any county containing land to which the appropriation  
 15 is appurtenant and, if applicable, the county board of any county  
 16 containing land to which the appropriation is proposed to be  
 17 transferred may provide the department with comments about the  
 18 potential economic impacts of the proposed transfer or change in  
 19 such county. The filing of any such comments by a county board  
 20 shall not make the county a party in the application process, but  
 21 such comments shall be considered by the director in determining  
 22 pursuant to section 46-294 whether the proposed transfer or change  
 23 is in the public interest.

24 Sec. 5. Section 46-299, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 46-299 Any person who has obtained a permit for  
 27 intentional underground water storage ~~associated with a project not~~  
 1 ~~existing on August 26, 1983,~~ and recovery of such water, pursuant  
 2 to section 46-233, 46-240, 46-241, 46-242, or 46-297 may, subject  
 3 to section 46-2,101, levy a fee or assessment against any person  
 4 for the right or probable right to withdraw or otherwise use such  
 5 stored water. Such fee or assessment may be levied against any  
 6 land in connection with which such underground water storage has  
 7 occurred or probably will occur, and may be varied based on the  
 8 degree to which underground water storage has occurred or will  
 9 occur. No fee or assessment shall represent more than the fair  
 10 market value of such recharge, except that a fee or assessment may  
 11 include a sum sufficient to amortize the operation, maintenance,  
 12 repair, and capital costs of the project, apportioned on the degree  
 13 to which recharge has occurred or is likely to occur, and on the  
 14 degree to which any surface water is delivered.

15 Sec. 6. Original sections 46-283, 46-287, and 46-299,  
 16 Reissue Revised Statutes of Nebraska, and sections 46-286 and  
 17 46-291, Revised Statutes Cumulative Supplement, 2006, are repealed.

**LEGISLATIVE BILL 1131.** Placed on General File with amendment.  
 AM1895

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

3 Section 1. Section 2-3226.05, Revised Statutes  
 4 Supplement, 2007, is amended to read:

5 2-3226.05 (1) The district may levy an occupation tax  
 6 upon the activity of irrigation of agricultural lands within  
 7 such district on an annual basis, not to exceed ten dollars  
 8 per irrigated acre, for the purpose of repaying principal and  
 9 interest on any bonds or refunding bonds issued pursuant to section  
 10 2-3226.01 for one or more projects under section 2-3226.04.

11 (2) Acres classified by the county assessor as irrigated  
 12 shall be subject to such district's occupation tax unless, on or

13 before July 1, 2007, and on or before March 1 in each subsequent  
 14 year, the record owner certifies to the district the nonirrigation  
 15 status of such acres.

16 (3) Any such occupation tax shall remain in effect so  
 17 long as the district has bonds outstanding which have been issued  
 18 stating such occupation tax as an available source for payment.

19 (4) Such occupation taxes shall be certified to,  
 20 collected by, and accounted for by the county treasurer at the  
 21 same time and in the same manner as general real estate taxes,  
 22 and such occupation taxes shall be and remain a perpetual lien  
 23 against such real estate until paid. Such occupation taxes shall  
 1 become delinquent at the same time and in the same manner as  
 2 general real property taxes. The county treasurer shall publish and  
 3 post a list of delinquent occupation taxes with the list of real  
 4 property subject to sale for delinquent property taxes provided  
 5 for in section 77-1804. In addition, the list shall be provided to  
 6 natural resources districts which levied the delinquent occupation  
 7 taxes. The list shall include the record owner's name, the parcel  
 8 identification number, and the amount of delinquent occupation tax.  
 9 For services rendered in the collection of the occupation tax, the  
 10 county treasurer shall receive the fee provided for collection of  
 11 general natural resources district money under section 33-114.

12 (5) Such lien shall be inferior only to general taxes  
 13 levied by political subdivisions of the state. When such occupation  
 14 taxes have become delinquent and the real property on which the  
 15 irrigation took place has not been offered at any tax sale, the  
 16 district may proceed in district court in the county in which the  
 17 real estate is situated to foreclose in its own name the lien  
 18 in the same manner and with like effect as a foreclosure of a  
 19 real estate mortgage, except that sections 77-1903 to 77-1917 shall  
 20 govern when applicable.

21 Sec. 2. Original section 2-3226.05, Revised Statutes  
 22 Supplement, 2007, is repealed.

(Signed) LeRoy Louden, Chairperson

Urban Affairs

**LEGISLATIVE BILL 1056.** Placed on General File.

**LEGISLATIVE BILL 1072.** Placed on General File with amendment.  
 AM1843

- 1 1. On page 7, line 4, strike "two hundred ten", show as
- 2 stricken, and insert "one hundred eighty"; and in line 11 strike
- 3 "two-hundred-ten-day" and show as stricken.

(Signed) Mike Friend, Chairperson

## Judiciary

**LEGISLATIVE BILL 764.** Placed on General File with amendment.  
AM1592

- 1 1. Insert the following new sections:
- 2 Sec. 6. The intentional tripping or causing to fall, or
- 3 lassoing or roping the legs of, any equine by any means for the
- 4 purpose of entertainment, sport, practice, or contest shall not be
- 5 considered a commonly accepted practice occurring in conjunction
- 6 with sanctioned rodeos, animal racing, or pulling contests.
- 7 Sec. 7. The intentional tripping, causing to fall, or
- 8 dragging of any bovine by its tail by any means for the
- 9 purpose of entertainment, sport, practice, or contest shall not
- 10 be considered a commonly accepted practice occurring in conjunction
- 11 with sanctioned rodeos, animal racing, or pulling contests.
- 12 2. On page 2, lines 3 and 9; page 4, line 8; page 5, line
- 13 19; and page 6, lines 2 and 6, strike "and 4" and insert ". 4, 6,
- 14 and 7".
- 15 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 844.** Placed on General File with amendment.  
AM1784

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 28-101, Revised Statutes Supplement,
- 4 2007, is amended to read:
- 5 28-101 Sections 28-101 to 28-1350 and sections 5 and 6 of
- 6 this act shall be known and may be cited as the Nebraska Criminal
- 7 Code.
- 8 Sec. 2. Section 28-416, Revised Statutes Cumulative
- 9 Supplement, 2006, is amended to read:
- 10 28-416 (1) Except as authorized by the Uniform Controlled
- 11 Substances Act, it shall be unlawful for any person knowingly or
- 12 intentionally: (a) To manufacture, distribute, deliver, dispense,
- 13 or possess with intent to manufacture, distribute, deliver, or
- 14 dispense a controlled substance; or (b) to create, distribute,
- 15 or possess with intent to distribute a counterfeit controlled
- 16 substance.
- 17 (2) Except as provided in subsections (4), (5), (7), (8),
- 18 (9), and (10) of this section, any person who violates subsection
- 19 (1) of this section with respect to: (a) A controlled substance
- 20 classified in Schedule I, II, or III of section 28-405 which is an
- 21 exceptionally hazardous drug shall be guilty of a Class II felony;
- 22 (b) any other controlled substance classified in Schedule I, II, or
- 23 III of section 28-405 shall be guilty of a Class III felony; or (c)
- 1 a controlled substance classified in Schedule IV or V of section
- 2 28-405 shall be guilty of a Class IIIA felony.
- 3 (3) A person knowingly or intentionally possessing a
- 4 controlled substance, except marijuana, unless such substance was

5 obtained directly or pursuant to a medical order issued by a  
6 practitioner authorized to prescribe while acting in the course of  
7 his or her professional practice, or except as otherwise authorized  
8 by the act, shall be guilty of a Class IV felony.

9 (4)(a) Except as authorized by the Uniform Controlled  
10 Substances Act, any person eighteen years of age or older who  
11 knowingly or intentionally manufactures, distributes, delivers,  
12 dispenses, or possesses with intent to manufacture, distribute,  
13 deliver, or dispense a controlled substance or a counterfeit  
14 controlled substance (i) to a person under the age of eighteen  
15 years, (ii) in, on, or within one thousand feet of the real  
16 property comprising a public or private elementary, vocational, or  
17 secondary school, a community college, a public or private college,  
18 junior college, or university, or a playground, or (iii) within one  
19 hundred feet of a public or private youth center, public swimming  
20 pool, or video arcade facility shall be punished by the next higher  
21 penalty classification than the penalty prescribed in subsection  
22 (2), (7), (8), (9), or (10) of this section, depending upon the  
23 controlled substance involved, for the first violation and for a  
24 second or subsequent violation shall be punished by the next higher  
25 penalty classification than that prescribed for a first violation  
26 of this subsection, but in no event shall such person be punished  
by a penalty greater than a Class IB felony.

1 (b) For purposes of this subsection:

2 (i) Playground shall mean any outdoor facility, including  
3 any parking lot appurtenant to the facility, intended for  
4 recreation, open to the public, and with any portion containing  
5 three or more apparatus intended for the recreation of children,  
6 including sliding boards, swingsets, and teeterboards;

7 (ii) Video arcade facility shall mean any facility  
8 legally accessible to persons under eighteen years of age, intended  
9 primarily for the use of pinball and video machines for amusement,  
10 and containing a minimum of ten pinball or video machines; and

11 (iii) Youth center shall mean any recreational facility  
12 or gymnasium, including any parking lot appurtenant to the facility  
13 or gymnasium, intended primarily for use by persons under eighteen  
14 years of age which regularly provides athletic, civic, or cultural  
15 activities.

16 (5)(a) Except as authorized by the Uniform Controlled  
17 Substances Act, it shall be unlawful for any person eighteen  
18 years of age or older to knowingly and intentionally employ, hire,  
19 use, cause, persuade, coax, induce, entice, seduce, or coerce any  
20 person under the age of eighteen years to manufacture, transport,  
21 distribute, carry, deliver, dispense, prepare for delivery, offer  
22 for delivery, or possess with intent to do the same a controlled  
23 substance or a counterfeit controlled substance.

24 (b) Except as authorized by the Uniform Controlled  
25 Substances Act, it shall be unlawful for any person eighteen years  
26 of age or older to knowingly and intentionally employ, hire, use,

27 cause, persuade, coax, induce, entice, seduce, or coerce any person  
1 under the age of eighteen years to aid and abet any person in  
2 the manufacture, transportation, distribution, carrying, delivery,  
3 dispensing, preparation for delivery, offering for delivery, or  
4 possession with intent to do the same of a controlled substance or  
5 a counterfeit controlled substance.

6 (c) Any person who violates subdivision (a) or (b) of  
7 this subsection shall be punished by the next higher penalty  
8 classification than the penalty prescribed in subsection (2), (7),  
9 (8), (9), or (10) of this section, depending upon the controlled  
10 substance involved, for the first violation and for a second or  
11 subsequent violation shall be punished by the next higher penalty  
12 classification than that prescribed for a first violation of this  
13 subsection, but in no event shall such person be punished by a  
14 penalty greater than a Class IB felony.

15 (6) It shall not be a defense to prosecution for  
16 violation of subsection (4) or (5) of this section that the  
17 defendant did not know the age of the person through whom the  
18 defendant violated such subsection.

19 (7) Any person who violates subsection (1) of this  
20 section with respect to cocaine or any mixture or substance  
21 containing a detectable amount of cocaine in a quantity of:

22 (a) One hundred forty grams or more shall be guilty of a  
23 Class IB felony;

24 (b) At least twenty-eight grams but less than one hundred  
25 forty grams shall be guilty of a Class IC felony; or

26 (c) At least ten grams but less than twenty-eight grams  
27 shall be guilty of a Class ID felony.

1 (8) Any person who violates subsection (1) of this  
2 section with respect to base cocaine (crack) or any mixture or  
3 substance containing a detectable amount of base cocaine in a  
4 quantity of:

5 (a) One hundred forty grams or more shall be guilty of a  
6 Class IB felony;

7 (b) At least twenty-eight grams but less than one hundred  
8 forty grams shall be guilty of a Class IC felony; or

9 (c) At least ten grams but less than twenty-eight grams  
10 shall be guilty of a Class ID felony.

11 (9) Any person who violates subsection (1) of this  
12 section with respect to heroin or any mixture or substance  
13 containing a detectable amount of heroin in a quantity of:

14 (a) One hundred forty grams or more shall be guilty of a  
15 Class IB felony;

16 (b) At least twenty-eight grams but less than one hundred  
17 forty grams shall be guilty of a Class IC felony; or

18 (c) At least ten grams but less than twenty-eight grams  
19 shall be guilty of a Class ID felony.

20 (10) Any person who violates subsection (1) of this  
21 section with respect to amphetamine, its salts, optical isomers,

22 and salts of its isomers, or with respect to methamphetamine, its  
 23 salts, optical isomers, and salts of its isomers, in a quantity of:

24 (a) One hundred forty grams or more shall be guilty of a  
 25 Class IB felony;

26 (b) At least twenty-eight grams but less than one hundred  
 27 forty grams shall be guilty of a Class IC felony; or

1 (c) At least ten grams but less than twenty-eight grams  
 2 shall be guilty of a Class ID felony.

3 (11) Any person knowingly or intentionally possessing  
 4 marijuana weighing more than one ounce but not more than one pound  
 5 shall be guilty of a Class ~~III~~III misdemeanor.

6 (12) Any person knowingly or intentionally possessing  
 7 marijuana weighing more than one pound shall be guilty of a Class  
 8 IV felony.

9 (13) Any person knowingly or intentionally possessing  
 10 marijuana weighing one ounce or less shall:

11 (a) For the first offense, be guilty of an infraction,  
 12 receive a citation, be fined ~~one~~three hundred dollars, and be  
 13 assigned to attend a course as prescribed in section 29-433; ~~if the~~  
 14 ~~judge determines that attending such course is in the best interest~~  
 15 ~~of the individual defendant;~~

16 (b) For the second offense, be guilty of a Class IV  
 17 misdemeanor, receive a citation, and be fined ~~two~~four hundred  
 18 dollars and may be imprisoned not to exceed five days; and

19 (c) For the third and all subsequent offenses, be guilty  
 20 of a Class IIIA misdemeanor, receive a citation, be fined ~~three~~  
 21 five hundred dollars, and be imprisoned not to exceed seven days.

22 (14) Any person convicted of violating this section,  
 23 if placed on probation, shall, as a condition of probation,  
 24 satisfactorily attend and complete appropriate treatment and  
 25 counseling on drug abuse provided by a program authorized under  
 26 the Nebraska Behavioral Health Services Act or other licensed drug  
 27 treatment facility.

1 (15) Any person convicted of violating this section, if  
 2 sentenced to the Department of Correctional Services, shall attend  
 3 appropriate treatment and counseling on drug abuse.

4 (16) Any person knowingly or intentionally possessing a  
 5 firearm while in violation of subsection (1) of this section shall  
 6 be punished by the next higher penalty classification than the  
 7 penalty prescribed in subsection (2), (7), (8), (9), or (10) of  
 8 this section, but in no event shall such person be punished by a  
 9 penalty greater than a Class IB felony.

10 (17) A person knowingly or intentionally in possession  
 11 of money used or intended to be used to facilitate a violation  
 12 of subsection (1) of this section shall be guilty of a Class IV  
 13 felony.

14 Sec. 3. Section 28-441, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 28-441 (1) It shall be unlawful for any person to use, or

17 to possess with intent to use, drug paraphernalia to manufacture,  
 18 inject, ingest, inhale, or otherwise introduce into the human body  
 19 a controlled substance in violation of sections ~~28-401~~, 28-431, and  
 20 28-439 to 28-444.

21 (2) Any person who violates this section shall be guilty  
 22 of an infraction and fined one hundred dollars.

23 Sec. 4. Section 29-431, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25 29-431 As used in sections ~~28-416~~, 29-422, 29-424,  
 26 29-425, ~~and 29-431~~, and 29-432, ~~to 29-434~~, unless the context  
 27 otherwise requires, infraction shall mean the violation of any law,  
 1 ordinance, order, rule, or regulation, not including those related  
 2 to traffic, which is not otherwise declared to be a misdemeanor or  
 3 a felony. Infraction shall include violations of section 60-6,267.

4 Sec. 5. Section 29-433, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6 ~~29-433~~ A person cited for an infraction pursuant to  
 7 section 28-416 or convicted of a misdemeanor pursuant to sections  
 8 53-180.01 to 53-180.03 shall be assigned to attend a course of  
 9 instruction relating to the effects of the misuse of drugs,  
 10 including alcohol and controlled substances if a judge determines  
 11 that attending such a course is in the best interest of the  
 12 individual defendant. Such instruction shall include counseling on  
 13 the legal, medical, psychological, and social effects of drug use  
 14 and abuse. Such course shall consist of a minimum of five hours  
 15 and a maximum of ten hours of instruction and counseling. Upon  
 16 completion of the assigned course, the instructor shall notify the  
 17 court in writing of such completion and the notification shall be  
 18 made a part of the record of the citation. Any person failing to  
 19 complete such course within thirty days after the assignment shall  
 20 be guilty of an infraction.

21 Sec. 6. Section 29-434, Revised Statutes Cumulative  
 22 Supplement, 2006, is amended to read:

23 ~~29-434~~ All drug treatment centers shall provide the  
 24 necessary facilities and programs to carry out the provisions of  
 25 section 29-433.

26 Sec. 7. Section 53-180.05, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 53-180.05 (1) Any person violating section 53-180 shall  
 2 be guilty of a Class I misdemeanor. Any person violating any of  
 3 the provisions of sections 53-180.01 to 53-180.03 shall be guilty  
 4 of a Class III misdemeanor and be assigned to attend a course as  
 5 prescribed in section 29-433.

6 (2) Any person who knowingly manufactures, creates, or  
 7 alters any form of identification for the purpose of sale or  
 8 delivery of such form of identification to a person under the age  
 9 of twenty-one years shall be guilty of a Class I misdemeanor. For  
 10 purposes of this subsection, form of identification means any card,  
 11 paper, or legal document that may be used to establish the age of



12 the person named thereon for the purpose of purchasing alcoholic  
 13 liquor.

14 (3) When a minor is arrested for a violation of sections  
 15 53-180 to 53-180.02 or subsection (2) of this section, the law  
 16 enforcement agency employing the arresting peace officer shall make  
 17 a reasonable attempt to notify such minor's parent or guardian of  
 18 the arrest.

19 Sec. 8. Original sections 28-441, 29-431, 29-433, and  
 20 53-180.05, Reissue Revised Statutes of Nebraska, sections 28-416  
 21 and 29-434, Revised Statutes Cumulative Supplement, 2006, and  
 22 section 28-101, Revised Statutes Supplement, 2007, are repealed.

**LEGISLATIVE BILL 958.** Placed on General File with amendment.  
 AM1964

1 1. Strike the original sections and insert the following  
 2 new section:

3 Section 1. (1) The Assault Weapons Commission is created.

4 The commission shall consist of the following members:

5 (a) The Chairperson of the Judiciary Committee of the  
 6 Legislature or his or her designee;

7 (b) The Governor or his or her designee;

8 (c) The Attorney General or his or her designee;

9 (d) The Superintendent of Law Enforcement and Public  
 10 Safety or his or her designee;

11 (e) A law enforcement officer of a city of the  
 12 metropolitan class or his or her designee, appointed by the  
 13 Governor;

14 (f) A law enforcement officer of a city other than a city  
 15 of the metropolitan class or his or her designee, appointed by the  
 16 Governor; and

17 (g) A retailer of firearms or his or her designee,  
 18 appointed by the Governor.

19 (2) Members of the commission shall serve without  
 20 compensation but shall be reimbursed for their actual and necessary  
 21 expenses as provided in sections 81-1174 to 81-1177.

22 (3) The commission shall create a definition of assault  
 23 weapons, using the general characteristics listed in subsection

1 (4) of this section, and compile a list of assault weapons which  
 2 meet such general characteristics. The purpose of the list is to  
 3 provide the Legislature with information regarding whether such  
 4 assault weapons should be illegal in this state. The commission  
 5 shall provide the list in a report to the Legislature. The  
 6 commission shall also recommend appropriate enforcement penalties  
 7 and procedures.

8 (4)(a) General characteristics of an assault weapon are  
 9 as follows:

10 (i) A semiautomatic, centerfire rifle that has the  
 11 capacity to accept a detachable magazine and any one of the  
 12 following:

- 13 (A) A pistol grip that protrudes conspicuously beneath  
 14 the action of the weapon;  
 15 (B) A thumbhole stock;  
 16 (C) A folding or telescoping stock;  
 17 (D) A grenade launcher or flare launcher;  
 18 (E) A flash suppressor; and  
 19 (F) A forward pistol grip;  
 20 (ii) A semiautomatic, centerfire rifle that has a fixed  
 21 magazine with the capacity to accept more than ten rounds; and  
 22 (iii) A semiautomatic, centerfire rifle that has an  
 23 overall length of less than thirty inches.  
 24 (b) An antique or collectible weapon that has its firing  
 25 pin removed is not an assault weapon.  
 26 (5) The commission may contact members of the general  
 27 public whom any member of the commission believes can contribute  
 1 needed or worthwhile information in order for the commission to  
 2 carry out its purpose.  
 3 (6) The commission shall deliver its report to the  
 4 Legislature on or before February 1, 2009.  
 5 (7) The commission shall update the list of assault  
 6 weapons and provide such updated list to the Clerk of the  
 7 Legislature and the Judiciary Committee by January 10 of every  
 8 odd year. The commission may meet as necessary to accomplish the  
 9 requirements set forth in this section.

(Signed) Brad Ashford, Chairperson

Agriculture

**LEGISLATIVE BILL 789.** Placed on General File with amendment.  
 AM1928

- 1 1. Strike the original sections and insert the following  
 2 sections:  
 3 Section 1. Section 2-5420, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:  
 5 2-5420 (1) To be eligible for a grant under the  
 6 Agricultural Opportunities and Value-Added Partnerships Act, an  
 7 applicant shall:  
 8 ~~(4)-(a)~~ Document a matching amount in money or in-kind  
 9 contributions or a combination of both equal to twenty-five percent  
 10 of the grant funds requested, except that if the grant funds will  
 11 be used to acquire or lease a building or equipment to be used  
 12 in a farming or ranching operation or in a private enterprise,  
 13 an applicant shall provide a matching amount in money and in-kind  
 14 contribution of no less than fifty percent of the grant funds  
 15 requested of which the matching amount in money shall be no less  
 16 than twenty-five percent of the grant funds requested;  
 17 ~~(2)-(b)~~ Specify measurable goals and expected outcomes  
 18 for the project for which the grant funds are requested; and

19 ~~(3)~~(c) Specify an evaluation and impact assessment  
 20 process or procedure for the project for which the grant funds are  
 21 requested.

22 (2) Priority for the awarding of grants may be given to  
 23 applicants that provide a matching amount in money.

1 (3) Whenever grant funds are used to acquire or lease a  
 2 building or equipment to be used in a farming or ranching operation  
 3 or in a private enterprise, any removal from the state or resale  
 4 of the building or equipment within three years after the date  
 5 of award of the grant funds without the prior approval of the  
 6 Department of Economic Development shall be deemed a utilization or  
 7 diversion of grant funds to a purpose or expenditure not specified  
 8 or contemplated in the application or terms of the award of the  
 9 grant for purposes of section 2-5421.

10 Sec. 2. Original section 2-5420, Revised Statutes  
 11 Cumulative Supplement, 2006, is repealed.

12 Sec. 3. Since an emergency exists, this act takes effect  
 13 when passed and approved according to law.

(Signed) Philip Erdman, Chairperson

Natural Resources

**LEGISLATIVE BILL 1049.** Placed on General File.

(Signed) LeRoy Louden, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 243.** Introduced by Fulton, 29.

WHEREAS, engineers plan, design, and implement engineering works that propel the nation's economy, enhance our quality of life, and safeguard America's infrastructure; and

WHEREAS, Nebraska will look, more than before, to the knowledge and skill of engineers to bridge the gap between science, theory, and practical application in creative and innovative ways to meet the challenges of the future; and

WHEREAS, National Engineers Week was founded in 1951 and is celebrated at the time of George Washington's birthday, who himself was a military engineer and land surveyor; and

WHEREAS, Engineers Week encourages young math and science students to realize the practical power of their knowledge; and

WHEREAS, Engineers Week raises public understanding and appreciation of engineers' contributions to society.

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

1. That the Legislature recognizes the contributions and achievements of Nebraska's engineers and that the week of February 17th through the 23rd, 2008, be recognized as Engineers Week in Nebraska.

2. That a copy of this resolution be delivered to the American Council of Engineering Companies/Nebraska.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 766.** Senator Fulton offered the following amendment to the committee amendment:

FA178

Amend AM1865

On Pg. 4, line 5, following the period, insert: "The redemption check shall be issued only after seventy-two hours have elapsed from the time of the recorded transaction."

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

Senator Fulton moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Fulton requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Aguilar	Karpisek	Nantkes	Rogert	White
Fulton	Lathrop	Nelson	Schimek	
Heidemann	Lautenbaugh	Raikes	Synowiecki	

Voting in the negative, 20:

Adams	Christensen	Gay	Kopplin	Pirsch
Avery	Cornett	Hansen	Kruse	Preister
Burling	Engel	Harms	McDonald	Wallman
Carlson	Flood	Janssen	Pankonin	Wightman

Present and not voting, 10:

Chambers	Friend	Hudkins	McGill	Pedersen
Fischer	Howard	Langemeier	Pahls	Stuthman

Excused and not voting, 6:

Ashford	Dubas	Johnson
Dierks	Erdman	Louden

The Fulton amendment lost with 13 ayes, 20 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Langemeier offered the following amendment to the committee amendment:

FA177

Amend AM1865

On page 2, line 22, strike "date of birth."

The Langemeier amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

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

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 855.** Title read. Considered.

### **SENATOR LANGEMEIER PRESIDING**

Committee AM1832, found on page 570, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

### **COMMITTEE REPORTS**

#### Enrollment and Review

**LEGISLATIVE BILL 279.** Placed on Final Reading.

**LEGISLATIVE BILL 280.** Placed on Final Reading.

**LEGISLATIVE BILL 280A.** Placed on Final Reading.

**LEGISLATIVE BILL 500.** Placed on Final Reading.

**LEGISLATIVE BILL 609.** Placed on Final Reading.

ST9068

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

1. On page 1, the matter beginning with "political" in line 1 through line 2 has been struck and "the Building Entrepreneurial Communities Act; to amend section 81-12,126, Revised Statutes Supplement, 2007; to provide additional purposes for the act; and to repeal the original section." inserted.

**LEGISLATIVE BILL 609A.** Placed on Final Reading.

**LEGISLATIVE BILL 623.** Placed on Final Reading.

**LEGISLATIVE BILL 668.** Placed on Final Reading.

**LEGISLATIVE BILL 715.** Placed on Final Reading.

**LEGISLATIVE BILL 790.** Placed on Final Reading.

**LEGISLATIVE BILL 896.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

## COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 606.** Placed on General File with amendment.  
AM1884

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

3 Section 1. Sections 1 to 6 of this act shall be known and  
4 may be cited as the Stem Cell Research Act.

5 Sec. 2. For purposes of the Stem Cell Research Act:

6 (1) Committee means the Stem Cell Research Advisory  
7 Committee;

8 (2) Human embryo means the developing human organism  
9 from the time of fertilization until the end of the eighth week  
10 of gestation and includes an embryo or developing human organism  
11 created by somatic cell nuclear transfer; and

12 (3) Somatic cell nuclear transfer means a technique in  
13 which the nucleus of an oocyte is replaced with the nucleus of a  
14 somatic cell.

15 Sec. 3. (1) The Stem Cell Research Advisory Committee is  
16 created. The committee shall consist of the dean of every medical  
17 school in Nebraska that is accredited by the Liaison Committee on  
18 Medical Education or his or her designee and additional members  
19 appointed as follows: (a) The dean of every medical school in  
20 Nebraska shall nominate three scientists from outside Nebraska  
21 conducting human stem cell research with funding from the National  
22 Institutes of Health of the United States Department of Health and  
23 Human Services; and (b) the chief medical officer as designated  
1 in section 81-3115 shall select two of such scientists from each  
2 set of nominations to serve on the committee. Appointments by the  
3 chief medical officer pursuant to this subsection shall be approved  
4 by the Legislature. Members appointed by the chief medical officer  
5 shall serve for staggered terms of three years each and until  
6 their successors are appointed and qualified. Such members may be  
7 reappointed for additional three-year terms.

8 (2) The committee shall meet not less than twice each  
9 year.

10 (3) Members of the committee not employed by medical  
11 schools in Nebraska shall receive a stipend per meeting to be  
12 determined by the Division of Public Health of the Department of  
13 Health and Human Services based on standard consultation fees,

14 and all members of the committee shall be reimbursed for their  
15 actual and necessary expenses incurred in service on the committee  
16 pursuant to sections 81-1174 to 81-1177.

17 Sec. 4. (1) The committee shall establish a grant  
18 process to award grants to Nebraska institutions or researchers  
19 for the purpose of conducting nonembryonic stem cell research.  
20 The grant process shall include, but not be limited to, an  
21 application identifying the institution or researcher applying for  
22 the grant, the amount of funds to be received by the applicant from  
23 sources other than state funds, the sources of such funds, and a  
24 description of the goal of the research for which the funds will be  
25 used and research methods to be used by the applicant.

26 (2) The committee shall annually report to the  
27 Legislature the number of grants awarded, the amount of the grants,  
1 and the researchers or institutions to which the grants were  
2 awarded. No more than three years after the effective date of this  
3 act, the committee shall report to the Legislature on the progress  
4 of any projects that have been awarded grants under the Stem Cell  
5 Research Act.

6 Sec. 5. (1) The Stem Cell Research Cash Fund is created.  
7 Any money in the fund available for investment shall be invested  
8 by the state investment officer pursuant to the Nebraska Capital  
9 Expansion Act and the Nebraska State Funds Investment Act.

10 (2) Money credited to the Stem Cell Research Cash  
11 Fund pursuant to section 71-7608 shall be used to provide a  
12 dollar-for-dollar match, up to five hundred thousand dollars per  
13 fiscal year, of funds received by institutions or researchers  
14 from sources other than funds provided by the State of Nebraska  
15 for nonembryonic stem cell research. Such matching funds shall be  
16 awarded through the grant process established pursuant to section 4  
17 of this act. No single institution or researcher shall receive more  
18 than seventy percent of the funds available for distribution under  
19 this section on an annual basis.

20 (3) Up to three percent of the funds credited to the  
21 Stem Cell Research Cash Fund shall be available to the Division  
22 of Public Health of the Department of Health and Human Services  
23 for administrative costs, including stipends and reimbursements  
24 pursuant to section 3 of this act.

25 Sec. 6. No state facilities, no state funds, fees, or  
26 charges, and no investment income on state funds shall be used to  
27 destroy human embryos for the purpose of research. In no case shall  
1 state facilities, state funds, fees, or charges, or investment  
2 income on state funds be used to create a human embryo by somatic  
3 cell nuclear transfer for any purpose.

4 Sec. 7. Section 71-7608, Revised Statutes Supplement,  
5 2007, is amended to read:

6 71-7608 The Nebraska Tobacco Settlement Trust Fund is  
7 created. The fund shall include any settlement payments or other  
8 revenue received by the State of Nebraska in connection with any

9 tobacco-related litigation to which the State of Nebraska is a  
10 party. The Department of Health and Human Services shall remit such  
11 revenue to the State Treasurer for credit to the fund, except that  
12 (1) of such revenue received on or after April 1, 2005, two million  
13 five hundred thousand dollars shall be credited annually to the  
14 Tobacco Prevention and Control Cash Fund and (2) within seven days  
15 after the effective date of this act, and on July 1 of each year  
16 thereafter five hundred thousand dollars shall be credited to the  
17 Stem Cell Research Cash Fund created under section 5 of this act.  
18 Subject to the terms and conditions of such litigation, money from  
19 the Nebraska Tobacco Settlement Trust Fund shall be transferred to  
20 the Nebraska Health Care Cash Fund as provided in section 71-7611.  
21 Any money in the Nebraska Tobacco Settlement Trust Fund available  
22 for investment shall be invested by the state investment officer  
23 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
24 State Funds Investment Act.  
25 Sec. 8. Original section 71-7608, Revised Statutes  
26 Supplement, 2007, is repealed.  
27 Sec. 9. Since an emergency exists, this act takes effect  
1 when passed and approved according to law.

**LEGISLATIVE BILL 700.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

Education

**LEGISLATIVE BILL 977.** Placed on General File with amendment.  
AM1830 is available in the Bill Room.

(Signed) Ron Raikes, Chairperson

### ANNOUNCEMENTS

Senator Gay designates LB895 as his priority bill.

Senator Christensen designates LB1094 as his priority bill.

The Natural Resources Committee designates LB1065 as its priority bill.

The Agriculture Committee designates LB1116 and LB1027 as its priority bills.

Senator Langemeier designates LB606 as his priority bill.



**AMENDMENT - Print in Journal**

Senator Karpisek filed the following amendment to LB395:  
AM1938

(Amendments to Second Final Reading copy)

- 1 1. Insert the following section:
- 2 Sec. 16. The proprietor of an establishment having a
- 3 license issued under the Nebraska Liquor Control Act may designate
- 4 smoking areas in such establishment and allow smoking in such
- 5 designated smoking areas during times when no prepared foods are
- 6 being served in the establishment. The duties and restrictions of
- 7 sections 71-5708 and 71-5709, as such sections existed prior to the
- 8 operative date of this act, shall apply to such proprietor.
- 9 2. On page 2, line 1, strike "19" and insert "20".
- 10 3. On page 4, line 11, strike "section 15" and insert
- 11 "sections 15 and 16".
- 12 4. Renumber the remaining sections accordingly.

**NOTICE OF COMMITTEE HEARING**

Education

Room 1525

Monday, March 10, 2008 8:30 a.m.

Report on Progress Toward Attainment of Higher Education Priorities

(Signed) Ron Raikes, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Howard asked unanimous consent to add her name as cointroducer to LB606. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were David Barmore from Lexington; and 50 fourth-grade students and teachers from Longfellow Elementary, Hastings.

The Doctor of the Day was Dr. Lane Handke from Lincoln.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator McDonald, the Legislature adjourned until 9:00 a.m., Friday, February 22, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-NINTH DAY - FEBRUARY 22, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 22, 2008

**PRAYER**

The prayer was offered by Pastor Mary Beth Cross, New England Congregational, United Church of Christ, Stanton.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Cornett, Dierks, Engel, Heidemann, Lathrop, McDonald, McGill, Rogert, Wallman, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**ANNOUNCEMENTS**

Senator Pahls designates LB853 as his priority bill.

The Urban Affairs Committee designates LB1096 and LB1072 as its priority bills.

Senator Karpisek designates LB844 as his priority bill.

The Judiciary Committee designates LB1014 and LR4CA as its priority bill and resolution.

Senator Hudkins designates LB777 as her priority bill.

Senator Louden designates LB1068 as his priority bill.

The Natural Resources Committee designates LB924 as its priority bill.

Senator Dubas designates LB830 as her priority bill.

Senator Friend designates LB963 as his priority bill.

### MESSAGE FROM THE GOVERNOR

February 21, 2008

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

Dear Mr. President, Speaker Flood and Senators:

This letter is to inform you that David Catalan has resigned from the Nebraska Arts Council. Therefore, the request for confirmation of his appointment as a member of the Nebraska Arts Council is respectfully withdrawn.

Sincerely,  
(Signed) Dave Heineman  
Governor

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 21, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Cutshall & Nowka  
American Council of Life Insurers  
Grand Island Chamber of Commerce

Hilton Snow, Pamela  
Nebraska Cultural Endowment

Longanecker, Ed  
American Electronics Association (AEA)

Mines, Mick  
Gateway Development Corp. (Withdrawn 02/14/2008)

O'Hara, Lindsay & Associates, Inc.  
City of Hastings

Overcash, James A.  
 General Contractors, Associated (NE Building Chapter)

Ruth Mueller Robak LLC  
 Western Union Financial Services

Schmit Industries, Inc.  
 Altra Inc.  
 Mid-America Companies, LLC/Lundeen

Wesely, Don  
 O'Hara, Lindsay & Associates, Inc.

**REPORTS**

The following reports were received by the Legislature:

**Auditor of Public Accounts**

Attestation reports for the following:  
 Motor Vehicle Industry Licensing Board, Nebraska  
 Revenue, Department of, Cigarette Tax Receipts

**Energy Office, Nebraska**

Annual Report for Fiscal Year 2006-2007

**Health and Human Services, Department of**

Credentialing Review Program Reports on Utilization of Fluoroscopy by  
 CRNAs

**MOTIONS - Approve Appointments**

Senator Aguilar moved the adoption of the Government, Military and  
 Veterans Affairs Committee report for the confirmation of the following  
 appointment(s) found on page 618:

State Emergency Response Commission  
 Mark Graf  
 Keith Deiml

Voting in the affirmative, 26:

Adams	Erdman	Karpisek	Nelson	Stuthman
Aguilar	Fischer	Kopplin	Pankonin	Wightman
Avery	Flood	Langemeier	Pedersen	
Burling	Friend	Lautenbaugh	Pirsch	
Christensen	Howard	Louden	Raikes	
Dubas	Janssen	Nantkes	Schimek	

Voting in the negative, 0.

Present and not voting, 12:

Carlson	Gay	Hudkins	Pahls
Chambers	Hansen	Johnson	Preister
Fulton	Harms	Kruse	Synowiecki

Excused and not voting, 11:

Ashford	Engel	McDonald	Wallman
Cornett	Heidemann	McGill	White
Dierks	Lathrop	Rogert	

The appointments were confirmed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 618:

State Personnel Board  
Gregory Osborn

Voting in the affirmative, 25:

Adams	Dubas	Fulton	Langemeier	Raikes
Aguilar	Erdman	Howard	Nantkes	Rogert
Avery	Fischer	Janssen	Nelson	Stuthman
Burling	Flood	Johnson	Pedersen	White
Christensen	Friend	Kopplin	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 16:

Carlson	Hansen	Kruse	Pankonin
Chambers	Harms	Lautenbaugh	Preister
Cornett	Hudkins	Louden	Schimek
Gay	Karpisek	Pahls	Synowiecki

Excused and not voting, 8:

Ashford	Engel	Lathrop	McGill
Dierks	Heidemann	McDonald	Wallman

The appointment was confirmed with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 618:

Nebraska Accountability and Disclosure Commission  
Richard Nelson

Voting in the affirmative, 32:

Adams	Friend	Karpisek	Nantkes	Rogert
Aguilar	Fulton	Kopplin	Nelson	Stuthman
Burling	Gay	Langemeier	Pahls	Wallman
Carlson	Hansen	Lautenbaugh	Pankonin	Wightman
Erdman	Howard	Louden	Pedersen	
Fischer	Janssen	McDonald	Pirsch	
Flood	Johnson	McGill	Raikes	

Voting in the negative, 0.

Present and not voting, 13:

Avery	Cornett	Hudkins	Preister	White
Chambers	Dubas	Kruse	Schimek	
Christensen	Harms	Lathrop	Synowiecki	

Excused and not voting, 4:

Ashford	Dierks	Engel	Heidemann
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The appointment was confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**WITHDRAW - Amendment to LB395**

Senator Erdman withdrew his amendment, AM1907, found on page 601, to LB395.

**MOTION - Return LB395 to Select File**

Senator Erdman moved to return LB395 to Select File for his specific amendment, AM1914, found on page 623.

Senator Erdman requested a roll call vote on his motion to return.

Voting in the affirmative, 18:

Burling	Fischer	Janssen	Louden	Synowiecki
Christensen	Friend	Karpisek	Nantkes	Wallman
Engel	Heidemann	Langemeier	Nelson	
Erdman	Hudkins	Lautenbaugh	Pirsch	

Voting in the negative, 30:

Adams	Cornett	Hansen	Lathrop	Raikes
Aguilar	Dierks	Harms	McGill	Rogert
Ashford	Dubas	Howard	Pahls	Schimek
Avery	Flood	Johnson	Pankonin	Stuthman
Carlson	Fulton	Kopplin	Pedersen	White
Chambers	Gay	Kruse	Preister	Wightman

Excused and not voting, 1:

McDonald

The Erdman motion to return failed with 18 ayes, 30 nays, and 1 excused and not voting.

### ANNOUNCEMENTS

Senator Adams designates LB1157 as his priority bill.

Senator Wightman designates LB973 as his priority bill.

Senator Raikes designates LB1154 as his priority bill.

The Education Committee designates LB988 and LB1153 as its priority bills.

Senator Preister designates LB986 as his priority bill.

Senator Heidemann designates LB533 as his priority bill.

Senator White designates LB1001 as his priority bill.

Senator Schimek designates LB721 as her priority bill.

Senator Carlson designates LB736 as his priority bill.

The General Affairs Committee designates LB995 as its priority bill.

Senator Harms designates LB1092 as his priority bill.

Senator Lathrop designates LB952 as his priority bill.

Senator Lautenbaugh designates LB888 as his priority bill.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 244.** Introduced by Howard, 9.

WHEREAS, bullying is an unfortunate reality in Nebraska schools; and



WHEREAS, on any given day, in schools and playgrounds across Nebraska, children are being victimized by their peers, from teasing, social rejection, and physical fights to text messaging and cyberbullying; and

WHEREAS, bullying causes deep psychological pain and children who are bullied often experience low self-esteem and depression and more frequent school absences, poor academic achievement, and increased school dropout rates; and

WHEREAS, children who engage in bullying behavior often go on to engage in more destructive, antisocial behaviors as teens and adults; and

WHEREAS, incidences of bullying in Nebraska schools can be reduced when students, teachers, and school administrators understand how to identify and manage bullying behavior through appropriate anti-bullying education and policy enforcement; and

WHEREAS, on February 14, 2008, the Governor signed into law a requirement that all schools develop policies to address bullying.

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

1. That the week of October 5th through the 11th, 2008, be designated as Nebraska School Bullying Awareness Week, with the intention that the issue of bullying and its prevention be discussed in Nebraska during that time.

2. That a copy of this resolution be sent to the State Department of Education.

Laid over.

#### **LEGISLATIVE RESOLUTION 245.** Introduced by Flood, 19.

WHEREAS, the Madison High School wrestling team won the 2008 Class C State Wrestling Championship; and

WHEREAS, Luis Rosales became Madison's seventh individual state champion, Ramiro Benavides became the school's first two-time state champion, claiming the 140-pound gold medal in each of the past two years, Kurt Ruh and Josh Eisenmann were third and fourth-place finishers, respectively, and other state qualifiers who helped achieve the top team score of 97.5 were Uriel Avila, Kyle Ruh, and Brian Tighe; and

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

WHEREAS, the team and coaches Ken Loosvelt and Justin Stutzman deserve special recognition for the discipline, teamwork, and enthusiasm that they displayed throughout the season.

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

1. That the Legislature congratulates the Madison High School wrestling team and coaches Ken Loosvelt and Justin Stutzman.

2. That a copy of this resolution be sent to the Madison High School wrestling team and their coaches.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 846A.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 846, One Hundredth Legislature, Second Session, 2008.

**MOTION - Print in Journal**

Senator Chambers filed the following motion to LB1049:  
MO131  
Indefinitely postpone.

**AMENDMENT - Print in Journal**

Senator Ashford filed the following amendment to LB1063:  
AM1912

(Amendments to Standing Committee amendments, AM1841)

- 1 1. On page 24, strike beginning with "other" in line 24
- 2 through "parole" in line 25.

**COMMITTEE REPORT**

Natural Resources

The Natural Resources 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.

Lon Keim - Environmental Quality Council

Aye: 7 Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Wallman. Nay: 0. Absent: 1 Senator Louden.

(Signed) LeRoy Louden, Chairperson

**ANNOUNCEMENT**

The Business and Labor Committee designates LB1082 and LB1016 as its priority bills.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 744.** Placed on Final Reading.

**LEGISLATIVE BILL 747.** Placed on Final Reading.

**LEGISLATIVE BILL 750.** Placed on Final Reading.

**LEGISLATIVE BILL 752.** Placed on Final Reading.

**LEGISLATIVE BILL 791.** Placed on Final Reading.

ST9069

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

1. On page 1, line 3, "exclusive" has been struck and "rules and regulations governing" inserted.

**LEGISLATIVE BILL 856.** Placed on Final Reading.

**LEGISLATIVE BILL 857.** Placed on Final Reading.

**LEGISLATIVE BILL 915.** Placed on Final Reading.

**LEGISLATIVE BILL 925.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**MOTIONS - Return LB395 to Select File**

Senator Erdman moved to return LB395 to Select File for his specific amendment, AM1913, found on page 623.

The Erdman motion to return failed with 17 ayes, 30 nays, 1 present and not voting, and 1 excused and not voting.

Senator Karpisek moved to return LB395 to Select File for his specific amendment, AM1938, found on page 657.

**SENATOR STUTHMAN PRESIDING**

**SENATOR LANGEMEIER PRESIDING**

**SPEAKER FLOOD PRESIDING**

The Karpisek motion to return failed with 13 ayes, 35 nays, and 1 excused and not voting.

Senator Johnson offered the following motion:

MO132

Invoke cloture pursuant to Rule 7, Section 10.

The Johnson motion to invoke cloture prevailed with 37 ayes, 11 nays, and 1 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 395.**

A BILL FOR AN ACT relating to public health; to repeal the current Nebraska Clean Indoor Air Act and adopt a new act; to provide penalties; to provide an operative date; to provide severability; and to outright repeal sections 71-5701, 71-5702, 71-5703, 71-5704, 71-5706, 71-5708, 71-5709, and 71-5712, Reissue Revised Statutes of Nebraska, section 71-5705, Revised Statutes Cumulative Supplement, 2006, and sections 71-5707, 71-5710, 71-5711, and 71-5713, Revised Statutes Supplement, 2007.

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

Voting in the affirmative, 34:

Adams	Cornett	Harms	McGill	Raikes
Aguilar	Dierks	Howard	Nelson	Rogert
Ashford	Dubas	Johnson	Pahls	Schimek
Avery	Friend	Kopplin	Pankonin	Stuthman
Carlson	Fulton	Kruse	Pedersen	White
Chambers	Gay	Lathrop	Pirsch	Wightman
Christensen	Hansen	McDonald	Preister	

Voting in the negative, 14:

Burling	Fischer	Hudkins	Langemeier	Synowiecki
Engel	Flood	Janssen	Lautenbaugh	Wallman
Erdman	Heidemann	Karpisek	Nantkes	

Excused and not voting, 1:

Louden

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

**LEGISLATIVE BILL 395A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 395, One Hundredth Legislature, Second Session, 2008.

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

Voting in the affirmative, 40:

Adams	Dierks	Hansen	Lathrop	Pirsch
Aguilar	Dubas	Harms	McDonald	Preister
Ashford	Engel	Heidemann	McGill	Raikes
Avery	Fischer	Howard	Nantkes	Rogert
Carlson	Flood	Janssen	Nelson	Schimek
Chambers	Friend	Johnson	Pahls	Stuthman
Christensen	Fulton	Kopplin	Pankonin	White
Cornett	Gay	Kruse	Pedersen	Wightman

Voting in the negative, 8:

Burling	Hudkins	Langemeier	Synowiecki
Erdman	Karpisek	Lautenbaugh	Wallman

Excused and not voting, 1:

Louden

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

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 395 and 395A.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 953.** Placed on General File with amendment. AM1941

- 1 1. Strike original sections 2 and 4.
- 2 2. On page 2, line 2, strike "may" and insert "shall".
- 3 3. On page 4, strike lines 16 through 25 and insert the
- 4 following new subsection:
- 5 "(4)(a) Every owner of a manufactured home or mobile home
- 6 shall obtain a certificate of title for the manufactured home or
- 7 mobile home prior to affixing it to real estate.
- 8 (b) If a manufactured home or mobile home has been
- 9 affixed to real estate, and a certificate of title was not issued
- 10 before it was so affixed, the owner of such manufactured home or
- 11 mobile home shall apply for and be issued a certificate of title
- 12 at any time for surrender and cancellation as provided in section
- 13 60-169."
- 14 4. On page 5, strike lines 1 through 3.
- 15 5. On page 7, line 20, strike "is created" and insert

16 "attaches".

17 6. On page 10, strike beginning with "section" in line  
18 14 through the first "and" in line 15; and in line 15 strike "  
19 60-147,".

20 7. Renumber the remaining sections accordingly.

(Signed) Rich Pahls, Chairperson

Agriculture

**LEGISLATIVE BILL 200.** Indefinitely postponed.

**LEGISLATIVE BILL 273.** Indefinitely postponed.

**LEGISLATIVE BILL 860.** Indefinitely postponed.

(Signed) Philip Erdman, Chairperson

Judiciary

**LEGISLATIVE RESOLUTION 4CA.** Placed on General File.

**LEGISLATIVE BILL 769.** Placed on General File.

**LEGISLATIVE BILL 902.** Placed on General File.

(Signed) Brad Ashford, Chairperson

### ANNOUNCEMENTS

The Health and Human Services Committee designates LB797 and LB928 as its priority bills.

The Government, Military and Veterans Affairs Committee designates LB745 and LB720 as its priority bills.

Senator Dierks designates LB1174 as his priority bill.

The Nebraska Retirement Systems Committee designates LB1147 and LB371 as its priority bills.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 851.** Placed on Select File with amendment.

ER8165

1 1. In the Standing Committee amendments, AM1782:

2 a. On page 18, line 5; page 23, line 12; page 29, line  
3 9; and page 31, line 11, strike "effective date of this act" and  
4 insert "operative date of this section";

5 b. On page 19, line 16, strike the comma;

6 c. On page 24, line 16, strike "(6)";

7 d. On page 32, line 8, strike "the" and strike the first  
 8 "a" and insert "the"; and  
 9 e. On page 44, line 24, strike "act", show as stricken,  
 10 and insert "Nebraska Installment Loan Act".  
 11 2. On page 1, strike beginning with "section" in line  
 12 1 through line 11 and insert "sections 8-224, 8-374, 8-2106,  
 13 25-202, and 64-214, Reissue Revised Statutes of Nebraska, sections  
 14 8-115.01, 8-116, 8-120, 8-122, 8-143.01, 8-157, 8-223, 8-234,  
 15 8-910, 8-1510, 8-2102, 45-703, 45-704, 45-907, 45-922, and 45-1006,  
 16 Revised Statutes Cumulative Supplement, 2006, sections 8-1,140,  
 17 8-355, 21-17,115, 45-702, and 45-722, Revised Statutes Supplement,  
 18 2007, section 9-506, Uniform Commercial Code, Reissue Revised  
 19 Statutes of Nebraska, and section 9-324, Uniform Commercial Code,  
 20 Revised Statutes Cumulative Supplement, 2006; to change provisions  
 21 relating to bank charters, undivided profits, and trust companies  
 22 and trust departments; to change certain notice requirements with  
 23 respect to bank charter and branching applications; to change  
 1 provisions relating to loans to executive officers of banks; to  
 2 change provisions relating to actions for the recovery of title or  
 3 possession of real estate or foreclosure of mortgages; to provide  
 4 for the foreclosure of deeds of trust; to allow bank employees  
 5 and agents to perform acknowledgments of written instruments and  
 6 administer oaths as prescribed; to revise powers of state-chartered  
 7 banks, building and loan associations, and credit unions; to change  
 8 provisions relating to bank holding company ownership limitations,  
 9 interstate mergers, and interstate branching by merger; to change  
 10 provisions relating to the Mortgage Bankers Registration and  
 11 Licensing Act, the Delayed Deposit Services Licensing Act, and  
 12 the Nebraska Installment Loan Act; to change provisions relating  
 13 to priority of purchase-money security interests and the effect  
 14 of errors and omissions in a financing statement; to eliminate  
 15 provisions relating to the investment of funds by fiduciaries;  
 16 to provide operative dates; to repeal the original sections;  
 17 to outright repeal section 30-3206, Reissue Revised Statutes of  
 18 Nebraska; and to declare an emergency."

**LEGISLATIVE BILL 755.** Placed on Select File with amendment.  
 ER8164

1 1. On page 1, strike lines 2 through 12 and insert "amend  
 2 sections 75-111, 75-126, 75-1011, and 75-1012, Reissue Revised  
 3 Statutes of Nebraska, sections 75-156, 86-127, 86-209, 86-437, and  
 4 86-465, Revised Statutes Cumulative Supplement, 2006, and section  
 5 86-459, Revised Statutes Supplement, 2007; to change provisions  
 6 relating to commission powers and duties, common carrier practices,  
 7 service surcharges and reports, and transfer and use of funds; to  
 8 harmonize provisions; and to repeal the original sections."

(Signed) Amanda McGill, Chairperson

**SENATOR LANGEMEIER PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 756.** Title read. Considered.

Committee AM1893, found on page 604, was considered.

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

The committee amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Fischer renewed the Heidemann amendment, AM1853, found on page 630.

The Heidemann amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO133

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 898.** Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 912.** Title read. Considered.

Committee AM1927, found on page 628, was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 5 nays, 12 present and not voting, and 5 excused and not voting.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 22, 2008, at 11:20 a.m. were the following: LBs 395 and 395A.



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

## COMMITTEE REPORTS

### Judiciary

The Judiciary 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.

Esther Casmer - Nebraska Board of Parole

Aye: 8 Senators Ashford, Chambers, Lathrop, McDonald, McGill, Pedersen, Pirsch, Schimek. Nay: 0. Absent: 0.

**LEGISLATIVE BILL 1014.** Placed on General File with amendment. AM2006 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

## ANNOUNCEMENTS

The Legislative Performance Audit Committee designates LB822 as its priority bill.

Senator Johnson designates LB245 as his priority bill.

Senator Synowiecki designates LB1130 as his priority bill.

Senator Erdman designates LB1049 as his priority bill.

Senator Flood designates LB889 as his priority bill.

## AMENDMENT - Print in Journal

Senator Lautenbaugh filed the following amendment to LB395:  
AM1996

(Amendments to Second Final Reading copy)

- 1 1. Insert the following section:
- 2 Sec. 4. Cigar bar means a bar or pub which, in addition
- 3 to selling alcohol, receives thirty-three percent or more of its
- 4 profit from the sales of cigars, cigarettes, and other tobacco
- 5 products as well as incidental products related to the use of such
- 6 tobacco products.
- 7 2. On page 5, line 3, after "outlets" insert "and cigar
- 8 bars"; and after line 21 insert
- 9 "(4) A cigar bar shall certify in reasonable detail to
- 10 the Department of Health and Human Services the income and receipts
- 11 from cigar, cigarette, and other tobacco and tobacco-related

- 12 product sales annually and the total amount of revenue earned  
13 from the total operation of business to verify the business status  
14 as a cigar bar."  
15 3. Renumber the remaining sections and correct internal  
16 references accordingly.

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

Senator Cornett asked unanimous consent to add her name as cointroducer to LB786. No objections. So ordered.

Senator Harms asked unanimous consent to add his name as cointroducer to LB786, LB1129, and LR232. No objections. So ordered.

### **WITHDRAW - Cointroducer**

Senator Pedersen withdrew his name as cointroducer to LB958.

### **VISITORS**

Visitors to the Chamber were Ryan Pitkin from Callaway; members of the Nebraska State Bar Association Leadership Academy from across the state; and 42 fourth-grade students and teachers from York.

The Doctor of the Day was Dr. Doug Inciarte from Omaha.

### **ADJOURNMENT**

At 12:05 p.m., on a motion by Senator McGill, the Legislature adjourned until 10:00 a.m., Monday, February 25, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTIETH DAY - FEBRUARY 25, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 25, 2008

**PRAYER**

The prayer was offered by Pastor Bud Leach, Church of the Nazarene, Falls City.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Nantkes, Schimek, and Stuthman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-ninth day was approved.

**COMMITTEE REPORTS**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 371.** Placed on General File with amendment.  
AM1857 is available in the Bill Room.

**LEGISLATIVE BILL 1147.** Placed on General File with amendment.  
AM1999 is available in the Bill Room.

**LEGISLATIVE BILL 611.** Indefinitely postponed.

**LEGISLATIVE BILL 612.** Indefinitely postponed.

**LEGISLATIVE BILL 613.** Indefinitely postponed.

**LEGISLATIVE BILL 679.** Indefinitely postponed.

**LEGISLATIVE BILL 967.** Indefinitely postponed.

(Signed) John Synowiecki, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 246.** Introduced by Howard, 9; Adams, 24; Aguilar, 35; Ashford, 20; Avery, 28; Burling, 33; Carlson, 38; Chambers, 11; Christensen, 44; Cornett, 45; Dierks, 40; Engel, 17; Fischer, 43; Flood, 19; Friend, 10; Fulton, 29; Gay, 14; Hansen, 42; Harms, 48; Heidemann, 1; Hudkins, 21; Janssen, 15; Johnson, 37; Karpisek, 32; Kopplin, 3; Kruse, 13; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McDonald, 41; McGill, 26; Nantkes, 46; Nelson, 6; Pahls, 31; Pankonin, 2; Pedersen, 39; Preister, 5; Raikes, 25; Rogert, 16; Schimek, 27; Synowiecki, 7; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, each year social workers across the country celebrate their profession during March; and

WHEREAS, National Professional Social Work Month is observed in March and this year's theme is a central tenet of social work, building on strengths; and

WHEREAS, the foundation for growth and change in an individual, a family, and a community are their strengths; and

WHEREAS, all individuals, families, and communities have strengths. Understanding and utilizing these strengths are essential to improving emotional health and well-being; and

WHEREAS, more than six hundred thousand social workers are educated in the strengths perspective, which emphasizes working with client or community resources, capabilities, support systems, and motivations to meet current challenges; and

WHEREAS, the goals of National Professional Social Work Month in 2008 are to expand the public perception of the breadth and depth of social work, reach out to the media to promote the importance of social work services and social work professionals to society, promote a theme that resonates with and builds pride in social workers, and increase understanding of social workers' roles in working with families and communities.

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

1. That the Legislature recognizes March, 2008, as Professional Social Work Month in Nebraska.

2. That during this week communities are encouraged to participate in activities designed to increase public awareness about the contributions of professionals in the field of social work.

Laid over.

**LEGISLATIVE RESOLUTION 247.** Introduced by Christensen, 44.

WHEREAS, Ian Matthew Hunter of Troop 244, McCook, 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 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 of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Ian 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. Ian, for his Eagle Scout community service project, led a group of volunteers in refurbishing six computers with new software and hardware for donation to Hillcrest Nursing Home for its residents; and

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

WHEREAS, Ian, 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 Ian Matthew Hunter on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ian Matthew Hunter.

Laid over.

### ANNOUNCEMENT

Speaker Flood designates LBs 308, 734, 743, 746, 768, 781, 786, 806, 813, 819, 837, 877, 884, 894, 907, 911, 914, 939, 953, 956, 962, 1056, 1104, 1172, and LR229CA as Speaker priority bills and resolution.

### ANNOUNCEMENT

The Chair announced today is Senator Kruse's birthday.

### GENERAL FILE

**LEGISLATIVE BILL 797.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, and 17 present and not voting.

**LEGISLATIVE BILL 1014.** Title read. Considered.

Committee AM2006, found on page 673, was considered.

### SPEAKER FLOOD PRESIDING

**PRESIDENT SHEEHY PRESIDING**

Senator Ashford moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The committee amendment was adopted with 26 ayes, 10 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 2 nays, 13 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**MESSAGE FROM THE GOVERNOR**

February 25, 2008

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

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

This letter is written to inform you that Patrick J. Thomas has resigned from the Nebraska Liquor Control Commission. Therefore, the request for confirmation of his appointment as a member of the Nebraska Liquor Control Commission is respectfully withdrawn.

Sincerely,  
(Signed) Dave Heineman  
Governor

**MOTION - Suspend Rules**

Senator McDonald offered the following motion:

To suspend Rule 3, Section 13 to permit cancellation of the appointment hearing of Patrick J. Thomas - Nebraska Liquor Control Commission.

The McDonald motion to suspend the rules prevailed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 248.** Introduced by Fulton, 29.

WHEREAS, Union College has provided exceptional postsecondary education in both professional and liberal arts degree programs in Lincoln, Nebraska, since 1891; and

WHEREAS, enrollment at Union College surpassed one thousand students in August of 2007 for the first time in twenty-four years; and

WHEREAS, Union College has received national acclamation as one of America's Best Colleges and is in the top tier of Midwestern baccalaureate institutions; and

WHEREAS, Union College was named to the 2007 President's Higher Education Community Service Honor Roll, the highest federal recognition a college can achieve for its commitment to service-learning and civic engagement; and

WHEREAS, President David Smith and the faculty and staff of Union College have undertaken great effort to recruit exemplary students nationally and globally; and

WHEREAS, the students, graduates, and faculty and staff of Union College provide an integral benefit to the intellectual and economic development of the State of Nebraska.

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

1. That the Legislature commends Union College on its recent achievements and encourages its continued progress.

2. That a copy of this resolution be delivered to Union College.

Laid over.

**COMMITTEE REPORTS**

## Appropriations

**LEGISLATIVE BILL 956.** Placed on General File.

(Signed) Lavon Heidemann, Chairperson

## Judiciary

**LEGISLATIVE BILL 15.** Indefinitely postponed.

**LEGISLATIVE BILL 36.** Indefinitely postponed.

**LEGISLATIVE BILL 37.** Indefinitely postponed.

**LEGISLATIVE BILL 38.** Indefinitely postponed.

**LEGISLATIVE BILL 45.** Indefinitely postponed.

**LEGISLATIVE BILL 180.** Indefinitely postponed.

**LEGISLATIVE BILL 215.** Indefinitely postponed.

**LEGISLATIVE BILL 828.** Indefinitely postponed.

**LEGISLATIVE BILL 839.** Indefinitely postponed.

**LEGISLATIVE BILL 957.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

## Revenue

**LEGISLATIVE BILL 777.** Placed on General File with amendment.  
AM2002

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 77-1359, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:  
5 77-1359 The Legislature finds and declares that  
6 agricultural land and horticultural land shall be a separate and  
7 distinct class of real property for purposes of assessment. The  
8 assessed value of agricultural land and horticultural land shall  
9 not be uniform and proportionate with all other real property, but  
10 the assessed value shall be uniform and proportionate within the  
11 class of agricultural land and horticultural land.  
12 For purposes of sections 77-1359 to 77-1363:  
13 (1) Agricultural land and horticultural land means a  
14 parcel of land, excluding any farm home site or farm site, which  
15 is primarily used for agricultural or horticultural purposes,  
16 including wasteland lying in or adjacent to and in common ownership  
17 or management with other agricultural land and horticultural land.  
18 Agricultural land and horticultural land does not include any land  
19 directly associated with any building or enclosed structure;  
20 (2) Agricultural or horticultural purposes means used for  
21 the commercial production of any plant or animal product in a  
22 raw or unprocessed state that is derived from the science and  
23 art of agriculture, aquaculture, or horticulture. Agricultural or  
1 horticultural purposes includes the following uses of land:  
2 (a) Land retained or protected for future agricultural or  
3 horticultural purposes under a conservation easement as provided  
4 in the Conservation and Preservation Easements Act except when the  
5 parcel or a portion thereof is being used for purposes other than  
6 agricultural or horticultural purposes; and  
7 (b) Land enrolled in a federal or state program in which  
8 payments are received for removing such land from agricultural or  
9 horticultural production;  
10 (3) Farm home site means not more than one acre of  
11 land contiguous to a farm site which includes an inhabitable  
12 residence and improvements used for residential purposes, and such  
13 improvements include utility connections, water and sewer systems,  
14 and improved access to a public road; and  
15 (4) Farm site means the portion of land contiguous to  
16 land actively devoted to agriculture which includes improvements  
17 that are agricultural or horticultural in nature, including any  
18 uninhabitable or unimproved farm home site.



- 19 Sec. 2. Original section 77-1359, Revised Statutes  
 20 Cumulative Supplement, 2006, is repealed.  
 21 Sec. 3. Since an emergency exists, this act takes effect  
 22 when passed and approved according to law.

**LEGISLATIVE BILL 888.** Placed on General File with amendment.  
 AM2003

- 1 1. On page 2, lines 8 and 10, strike "two" and insert
- 2 "one".

**LEGISLATIVE BILL 916.** Placed on General File with amendment.  
 AM1932 is available in the Bill Room.

**LEGISLATIVE BILL 1001.** Placed on General File with amendment.  
 AM2001 is available in the Bill Room.

(Signed) Ray Janssen, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 745.** Placed on General File.

**LEGISLATIVE BILL 858.** Placed on General File.

**LEGISLATIVE BILL 1067.** Placed on General File.

**LEGISLATIVE BILL 822.** Placed on General File with amendment.  
 AM1737

- 1 1. On page 10, line 3, after "system" insert "for
- 2 political subdivisions".

**LEGISLATIVE BILL 838.** Placed on General File with amendment.  
 AM1788

- 1 1. On page 4, line 25, strike "(1)" and insert "(a)".
- 2 2. On page 5, line 1, strike "(2)" and insert "(b)"
- 3 and strike "live" and insert "reside"; in line 3 strike "(3)" and
- 4 insert "(c)"; and in line 5 strike "(4)" and insert "(d)".

**LEGISLATIVE BILL 1030.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 225CA.** Indefinitely postponed.

(Signed) Ray Aguilar, Chairperson

Natural Resources

**LEGISLATIVE BILL 986.** Placed on General File with amendment.  
 AM1998

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 11 of this act shall be known

4 and may be cited as the Electronics Recycling Act.

5 Sec. 2. The purpose of the Electronics Recycling Act is  
6 to establish a comprehensive electronic device recycling system  
7 that ensures the safe and environmentally sound management of  
8 electronic devices and encourages the design of electronic devices  
9 that are recyclable and less toxic.

10 Sec. 3. For purposes of the Electronics Recycling Act:

11 (1) Computer means a desktop, portable or laptop,  
12 electronic, magnetic, optical, electrochemical, or other high-speed  
13 data processing device which is capable of performing logical,  
14 arithmetic, or storage functions, and includes, but is not limited  
15 to, a computer central processing unit and a monitor. Computer  
16 does not include an automated typewriter or typesetter, a portable  
17 handheld calculator, a portable digital assistant, or other similar  
18 device;

19 (2) Department means the Department of Environmental  
20 Quality;

21 (3)(a) Electronic device means a computer, video display  
22 device, or television; and

23 (b) Electronic device does not include:

1 (i) An electronic device that is a part of a motor  
2 vehicle or any component part of a motor vehicle assembled by  
3 or for a vehicle manufacturer or franchise dealer, including  
4 replacement parts for use in a motor vehicle;

5 (ii) An electronic device that is functionally or  
6 physically a part of a larger piece of equipment designed and  
7 intended for use in an industrial, commercial, or medical setting,  
8 including diagnostic, monitoring, or control equipment;

9 (iii) An electronic device that is contained within  
10 a clothes washer, clothes dryer, refrigerator, refrigerator and  
11 freezer, microwave oven, conventional oven or range, dishwasher,  
12 room air conditioner, dehumidifier, or air purifier; or

13 (iv) A telephone of any type unless it contains a video  
14 display area greater than nine inches measured diagonally;

15 (4) Manufacturer means a person who:

16 (a) Sells electronic devices under its own brand or label  
17 for sale in the United States;

18 (b) Sells electronic devices in this state without  
19 affixing a brand or label onto such device;

20 (c) Resells in this state under its own brand or label  
21 electronic devices manufactured by another firm or entity, unless  
22 the firm or entity which manufactured the electronic devices sold  
23 under the brand or label of the reseller meets the registration  
24 requirements of the act;

25 (d) Imports electronic devices into the United States. If  
26 the company from whom an importer purchases the electronic device  
27 has a presence or assets in the United States, that company shall  
1 be deemed to be the manufacturer; or

2 (e) Manufactures electronic devices, supplies them to any

3 person within a distribution network that includes wholesalers or  
4 retailers in this state, and benefits from the sale in this state  
5 of such electronic devices through the distribution network;

6 (5) Monitor means a separate video display component of  
7 a computer that does not contain a tuner, whether sold separately  
8 or together with a computer central processing unit or computer  
9 box, and includes a cathode ray tube, liquid crystal display,  
10 gas plasma, digital light processing, or other image projection  
11 technology greater than four inches when measured diagonally, and  
12 its case, interior wires, and circuitry;

13 (6) Recycling means any process by which an electronic  
14 device that would otherwise have become solid waste or hazardous  
15 waste is collected, separated, and processed to be returned to  
16 use in the form of raw materials or products or is refurbished or  
17 donated for reuse;

18 (7) Television means a stand-alone display system  
19 containing a cathode ray tube, liquid crystal display, gas plasma,  
20 digital light processing, or other type of display primarily  
21 intended to receive video programming via broadcast, having a  
22 viewable area greater than four inches when measured diagonally,  
23 able to adhere to standard consumer video requirements, and having  
24 the capability of selecting different broadcast channels and  
25 support sound capability; and

26 (8) Video display device means a device that has an  
27 output surface having a viewable area greater than four inches  
1 when measured diagonally that displays moving graphical images or  
2 a visual representation of image sequences or pictures and shows a  
3 number of quickly changing images on a screen in fast succession  
4 to create the illusion of motion, including, but not limited to,  
5 a device that is an integral part of the display that cannot be  
6 easily removed from the display by the consumer and that produces  
7 the moving image on the screen and includes technology using a  
8 cathode ray tube, liquid crystal display, gas plasma, digital light  
9 processing, or other image projection technology.

10 Sec. 4. Beginning July 1, 2009, no manufacturer shall  
11 offer for sale in this state a new electronic device if the  
12 manufacturer is not in compliance with the Electronics Recycling  
13 Act.

14 Sec. 5. (1) On or before January 31, 2009, and each  
15 January 31 thereafter, a manufacturer shall register and certify  
16 with the department the number of electronic devices sold in this  
17 state by the manufacturer in the previous calendar year.

18 (2) On or before January 31, 2010, and each January 31  
19 thereafter, a manufacturer may certify the number of electronic  
20 devices recycled from this state by the manufacturer in the  
21 previous calendar year. The manufacturer or group of manufacturers  
22 may recycle electronic devices from any manufacturer to meet the  
23 fifty percent requirement in subsection (2) of section 6 of this  
24 act.

25 Sec. 6. (1) On or before January 31, 2009, and each  
26 January 31 thereafter, a manufacturer shall remit to the department  
27 a recycling fee equal to two dollars per electronic device sold in  
1 this state by the manufacturer in the previous calendar year and  
2 the following registration fee based on the number of electronic  
3 devices sold in this state by the manufacturer in the previous  
4 calendar year:

5 (a) One thousand dollars for sales of five hundred to one  
6 thousand electronic devices;

7 (b) Five thousand dollars for sales of more than one  
8 thousand to two thousand five hundred electronic devices; or

9 (c) Seven thousand five hundred dollars for sales of more  
10 than two thousand five hundred electronic devices.

11 (2) Beginning January 1, 2010, the recycling fee shall  
12 be fifty percent of the required recycling fee prescribed in  
13 subsection (1) of this section if the manufacturer or group of  
14 manufacturers has certified that it has recycled a minimum of fifty  
15 percent of the number of electronic devices sold in this state in  
16 the previous calendar year as described in section 5 of this act.

17 Sec. 7. The department shall:

18 (1) Collect the fees as prescribed in section 6 of this  
19 act and remit such fees to the State Treasurer for credit to the  
20 Waste Reduction and Recycling Incentive Fund; and

21 (2) Exercise all powers necessary and appropriate to  
22 carry out the Electronics Recycling Act.

23 Sec. 8. No manufacturer shall charge a fee for the  
24 collection, transportation, or recycling of an electronic device at  
25 the time and place of collection for recycling.

26 Sec. 9. It is the intent of the Legislature that the  
27 Electronics Recycling Act cover all aspects of infrastructure  
1 development and the collection, transportation, and recycling of  
2 electronic devices. If a federal program is adopted to collect,  
3 transport, and recycle electronic devices which is at least  
4 as stringent as the Electronics Recycling Act, the Electronics  
5 Recycling Act shall terminate.

6 Sec. 10. All fees remitted pursuant to the Electronics  
7 Recycling Act, after deducting costs of program administration,  
8 shall be used pursuant to subsection (6) of section 81-15,160 to  
9 award grants for infrastructure development and the collection,  
10 transportation, and recycling of electronic devices. Any unused  
11 fees shall be carried over and available for grants in the  
12 following year.

13 Sec. 11. The Environmental Quality Council may adopt  
14 and promulgate rules and regulations to carry out the Electronics  
15 Recycling Act.

16 Sec. 12. Section 81-15,160, Revised Statutes Supplement,  
17 2007, is amended to read:

18 81-15,160 (1) The Waste Reduction and Recycling Incentive  
19 Fund is created. The department shall deduct from the fund amounts

20 sufficient to reimburse itself for its costs of administration  
 21 of the fund. The fund shall be administered by the Department  
 22 of Environmental Quality. The fund shall consist of proceeds from  
 23 the fees imposed pursuant to the Waste Reduction and Recycling  
 24 Incentive Act.

25 (2) The fund may be used for purposes which include, but  
 26 are not limited to:

27 (a) Technical and financial assistance to political  
 1 subdivisions for creation of recycling systems and for modification  
 2 of present recycling systems;

3 (b) Recycling and waste reduction projects, including  
 4 public education, planning, and technical assistance;

5 (c) Market development for recyclable materials separated  
 6 by generators, including public education, planning, and technical  
 7 assistance;

8 (d) Capital assistance for establishing private and  
 9 public intermediate processing facilities for recyclable materials  
 10 and facilities using recyclable materials in new products;

11 (e) Programs which develop and implement composting of  
 12 yard waste and composting with sewage sludge;

13 (f) Technical assistance for waste reduction and waste  
 14 exchange for waste generators;

15 (g) Programs to assist communities and counties to  
 16 develop and implement household hazardous waste management  
 17 programs; and

18 (h) Capital assistance for establishing private and  
 19 public facilities to manufacture combustible waste products and  
 20 to incinerate combustible waste to generate and recover energy  
 21 resources, except that no disbursements shall be made under this  
 22 section for scrap tire processing related to tire-derived fuel.

23 ~~The State Treasurer shall transfer two million one~~  
 24 ~~hundred thousand dollars from the Waste Reduction and Recycling~~  
 25 ~~Incentive Fund to the General Fund within five days after August~~  
 26 ~~16, 2002.~~

27 (3) Grants up to one million dollars annually shall be  
 1 available until June 30, 2009, for new scrap tire projects only, if  
 2 acceptable scrap tire project applications are received. Eligible  
 3 categories of disbursement under section 81-15,161 may include, but  
 4 are not limited to:

5 (a) Reimbursement for the purchase of crumb rubber  
 6 generated and used in Nebraska, with disbursements not to exceed  
 7 fifty percent of the cost of the crumb rubber;

8 (b) Reimbursement for the purchase of tire-derived  
 9 product which utilizes a minimum of twenty-five percent recycled  
 10 tire content, with disbursements not to exceed twenty-five percent  
 11 of the product's retail cost; ~~except that persons who applied for~~  
 12 ~~a grant between June 1, 1999, and May 31, 2001, for the purchase~~  
 13 ~~of tire derived product which utilizes a minimum of twenty five~~  
 14 ~~percent recycled tire content may apply for reimbursement on or~~

15 before July 1, 2002. Reimbursement shall not exceed twenty five  
 16 percent of the product's retail cost and may be funded in fiscal  
 17 years 2001-02 and 2002-03;

18 (c) Participation in the capital costs of building,  
 19 equipment, and other capital improvement needs or startup costs  
 20 for scrap tire processing or manufacturing of tire-derived product,  
 21 with disbursements not to exceed fifty percent of such costs or  
 22 five hundred thousand dollars, whichever is less;

23 (d) Participation in the capital costs of building,  
 24 equipment, or other startup costs needed to establish collection  
 25 sites or to collect and transport scrap tires, with disbursements  
 26 not to exceed fifty percent of such costs;

27 (e) Cost-sharing for the manufacturing of tire-derived  
 1 product, with disbursements not to exceed twenty dollars per ton  
 2 or two hundred fifty thousand dollars, whichever is less, to any  
 3 person annually;

4 (f) Cost-sharing for the processing of scrap tires, with  
 5 disbursements not to exceed twenty dollars per ton or two hundred  
 6 fifty thousand dollars, whichever is less, to any person annually;

7 (g) Cost-sharing for the use of scrap tires for civil  
 8 engineering applications for specified projects, with disbursements  
 9 not to exceed twenty dollars per ton or two hundred fifty thousand  
 10 dollars, whichever is less, to any person annually; and

11 (h) Disbursement to a political subdivision up to one  
 12 hundred percent of costs incurred in cleaning up scrap tire  
 13 collection and disposal sites.

14 The director shall give preference to projects which  
 15 utilize scrap tires generated and used in Nebraska.

16 (4) Priority for grants made under section 81-15,161  
 17 shall be given to grant proposals demonstrating a formal  
 18 public/private partnership except for grants awarded from fees  
 19 collected under subsection (6) of section 13-2042.

20 (5) Grants awarded from fees collected under subsection  
 21 (6) of section 13-2042 may be renewed for up to a five-year  
 22 grant period. Such applications shall include an updated integrated  
 23 solid waste management plan pursuant to section 13-2032. Annual  
 24 disbursements are subject to available funds and the grantee  
 25 meeting established grant conditions. Priority for such grants  
 26 shall be given to grant proposals showing regional participation  
 27 and programs which address the first integrated solid waste  
 1 management hierarchy as stated in section 13-2018 which shall  
 2 include toxicity reduction. Disbursements for any one year shall  
 3 not exceed fifty percent of the total fees collected after rebates  
 4 under subsection (6) of section 13-2042 during that year.

5 (6) Grants shall be awarded from fees collected under the  
 6 Electronics Recycling Act.

7 ~~(6)-(7)~~ Any person who stores waste tires in violation  
 8 of section 13-2033, which storage is the subject of abatement  
 9 or cleanup, shall be liable to the State of Nebraska for the

10 reimbursement of expenses of such abatement or cleanup paid by the  
11 Department of Environmental Quality.

12 ~~(7)~~(8) The Department of Environmental Quality may  
13 receive gifts, bequests, and any other contributions for deposit  
14 in the Waste Reduction and Recycling Incentive Fund. Any money in  
15 the fund available for investment shall be invested by the state  
16 investment officer pursuant to the Nebraska Capital Expansion Act  
17 and the Nebraska State Funds Investment Act.

18 Sec. 13. If any section in this act or any part of any  
19 section is declared invalid or unconstitutional, the declaration  
20 shall not affect the validity or constitutionality of the remaining  
21 portions.

22 Sec. 14. Original section 81-15,160, Revised Statutes  
23 Supplement, 2007, is repealed.

**LEGISLATIVE BILL 1065.** Placed on General File with amendment.  
AM1991

1 1. Insert the following new section:

2 Sec. 7. A local distribution utility shall file an annual  
3 report with the Nebraska Power Review Board. The report shall  
4 indicate the number of net metering systems within the local  
5 distribution utility, the rated kilowatt hour capacity of each  
6 system, the location of each qualified generation unit, and the  
7 type of energy source used by such qualified generation unit.

8 2. On page 2, line 12; page 4, line 19; and page 8, line  
9 8, strike "6" and insert "7".

10 3. On page 6, line 15, strike "less than" and insert  
11 "rated at" and after "kilowatts" insert "or less"; and in line 18  
12 strike "at or".

13 4. On page 8, line 13, after "adopted" insert "or has  
14 initiated consideration of".

**LEGISLATIVE BILL 1066.** Placed on General File with amendment.  
AM2020

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

3 Section 1. Section 70-1014.01, Reissue Revised Statutes  
4 of Nebraska, is amended to read:

5 70-1014.01 (1) An application by a municipality, a  
6 registered group of municipalities, a public power district, a  
7 public power and irrigation district, an electric cooperative,  
8 an electric membership association, or any other governmental  
9 entity for a facility that will generate not more than ten  
10 thousand kilowatts of electric energy at rated capacity and  
11 will generate electricity using solar, wind, biomass, landfill  
12 gas, methane gas, or hydropower generation technology or an  
13 emerging generation technology, including, but not limited to,  
14 fuel cells and micro-turbines, shall be deemed a special generation  
15 application. Such application shall be approved by the board

16 if the board finds that ~~(1)-(a)~~ the application qualifies as  
 17 a special generation application, ~~(2)-(b)~~ the application will  
 18 provide public benefits sufficient to warrant approval of the  
 19 application, although it may not constitute the most economically  
 20 feasible generation option, and ~~(3)-(c)~~ the application under  
 21 consideration represents a separate and distinct project from any  
 22 previous special generation application the applicant may have  
 23 filed.

1 (2) An application by a municipality, a registered  
 2 group of municipalities, a public power district, a public power  
 3 and irrigation district, an electric cooperative, an electric  
 4 membership association, or any other governmental entity for a  
 5 facility that will generate more than ten thousand kilowatts of  
 6 electric energy at rated capacity and will generate electricity  
 7 using renewable energy sources, such as solar, wind, biomass,  
 8 landfill gas, methane gas, or hydropower generation technology,  
 9 or an emerging technology, including, but not limited to, fuel  
 10 cells and microturbines, may be filed with the board if (a) the  
 11 total production from all such renewable projects, excluding sales  
 12 from such projects to other electric-generating entities, does not  
 13 exceed ten percent of total energy sales as shown in the Annual  
 14 Electric Power Industry Report to the United States Department of  
 15 Energy and (b) the power supplier's governing body conducts at  
 16 least one advertised public hearing which affords the ratepayers of  
 17 the producing entity a chance to review and comment on the subject  
 18 of the application.

19 (3) The application shall be approved by the board if  
 20 the board finds that (a) the applicant is using renewable energy  
 21 sources referred to in subsection (2) of this section, (b) that the  
 22 total production from all renewable projects of the power supplier  
 23 does not exceed ten percent of the power supplier's total energy  
 24 sales as described in subsection (1) of this section, and (c)  
 25 the power supplier's governing body has conducted at least one  
 26 advertised public hearing which affords its ratepayers a chance to  
 27 review and comment on the subject of the application.

1 Sec. 2. Original section 70-1014.01, Reissue Revised  
 2 Statutes of Nebraska, is repealed.

**LEGISLATIVE BILL 1094.** Placed on General File with amendment.  
 AM2036

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

3 Section 1. The Legislature finds that water right holders  
 4 who lease and forgo water use to assist in the management,  
 5 protection, and conservation of the water resources of river  
 6 basins must be paid. It is the intent of the Legislature to  
 7 provide payment to such water right holders through the financial  
 8 assistance provided in section 2 of this act. The Legislature  
 9 further finds the financial assistance provided by the state



10 under such section shall be repaid through the authority granted  
11 under Laws 2007, LB 701, or such other means as provided by the  
12 Legislature once the litigation is resolved.

13 Sec. 2. (1) The Water Contingency Cash Fund is created.  
14 The Department of Natural Resources shall administer the fund. Any  
15 money in the fund available for investment shall be invested by the  
16 state investment officer pursuant to the Nebraska Capital Expansion  
17 Act and the Nebraska State Funds Investment Act.

18 (2) No later than five days after the effective date  
19 of this act, a natural resources district with jurisdiction that  
20 includes a river subject to an interstate compact among three or  
21 more states and that also includes one or more irrigation districts  
22 within the compact river basin, and such natural resources  
23 district, using authority granted under Laws 2007, LB 701, enters  
1 or has entered into agreements, shall submit a request in writing  
2 to the department certifying the amount of financial assistance  
3 necessary to meet its obligations under section 2-3226.04. Within  
4 fifteen days after the effective date of this act, if such a  
5 request has been received by the department, the department shall  
6 expend from the Water Contingency Cash Fund the amount requested  
7 to provide financial assistance to the submitting natural resources  
8 district. The natural resources district shall use the financial  
9 assistance provided by the state from the Water Contingency Cash  
10 Fund to compensate water rights holders who agree or have agreed  
11 to lease and forgo the use of water. Any financial assistance  
12 provided under this section not used for such purpose by the  
13 natural resources district within sixty days after it is received  
14 by such district shall be returned to the department for credit in  
15 the Water Contingency Cash Fund.

16 Sec. 3. Section 84-612, Revised Statutes Supplement,  
17 2007, is amended to read:

18 84-612 (1) There is hereby created within the state  
19 treasury a fund known as the Cash Reserve Fund which shall be under  
20 the direction of the State Treasurer. The fund shall only be used  
21 pursuant to this section.

22 (2) The State Treasurer shall transfer funds from the  
23 Cash Reserve Fund to the General Fund upon certification by the  
24 Director of Administrative Services that the current cash balance  
25 in the General Fund is inadequate to meet current obligations. Such  
26 certification shall include the dollar amount to be transferred.  
27 Any transfers made pursuant to this subsection shall be reversed  
1 upon notification by the Director of Administrative Services that  
2 sufficient funds are available.

3 (3) The State Treasurer, at the direction of the  
4 budget administrator of the budget division of the Department  
5 of Administrative Services, shall transfer such amounts not to  
6 exceed seven million seven hundred fifty-three thousand two hundred  
7 sixty-three dollars in total from the Cash Reserve Fund to the  
8 Nebraska Capital Construction Fund between July 1, 2003, and June

9 30, 2007.

10 (4) The State Treasurer, at the direction of the budget  
11 administrator, shall transfer an amount equal to the total amount  
12 transferred pursuant to subsection (3) of this section from the  
13 General Fund to the Cash Reserve Fund on or before June 30, 2008.

14 (5) In addition to receiving transfers from other funds,  
15 the Cash Reserve Fund shall receive federal funds received by the  
16 State of Nebraska for undesignated general government purposes,  
17 federal revenue sharing, or general fiscal relief of the state.

18 (6) On June 15, 2007, the State Treasurer shall transfer  
19 fifteen million six hundred seventy-four thousand one hundred seven  
20 dollars from the Cash Reserve Fund to the General Fund.

21 (7) On June 16, 2008, the State Treasurer shall transfer  
22 seventeen million nine hundred thirty-one thousand thirty dollars  
23 from the Cash Reserve Fund to the General Fund.

24 (8) On June 15, 2009, the State Treasurer shall transfer  
25 four million nine hundred ninety thousand five hundred five dollars  
26 from the Cash Reserve Fund to the General Fund.

27 (9) On or before June 16, 2008, the State Treasurer, at  
1 the direction of the budget administrator, shall transfer fifty  
2 million dollars from the Cash Reserve Fund to the General Fund.

3 (10) On or before June 16, 2009, the State Treasurer,  
4 at the direction of the budget administrator, shall transfer fifty  
5 million dollars from the Cash Reserve Fund to the General Fund.

6 (11) From the effective date of an endowment agreement  
7 as defined in subdivision (3)(c) of section 79-1101 until June  
8 30, 2007, forty million dollars of the Cash Reserve Fund shall be  
9 deemed to constitute the Early Childhood Education Endowment Fund.  
10 Such funds shall remain part of the Cash Reserve Fund for all  
11 purposes, except that the interest earned on such forty million  
12 dollars shall accrue as provided in section 84-613.

13 (12) The State Treasurer, at the direction of the budget  
14 administrator, shall transfer such amounts, as certified by the  
15 Director of Administrative Services, for employee health insurance  
16 claims and expenses, not to exceed twelve million dollars in total  
17 from the Cash Reserve Fund to the State Employees Insurance Fund  
18 between May 1, 2007, and June 30, 2011.

19 (13) On July 9, 2007, the State Treasurer shall transfer  
20 twelve million dollars from the Cash Reserve Fund to the Nebraska  
21 Capital Construction Fund.

22 (14) On July 9, 2007, the State Treasurer shall transfer  
23 five million dollars from the Cash Reserve Fund to the Job Training  
24 Cash Fund. The State Treasurer shall transfer from the Job Training  
25 Cash Fund to the Cash Reserve Fund such amounts as directed in  
26 section 81-1201.21.

27 (15) On July 7, 2008, the State Treasurer shall transfer  
1 five million dollars from the Cash Reserve Fund to the Job Training  
2 Cash Fund. The State Treasurer shall transfer from the Job Training  
3 Cash Fund to the Cash Reserve Fund such amounts as directed in

4 section 81-1201.21.

5 (16) On or before August 1, 2007, the State Treasurer,  
6 at the direction of the budget administrator, shall transfer  
7 seventy-five million dollars from the Cash Reserve Fund to the  
8 Nebraska Capital Construction Fund.

9 (17) On or before June 30, 2009, the State Treasurer  
10 shall transfer nine million five hundred ninety thousand dollars  
11 from the Cash Reserve Fund to the Nebraska Capital Construction  
12 Fund.

13 (18) The State Treasurer, at the direction of the budget  
14 administrator, shall transfer an amount equal to the total amount  
15 transferred pursuant to subsection (12) of this section from  
16 the appropriate health insurance accounts of the State Employees  
17 Insurance Fund in such amounts as certified by the Director of  
18 Administrative Services to the Cash Reserve Fund on or before June  
19 30, 2011.

20 (19) On July 9, 2007, the State Treasurer shall  
21 transfer one million dollars from the Cash Reserve Fund to the  
22 Microenterprise Development Cash Fund.

23 (20) On July 9, 2007, the State Treasurer shall transfer  
24 two hundred fifty thousand dollars from the Cash Reserve Fund to  
25 the Building Entrepreneurial Communities Cash Fund.

26 (21) On July 7, 2008, the State Treasurer shall  
27 transfer one million dollars from the Cash Reserve Fund to the  
1 Microenterprise Development Cash Fund.

2 (22) On July 7, 2008, the State Treasurer shall transfer  
3 two hundred fifty thousand dollars from the Cash Reserve Fund to  
4 the Building Entrepreneurial Communities Cash Fund.

5 (23) Within seven days after the effective date of this  
6 act, the State Treasurer shall transfer nine million dollars from  
7 the Cash Reserve Fund to the Water Contingency Cash Fund.

8 Sec. 4. Original section 84-612, Revised Statutes  
9 Supplement, 2007, is repealed.

10 Sec. 5. Since an emergency exists, this act takes effect  
11 when passed and approved according to law.

(Signed) LeRoy Louden, Chairperson

Business and Labor

The Business and Labor Committee desires to report upon the appointment(s) listed below. The motion before the body is: 'Shall Sam Jensen's appointment to the Commission of Industrial Relations be confirmed?'

The Business and Labor Committee recommends the Legislature reject the appointment of Sam Jensen to the Commission of Industrial Relations and suggests a record vote.

Sam Jensen - Commission of Industrial Relations

Aye: 0. Nay: 6 Senators Cornett, Lathrop, McGill, Rogert, Wallman, White.  
Absent: 0. Present and not voting: 1 Senator Chambers.

(Signed) Abbie Cornett, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Steven Virgil - State Emergency Response Commission  
Gary Gandara - State Emergency Response Commission

Aye: 8 Senators Adams, Aguilar, Avery, Friend, Karpisek, Lautenbaugh, Pahls, Rogert. Nay: 0. Absent: 0.

(Signed) Ray Aguilar, Chairperson

**AMENDMENTS - Print in Journal**

Senator Langemeier filed the following amendment to LB1096:  
FA179

Amend AM1911

On page 3, line 17 insert after annuities "that exceed one hundred fifty dollars"

Senator Langemeier filed the following amendment to LB1096:  
FA180

Amend AM1911

Page 4, line 13, strike "or donations"

Senator Langemeier filed the following amendment to LB1096:  
FA181

Amend AM1911

Page 4, line 13, after "donations" insert "that exceed one hundred fifty dollars"

**MOTION - Print in Journal**

Senator Christensen filed the following motion to LR233CA:  
MO134

Withdraw.

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Aguilar, Hudkins, Kopplin, McDonald, Pahls, and Schimek asked unanimous consent to add their names as cointroducers to LB786. No objections. So ordered.

**VISITOR**

The Doctor of the Day was Dr. Stuart Embury from Holdrege.

**ADJOURNMENT**

At 12:05 p.m., on a motion by Senator Adams, the Legislature adjourned until 9:00 a.m., Tuesday, February 26, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FIRST DAY - FEBRUARY 26, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 26, 2008

**PRAYER**

The prayer was offered by Pastor Donella Silveira, Immanuel Lutheran Church, Chadron.

**ROLL CALL**

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

The roll was called and all members were present except Senators Cornett, Dubas, Engel, Flood, Friend, Fulton, Heidemann, Janssen, Kruse, McDonald, Nantkes, Raikes, Stuthman, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirtieth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 898.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORT**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 920.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**MOTIONS - Approve Appointments**

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 666:

Environmental Quality Council  
Lon Keim

Voting in the affirmative, 26:

Adams	Erdman	Karpisek	Nelson	Wallman
Aguilar	Fischer	Langemeier	Pahls	Wightman
Ashford	Gay	Lathrop	Pedersen	
Carlson	Harms	Lautenbaugh	Pirsch	
Christensen	Howard	Louden	Rogert	
Dierks	Hudkins	McGill	Schimek	

Voting in the negative, 0.

Present and not voting, 9:

Avery	Chambers	Johnson	Pankonin	Synowiecki
Burling	Hansen	Kopplin	Preister	

Excused and not voting, 14:

Cornett	Flood	Heidemann	McDonald	Stuthman
Dubas	Friend	Janssen	Nantkes	White
Engel	Fulton	Kruse	Raikes	

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

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 673:

Nebraska Board of Parole  
Esther Casmer

Voting in the affirmative, 38:

Adams	Dubas	Harms	McGill	Schimek
Aguilar	Engel	Howard	Nelson	Stuthman
Ashford	Erdman	Hudkins	Pahls	Synowiecki
Avery	Fischer	Johnson	Pankonin	Wallman
Burling	Friend	Karpisek	Pedersen	White
Carlson	Fulton	Kopplin	Pirsch	Wightman
Christensen	Gay	Langemeier	Raikes	
Dierks	Hansen	Louden	Rogert	



Voting in the negative, 0.

Present and not voting, 5:

Chambers      Flood              Lathrop              Lautenbaugh      Preister

Excused and not voting, 6:

Cornett              Janssen              McDonald  
Heidemann      Kruse              Nantkes

The appointment was confirmed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

**MOTION - Withdraw LR233CA**

Senator Christensen renewed his motion, MO134, found on page 692, to withdraw LR233CA.

Pending.

**MOTION - Suspend Rules**

Senator Flood offered the following motion to LR233CA:  
MO135

Suspend Rule 3, Section 13, to permit cancellation of the public hearing on Wednesday, February 27, 2008, by the Judiciary Committee.

The Flood motion to suspend the rules prevailed with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

**MOTION - Withdraw LR233CA**

Senator Christensen renewed his motion, MO134, found on page 692 and considered in this day's Journal, to withdraw LR233CA.

The Christensen motion to withdraw prevailed with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

Wednesday, February 27, 2008    1:30 p.m.

LR233CA (cancel)

(Signed) Brad Ashford, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 249.** Introduced by Stuthman, 22.

WHEREAS, the Howells High School Bowling Team won their first Class D State Bowling Championship; and

WHEREAS, the Howells High School Bowling Team consists of Aaron Brodecky, Adam Brodecky, E. J. Brodecky, Joe Ritzdorf, Mitch Tomka, and Nick Wieman; and

WHEREAS, the Legislature should recognize the academic, athletic, 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 Howells High School Bowling Team be congratulated for their exemplary effort this season.

2. That a copy of this resolution be sent to Coach Ann Brodecky and the Howells High School Bowling Team.

Laid over.

**LEGISLATIVE RESOLUTION 250.** Introduced by Stuthman, 22.

WHEREAS, the Howells High School Wrestling Team won the Class D State Wrestling Championship for the second straight year; and

WHEREAS, all eight of the qualifying wrestlers on the Howells High School Wrestling Team won medals at the championship; and

WHEREAS, the Legislature should recognize the academic, athletic, 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 Howells High School Wrestling Team be congratulated for their exemplary effort this season.

2. That a copy of this resolution be sent to Head Coach Brian Jones and the Howells High School Wrestling Team.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 606.** Title read. Considered.

Committee AM1884, found on page 654, was considered.

Senator Hudkins requested a ruling of the Chair on whether the committee amendment is germane to the bill.

The Chair ruled the committee amendment is germane to the bill.

Senator Hudkins challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 2 ayes, 30 nays, 15 present and not voting, and 2 excused and not voting.

The Chair was sustained.

## SENATOR LANGEMEIER PRESIDING

## SENATOR AGUILAR PRESIDING

Senator Pahls offered the following amendment to the committee amendment:

AM2052

(Amendments to Standing Committee amendments, AM1884)

1 1. Insert the following new sections:

2 Sec. 8. (1) On and after the effective date of this act,  
 3 the University of Nebraska Medical Center shall develop, staff, and  
 4 maintain an accredited laboratory to conduct postnatal tissue and  
 5 fluid research and stem cell research.

6 (2) For purposes of this section:

7 (a) Amniotic fluid means the fluid inside the amnion;

8 (b) Placenta means the organ that forms on the inner wall  
 9 of the human uterus during pregnancy;

10 (c) Postnatal tissue and fluid means the placenta,  
 11 umbilical cord, and amniotic fluid expelled or extracted in  
 12 connection with the birth of a human being;

13 (d) Stem cells means unspecialized or undifferentiated  
 14 cells that can self-renew and have the potential to differentiate  
 15 into specialized cell types; and

16 (e) Umbilical cord means the gelatinous tissue and blood  
 17 vessels connecting an unborn human being to the placenta.

18 Sec. 9. Section 71-7611, Revised Statutes Supplement,  
 19 2007, is amended to read:

20 71-7611 (1) The Nebraska Health Care Cash Fund is  
 21 created. The State Treasurer shall transfer fifty-five million  
 22 five hundred thousand dollars annually no later than July 15  
 1 from the Nebraska Medicaid Intergovernmental Trust Fund and the  
 2 Nebraska Tobacco Settlement Trust Fund to the Nebraska Health  
 3 Care Cash Fund. The state investment officer upon consultation  
 4 with the Nebraska Investment Council shall advise the State  
 5 Treasurer on the amounts to be transferred from the Nebraska  
 6 Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco  
 7 Settlement Trust Fund under this section in order to sustain such  
 8 transfers in perpetuity. The state investment officer shall report  
 9 to the Legislature on or before October 1 of every even-numbered  
 10 year on the sustainability of such transfers.

11 (2) Any money in the Nebraska Health Care Cash Fund  
 12 available for investment shall be invested by the state investment

13 officer pursuant to the Nebraska Capital Expansion Act and the  
14 Nebraska State Funds Investment Act.

15 (3) One million dollars in the Nebraska Health Care Cash  
16 Fund is designated each year for the Autism Treatment Program  
17 Act for five fiscal years beginning in fiscal year 2007-08 and  
18 shall be distributed in each fiscal year as follows: (a) First,  
19 to the Department of Health and Human Services for costs related  
20 to application and implementation of the waiver; (b) second, to  
21 the department for other medical costs for children who would  
22 not otherwise qualify for medicaid except for the waiver; and (c)  
23 third, the balance to the Autism Treatment Program Cash Fund. The  
24 State Treasurer shall transfer the balance of the funding to the  
25 Autism Treatment Program Cash Fund based on the estimated costs  
26 of administrative and other medical costs as determined by the  
27 Legislature through the appropriation process. The transfers to  
1 the Autism Treatment Program Cash Fund in any fiscal year shall  
2 be contingent upon the receipt of private matching funds under  
3 the Autism Treatment Program Act, with no less than one dollar of  
4 private funds received for every two dollars transferred from the  
5 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash  
6 Fund.

7 (4) The State Treasurer shall distribute five hundred  
8 thousand dollars from the Nebraska Health Care Cash Fund to the  
9 University of Nebraska Medical center for the purposes provided in  
10 section 8 of this act.

11 ~~(4)-(5)~~ The University of Nebraska and postsecondary  
12 educational institutions having colleges of medicine in Nebraska  
13 and their affiliated research hospitals in Nebraska, as a condition  
14 of receiving any funds appropriated or transferred from the  
15 Nebraska Health Care Cash Fund, shall not discriminate against  
16 any person on the basis of sexual orientation.

17 2. On page 4, line 25, strike "section 71-7608" and  
18 insert "sections 71-7608 and 71-7611"; and in line 26 strike "is"  
19 and insert "are".

20 3. Renumber the remaining sections accordingly.

Senator Pahls withdrew his amendment.

Committee AM1884, found on page 654 and considered in this day's  
Journal, was renewed.

The committee amendment was adopted with 43 ayes, 0 nays, 4 present and  
not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 2 present  
and not voting, and 2 excused and not voting.

**AMENDMENT - Print in Journal**

Senator Preister filed the following amendment to LB1049:  
AM2035

- 1 1. Insert the following new section:
- 2 Sec. 3. The following section is outright repealed:
- 3 Section 37-102, Reissue Revised Statutes of Nebraska.
- 4 2. On page 2, strike beginning with "eight" in line 4
- 5 through the comma in line 5, show as stricken, and insert "nine
- 6 members, three from each of the three congressional districts.";
- 7 strike beginning with the first "and" in line 8 through the period
- 8 in line 9, show as stricken, and insert "On the effective date
- 9 of this act, the members serving in districts 5, 6, and 7 shall
- 10 be designated to represent the third congressional district, the
- 11 members serving in districts 3, 4, and 8 shall be designated
- 12 to represent the first congressional district, and the members
- 13 serving in districts 1 and 2 shall be designated to represent the
- 14 second congressional district. A third member shall be appointed
- 15 to represent the second congressional district. As the terms of
- 16 the members serving on the effective date expire, their successors
- 17 shall be appointed from the congressional district they were
- 18 designated to represent. The members shall represent the general
- 19 public and have demonstrated competence, experience, and interest
- 20 in matters under the jurisdiction of the commission."; strike
- 21 beginning with "At" in line 12 through the period in line 14 and
- 22 show the old matter as stricken; and in line 22 before "district"
- 23 insert "congressional".
- 1 3. On page 3, line 1, after "in" insert "congressional";
- 2 and in line 12 after the period insert "This subsection shall not
- 3 apply to any member serving on the effective date of this act
- 4 designated to represent a district in which he or she does not
- 5 reside.".

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 1045.** Placed on General File with amendment.  
AM1819

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. (1) If an insurer reduces or eliminates any
- 3 coverage in or introduces a more restrictive condition as part of a
- 4 policy in force delivered or issued for delivery in this state and
- 5 subject to sections 44-514 to 44-521 or section 44-522 or 44-523
- 6 prior to renewal of the policy and other than at the request of
- 7 the named insured or as required by law, the insurer shall send
- 8 to the named insured a notice explaining clearly what coverage has
- 9 been reduced or eliminated or what condition has been restricted.
- 10 The notice may be in a printed or electronic form. If the named
- 11 insured does not receive the notice, the reduction or elimination

12 of coverage or restrictive condition shall not become part of  
 13 the policy. It shall be conclusively presumed that all insureds  
 14 received the notice if it was sent by email or first-class mail  
 15 to the named insured's last-known email address or mailing address  
 16 contained in the policy.

17 (2) Notice of any reduction or elimination of coverage  
 18 or restrictive condition as part of a policy in force delivered or  
 19 issued for delivery in this state and subject to sections 44-514 to  
 20 44-521 or section 44-522 or 44-523 and other than at the request  
 21 of the named insured or as required by law shall be sent to each  
 22 agency that holds an agency contract with the insurer prior to  
 23 the introduction into the marketplace of a policy containing the  
 1 reduction or elimination of coverage or restrictive condition.

2 (3) Nothing in this section shall restrict the right of  
 3 the parties to an insurance contract to amend the contract, during  
 4 the policy term but not during the renewal process, pursuant to an  
 5 endorsement attached to the policy if requested by a named insured  
 6 under the policy. An endorsement attached to a policy pursuant to  
 7 this subsection requires no further notice beyond such endorsement.

(Signed) Rich Pahls, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 911.** Placed on General File with amendment.  
 AM1971 is available in the Bill Room.

**LEGISLATIVE BILL 1092.** Placed on General File with amendment.  
 AM1974

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

3 Section 1. Each seat on each school bus purchased new,  
 4 other than by a school board or board of education, on or after  
 5 January 1, 2010, to be operated for the transportation of public  
 6 school children in Nebraska shall be equipped with lap-shoulder  
 7 belts sufficient to allow each passenger who is being transported  
 8 to use a separate belt. The belts shall meet the standards under 49  
 9 C.F.R. 571.208, as such regulation existed on January 1, 2008.

10 Sec. 2. Section 79-601, Reissue Revised Statutes of  
 11 Nebraska, is amended to read:

12 79-601 (1) The school board or board of education of any  
 13 public school district may, when authorized by a majority vote of  
 14 the members of such board, purchase out of the general fund of  
 15 the district a school bus or buses for the purpose of providing  
 16 transportation facilities for school children to and from school  
 17 and to and from all school-related activities. Each seat on each  
 18 school bus purchased new on or after January 1, 2010, by a school  
 19 board or board of education to be operated for the transportation  
 20 of public school children in Nebraska shall be equipped with

21 lap-shoulder belts sufficient to allow each passenger who is being  
22 transported to use a separate belt. The belts shall meet the  
23 standards under 49 C.F.R. 571.208, as such regulation existed on  
1 January 1, 2008.

2 (2) The school board or board of education of any  
3 public school district providing such transportation facilities for  
4 children attending public schools shall also provide transportation  
5 without cost for children who attend nonprofit private schools  
6 which are approved for continued legal operation under rules and  
7 regulations established by the State Board of Education pursuant  
8 to subdivision (5)(c) of section 79-318. Such transportation shall  
9 be provided for only such children attending nonprofit private  
10 schools who reside in a district which provides transportation to  
11 public school students, and such transportation shall extend only  
12 from some point on the regular public school route nearest or  
13 most easily accessible to their homes to and from a point on the  
14 regular public school route nearest or most easily accessible to  
15 the school or schools attended by such children. The governing  
16 body of such nonprofit private school, on a form to be provided  
17 by the State Department of Education, shall certify to the public  
18 school district the names, addresses, and days of school attendance  
19 of children transported and such other information useful in  
20 operating the transportation facility as may be required by rules  
21 established by the State Board of Education. Transportation shall  
22 be provided for nonprofit private school children only at times  
23 when transportation is being provided for public school children.

24 (3) The school board or board of education of any public  
25 school district may enter into a contract with a municipality or  
26 county pursuant to section 13-1208.

27 Sec. 3. Section 79-609, Reissue Revised Statutes of  
1 Nebraska, is amended to read:

2 79-609 (1) The school board or board of education, after  
3 consultation with a member of the Nebraska State Patrol, shall  
4 determine the number of passengers that may be safely transported  
5 in each bus.

6 (2)(a) Any company or agency that provides transportation  
7 of pupils by school bus and contracts directly with the pupils or  
8 their parents, (b) the school board or board of education of the  
9 public schools, and (c) the governing authority of any private,  
10 denominational, or parochial school in this state shall provide,  
11 at least twice during each school year to each pupil who is  
12 transported in a school bus, instruction in safe riding practice,  
13 ~~and~~ participation in emergency evacuation drills, and instruction  
14 in proper use of lap belts, shoulder belts, or lap-shoulder belts.

15 (3) The operator of a school bus equipped with an  
16 occupant protection system as defined in section 60-6,265 shall  
17 wear such system whenever the vehicle is in motion.

18 (4) Each passenger on a school bus that is equipped  
19 with lap belts, shoulder belts, or lap-shoulder belts shall be

20 transported only in a designated seating position and shall wear  
 21 such a belt, properly adjusted and fastened, at all times while the  
 22 bus is in operation.

23 (5) Nothing in this section shall be construed to  
 24 increase or decrease the liability of a school district to a  
 25 school bus passenger or other person for personal injury to the  
 26 school bus passenger caused solely due to the failure to use such  
 27 a belt or the misuse of such a belt by the injured passenger or  
 1 another passenger.

2 (6) Nothing in this section shall be construed to  
 3 increase or decrease the liability of a school district for the  
 4 continued operation or use of a school bus which is not equipped  
 5 with lap-shoulder belts as described in section 79-601.

6 Sec. 4. Original sections 79-601 and 79-609, Reissue  
 7 Revised Statutes of Nebraska, are repealed.

(Signed) Deb Fischer, Chairperson

Natural Resources

**LEGISLATIVE BILL 593.** Placed on General File.

**LEGISLATIVE BILL 727.** Placed on General File.

**LEGISLATIVE BILL 1145.** Placed on General File.

**LEGISLATIVE BILL 1162.** Placed on General File.

**LEGISLATIVE BILL 802.** Indefinitely postponed.

**LEGISLATIVE BILL 1061.** Indefinitely postponed.

(Signed) LeRoy Loudon, Chairperson

## MESSAGE FROM THE GOVERNOR

February 26, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 395 and 395A were received in my office on February 22, 2008.

I signed these bills and delivered them to the Secretary of State on February 26, 2008.

Sincerely,  
 (Signed) Dave Heineman  
 Governor



**GENERAL FILE**

**LEGISLATIVE BILL 844.** Title read. Considered.

Committee AM1784, found on page 644, was considered.

**SENATOR MCDONALD PRESIDING**

Senator Chambers offered the following amendment to the committee amendment:

FA182

Amend AM1784

P. 6, lines 13-15 reinstate stricken matter.

**SENATOR LANGEMEIER PRESIDING**

Pending.

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 534.** Indefinitely postponed.

**LEGISLATIVE BILL 799.** Indefinitely postponed.

**LEGISLATIVE BILL 800.** Indefinitely postponed.

**LEGISLATIVE BILL 1059.** Indefinitely postponed.

**LEGISLATIVE BILL 1132.** Indefinitely postponed.

(Signed) LeRoy Loudon, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 720.** Placed on General File with amendment.  
AM2044

- 1 1. Strike original sections 3, 4, and 6 and insert the
- 2 following new sections:
- 3 Sec. 3. Section 86-247, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 86-247 All telephone solicitation messages ~~delivered~~
- 6 transmitted by an automatic dialing-announcing device shall:
- 7 (1) At the beginning of the message, state clearly the
- 8 identity of the person making the call; and
- 9 (2) During or after the message, state clearly the
- 10 telephone number, other than that of the device which made the
- 11 call, or address of such person.
- 12 Sec. 5. Section 86-256, Revised Statutes Cumulative
- 13 Supplement, 2006, is amended to read:
- 14 86-256 (1) Any person using an automatic
- 15 dialing-announcing device other than for telephone solicitations

16 shall register the device with the commission pursuant to the  
 17 application process, without a fee, and shall include with the  
 18 application a detailed explanation of the use planned and the  
 19 script message to be used.

20 (2) All telephone messages transmitted by an automatic  
 21 dialing-announcing device other than telephone solicitations shall:

22 (a) At the beginning of the message, state clearly the  
 23 identity of the person on whose behalf the message is being  
 1 transmitted;

2 (b) During or after the message, state clearly the  
 3 telephone number, other than that of the device which made the  
 4 call, or address of the person operating the device; and

5 (c) Transmit messages only between the hours of 8 a.m.  
 6 and 9 p.m. at the location of the person receiving the message.

7 (3) This section does not apply to (a) a message from  
 8 any elementary, secondary, or postsecondary educational institution  
 9 to any of its students, parents, or employees, (b) a message to a  
 10 person with whom the person placing the call or the person on whose  
 11 behalf the message is being transmitted has an established business  
 12 or personal relationship, or (c) a message from an employer  
 13 advising any of its employees of work schedules.

14 (4) A person contracting with a third party to connect  
 15 or operate an automatic dialing-announcing device for other  
 16 than telephone solicitations shall be jointly and severally  
 17 liable with the third party for connecting and operating the  
 18 automatic dialing-announcing device in violation of the Automatic  
 19 Dialing-Announcing Devices Act or the rules and regulations adopted  
 20 and promulgated under the act.

21 (5) A person contracting with a third party to connect  
 22 or operate an automatic dialing-announcing device for other  
 23 than telephone solicitations shall file with the commission the  
 24 message to be used within twenty-four hours after the message is  
 25 transmitted.

26 2. On page 8, lines 5 and 6, strike "script" and insert  
 27 "message".

1 3. On page 9, line 4, strike "86-248,".

2 4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 721.** Placed on General File with amendment.  
 AM2039

1 1. Strike beginning with "The" on page 4, line 23,  
 2 through page 5, line 9, and insert "The Office of the Nebraska  
 3 Capitol Commission shall secure services as necessary to design,  
 4 fabricate, and install fountains within each of the four courtyards  
 5 of the State Capitol consistent with fountains as identified among  
 6 restoration recommendations contained in the Capitol Landscape  
 7 Restoration Master Plan. Installation of the fountains shall be  
 8 completed no later than June 30, 2011."

**LEGISLATIVE BILL 878.** Placed on General File with amendment.  
AM2041

- 1 1. On page 3, line 3, strike "for" and show as stricken;  
 2 and in line 11 after the period insert "Elected officials may be  
 3 recalled only for malfeasance in office, misfeasance in office,  
 4 nonfeasance in office, or conviction of a crime involving an act of  
 5 dishonesty or a false statement.".
- 6 2. On page 4, line 15, strike "or" and after the second  
 7 "office" insert ", or conviction of a crime involving an act of  
 8 dishonesty or a false statement.".
- 9 3. On page 7, lines 2 and 7, strike "or"; in line 3  
 10 after "office" insert ", or conviction of a crime involving an  
 11 act of dishonesty or a false statement"; and in line 7 after the  
 12 second comma insert "or conviction of a crime involving an act of  
 13 dishonesty or a false statement.".
- 14 4. On page 9, lines 2 through 4, strike the new matter;  
 15 and in lines 4 and 5 reinstate the stricken matter.

**LEGISLATIVE BILL 889.** Placed on General File with amendment.  
AM2043

- 1 1. Strike original section 14 and insert the following  
 2 new section:  
 3 Sec. 14. A political subdivision shall not use a  
 4 design-build contract or construction management at risk contract  
 5 for a project, in whole or in part, for road, street, highway,  
 6 water, wastewater, utility, or sewer construction, except that a  
 7 city of the metropolitan class may use a design-build contract  
 8 or construction management at risk contract for the purpose of  
 9 complying with state or federal requirements to control or minimize  
 10 overflows from combined sewers.
- 11 2. On page 2, line 3; and page 6, line 4, strike "15" and  
 12 insert "14".
- 13 3. On page 4, line 6, after the second comma insert "or";  
 14 and strike beginning with the third comma in line 6 through "Act"  
 15 in line 10.
- 16 4. On page 5, line 10, strike "and"; and in lines 13  
 17 through 15 strike the new matter and reinstate the stricken matter.
- 18 5. On page 6, line 6, strike "seventy-five percent", show  
 19 as stricken, and insert "two-thirds".
- 20 6. On page 20, line 18, strike "79-2013, and 79-2015" and  
 21 insert "and 79-2013"; in line 20 strike "section is" and insert  
 22 "sections are"; and in line 21 strike "Section 79-2014" and insert  
 23 "Sections 79-2014 and 79-2015".

(Signed) Ray Aguilar, Chairperson

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 766.** Placed on Select File with amendment.  
ER8166

- 1 1. In the Standing Committee amendments, AM1865:
- 2 a. On page 1, line 11, after the semicolon insert "and";
- 3 and
- 4 b. On page 3, line 3, strike the comma.

**LEGISLATIVE BILL 855.** Placed on Select File with amendment.  
ER8167

- 1 1. In the Standing Committee amendments, AM1832:
- 2 a. On page 7, lines 20 and 23, strike "service" and
- 3 insert "services";
- 4 b. On page 9, line 27, strike the period, show as
- 5 stricken, and insert "; and";
- 6 c. On page 13, line 12, after "payment" insert an
- 7 underscored comma;
- 8 d. On page 14, line 8, after "union's" insert "or
- 9 organization's";
- 10 e. On page 18, line 7, strike "provides" and insert
- 11 "provide";
- 12 f. On page 21, lines 20 and 27, strike the semicolon and
- 13 insert an underscored period;
- 14 g. On page 22, line 3, strike "; and" and insert an
- 15 underscored period;
- 16 h. On page 24, line 20, strike the second comma;
- 17 i. On page 25, line 22, after the second "for" insert an
- 18 underscored comma;
- 19 j. On page 30, line 3, strike "sections 14 and" and
- 20 insert "section 14 or"; and in line 5 strike "spouse", show as
- 21 stricken, and insert "spouses";
- 22 k. On page 40, line 10, strike the comma;
- 23 l. On page 53, line 26, strike "any" and insert "each";
- 1 m. On page 56, line 17; page 57, line 27; and page
- 2 70, line 16, strike "act" and insert "Discount Medical Plan
- 3 Organization Act";
- 4 n. On page 57, line 2, strike "exists" and insert
- 5 "exist";
- 6 o. On page 64, lines 2, 10, and 17, strike "material"
- 7 and insert "materials"; in line 3 strike the semicolon and insert
- 8 an underscored period; in line 7 strike "insured" and insert
- 9 "insurance"; and in line 8 strike "; and" and insert an underscored
- 10 period;
- 11 p. On page 70, lines 19 and 20, strike "Discount Medical
- 12 Plan Organization Act" and insert "act"; and
- 13 q. On page 78, lines 14 and 26, after "thereof" insert an
- 14 underscored comma.

15 2. On page 1, strike beginning with "44-1601" in  
 16 line 1 through line 8 and insert "44-349, 44-356, 44-789,  
 17 44-1521, 44-1601, 44-1603, 44-1604, 44-1605, 44-1606.01, 44-1607,  
 18 44-1607.01, 44-1613, 44-1614, 44-32,106, 44-3901, 44-3902, 44-3904,  
 19 44-3909, 44-3910, 44-3911, 44-4064, 44-6009, 44-6016, 44-6603,  
 20 44-6604, and 44-7613, Reissue Revised Statutes of Nebraska,  
 21 sections 13-206, 28-631, 44-1602, and 44-7508.02, Revised Statutes  
 22 Cumulative Supplement, 2006, and section 44-4521, Revised Statutes  
 23 Supplement, 2007; to change provisions relating to rules and  
 24 regulations, fraudulent insurance acts, assessment insurers,  
 25 mandated coverage, unfair insurance trade practices, group life  
 26 insurance, health maintenance organizations, continuing education,  
 27 licensing of insurance producers, long-term care insurance,  
 1 risk-based capital, policy forms, and filing requirements; to  
 2 adopt the Discount Medical Plan Organization Act; to provide for  
 3 supervision of financial conglomerates; to change and provide  
 4 penalties; to harmonize provisions; to provide operative dates; and  
 5 to repeal the original sections."

**LEGISLATIVE BILL 756.** Placed on Select File with amendment.  
 ER8168 is available in the Bill Room.

**LEGISLATIVE BILL 912.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### AMENDMENTS - Print in Journal

Senator Friend filed the following amendment to LB1096:  
 AM2048

(Amendments to Standing Committee amendments, AM1911)

1 1. On page 2, line 5, after the period insert "The fire  
 2 chief shall promulgate, implement, and enforce rules governing the  
 3 actions and conduct of volunteer members of the department so as to  
 4 be in conformity with the personnel policies of the city.".  
 5 2. On page 4, line 13, after the second comma insert  
 6 "or", strike "or donations" and insert "solicited", and after  
 7 "collected" insert an underscored comma; and in line 16 after  
 8 "department" insert "at a given place and time".  
 9 3. On page 5, line 1, after "audited" insert "at the  
 10 expense of the taxing authority"; in line 19 after "shall" insert  
 11 "solicit," and after "charge" insert an underscored comma; in line  
 12 20 after the second comma insert "or" and strike "or donations";  
 13 and in line 27 after the third comma insert "or" and strike "or  
 14 donations".

Senator Chambers filed the following amendment to LB844:  
FA183  
Amend AM1784  
P. 8, lines 10-12 strike new matter.

Senator Chambers filed the following amendment to LB844:  
FA184  
Amend AM1784  
P. 9, lines 4, 5 strike new matter.

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

Senator Lathrop asked unanimous consent to add his name as cointroducer to LB606. No objections. So ordered.

Senators Ashford, Avery, Lathrop, McGill, Preister, and White asked unanimous consent to add their names as cointroducers to LB786. No objections. So ordered.

### **WITHDRAW - Cointroducer**

Senator Lathrop withdrew his name as cointroducer to LB1019.

### **VISITORS**

Visitors to the Chamber were Dehnia Herrick from Nebraska Wesleyan; members of Future Business Leaders Association from across the state; 50 fourth-grade students, teachers, and sponsors from York; Senator Hansen's wife, Linda Hansen; and members of Leadership Lincoln County from Lincoln County and Senator Langemeier's sister-in-law, Kendi Saner, from North Platte.

The Doctor of the Day was Dr. Komal Bhuller from Omaha.

### **ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Friend, the Legislature adjourned until 9:00 a.m., Wednesday, February 27, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-SECOND DAY - FEBRUARY 27, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 27, 2008

**PRAYER**

The prayer was offered by Pastor Craig Gavin, St. Matthew's Episcopal Church, Lincoln.

**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 Kopplin who was excused; and Senators Erdman, Fulton, Heidemann, Janssen, Lautenbaugh, McDonald, Nantkes, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 734.** Placed on General File with amendment.  
AM1794

- 1 1. On page 2, lines 18 and 20, strike the new matter
- 2 and reinstate the stricken matter; in line 18 after the reinstated
- 3 "metropolitan" insert "or primary" and after the reinstated "class"
- 4 insert "or a county with a population of more than two hundred
- 5 thousand"; and in line 20 after the reinstated "city" insert "or
- 6 county".

(Signed) Rich Pahls, Chairperson

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.

Phillip Dudley Jr. - Nebraska Educational Telecommunications Commission

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

(Signed) Ron Raikes, Chairperson

### **MOTION - Approve Appointments**

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 692:

State Emergency Response Commission  
 Steven Virgil  
 Gary Gandara

Senator Aguilar requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 692:

State Emergency Response Commission  
 Steven Virgil

Voting in the affirmative, 29:

Adams	Christensen	Gay	Langemeier	Pirsch
Aguilar	Dierks	Hansen	Louden	Rogert
Ashford	Engel	Howard	McGill	Wallman
Avery	Fischer	Hudkins	Nelson	White
Burling	Flood	Johnson	Pankonin	Wightman
Carlson	Friend	Karpisek	Pedersen	

Voting in the negative, 0.

Present and not voting, 11:

Chambers	Harms	Pahls	Stuthman
Cornett	Kruse	Preister	Synowiecki
Dubas	Lathrop	Schimek	

Excused and not voting, 9:

Erdman	Heidemann	Kopplin	McDonald	Raikes
Fulton	Janssen	Lautenbaugh	Nantkes	



The appointment was confirmed with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

The second division is as follows:

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 692:

State Emergency Response Commission  
Gary Gandara

Voting in the affirmative, 31:

Adams	Dubas	Hudkins	Pahls	Stuthman
Aguilar	Engel	Johnson	Pankonin	Wallman
Ashford	Flood	Karpisek	Pedersen	Wightman
Burling	Friend	Langemeier	Pirsch	
Carlson	Gay	Louden	Raikes	
Christensen	Hansen	McGill	Rogert	
Dierks	Howard	Nelson	Schimek	

Voting in the negative, 0.

Present and not voting, 10:

Avery	Cornett	Harms	Lathrop	Synowiecki
Chambers	Fischer	Kruse	Preister	White

Excused and not voting, 8:

Erdman	Heidemann	Kopplin	McDonald
Fulton	Janssen	Lautenbaugh	Nantkes

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 1096.** Title read. Considered.

Committee AM1911, found on page 612, was considered.

Senator Langemeier renewed his amendment, FA179, found on page 692, to the committee amendment.

Senator Langemeier withdrew his amendment.

Senator Langemeier withdrew his amendments, FA180 and FA181, found on page 692.

Senator Friend renewed his amendment, AM2048, found on page 709, to the committee amendment.

The Friend amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Friend offered the following amendment to the committee amendment:

AM2081

(Amendments to Standing Committee amendments, AM1911)

- 1 1. On page 1, line 20, strike "thirty-five thousand" and
- 2 insert "thirty-seven thousand five hundred".
- 3 2. On page 2, line 6, after "such" insert "other"; and
- 4 in line 7 after "chief" insert "employed pursuant to section 2 of
- 5 this act".

The Friend amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 251.** Introduced by Aguilar, 35; Adams, 24; Avery, 28; Friend, 10; Karpisek, 32; Lautenbaugh, 18; Pahls, 31; Rogert, 16.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle in the United States; Operation Enduring Freedom in Afghanistan; and Operation Iraqi Freedom in Iraq; and

WHEREAS, Nebraska Army National Guard missions have included security, force protection, transportation, logistic support, quick reaction force, forward area support, rear area support, medical support, aviation maintenance, aviation support, medical evacuation (air and ground), reconnaissance, surveillance, law and order (police investigation), and direct support maintenance; and

WHEREAS, Nebraska Air National Guard missions have included aerial refueling, maintenance, engineering, supply mobility support, financial management, and security; and

WHEREAS, more than three thousand five hundred members of the Nebraska National Guard have deployed to more than twenty foreign countries during the last five years; and

WHEREAS, First Lieutenant Edward D. Iwan, Sergeant Jacob S. Schmuecker, Sergeant Wayne R. Cornell, Sergeant Kenneth E. Locker Jr.,

Specialist William L. Bailey III, and Specialist Randy J. Matheny made the ultimate sacrifice by giving their lives for this nation; and

WHEREAS, the Bronze Star with Valor, awarded for heroic or meritorious achievement or service, has been presented to Sergeant Anthony J. Jensen, Sergeant Jared M. Riggert, Sergeant Heather N. Springer, Sergeant Josiah P. Warren, Specialist Mathew P. Severin, and Specialist Bryan M. Stroyek; and

WHEREAS, the Purple Heart, awarded to members of the United States Armed Forces wounded or killed as a direct result of enemy actions, has been presented to Staff Sergeant Courtney L. Miller, Sergeant Dennis K. Cabanting, Sergeant Timothy L. Dolberg, Sergeant Jeremy M. Fulton, Sergeant Adam L. Homan, Sergeant Travis D. Richards (two awards), Sergeant Jacob S. Schmuecker (posthumous), Sergeant Josiah P. Warren, Specialist Jeromy P. Dillman, Specialist Luis A. Estrada, Specialist William J. Hottovy, Specialist Daniel L. McCoy, Specialist Houston M. Meeks, Specialist Brennan A. Rutt, Specialist Bradley C. Utterback, Specialist Arthur C. Werner, Specialist Timothy J. Wheelock, Specialist Shane T. Zezulka, Specialist William L. Bailey III (posthumous), Specialist Randy J. Matheny (posthumous), Private First Class Jason M. Newman, and Private First Class James J. O'Malley IV; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, has been presented to Sergeant Wayne R. Cornell, Sergeant Christopher M. Brammer, Sergeant Joshua D. Tobaben, and Specialist Micah J. Alfieri.

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

1. That the Legislature expresses its gratitude and wishes to honor these men and women for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be sent to all the soldiers mentioned in this resolution.

Laid over.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1094A.** Introduced by Carlson, 38; Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1094, One Hundredth Legislature, Second Session, 2008; and to declare an emergency.

### **GENERAL FILE**

**LEGISLATIVE BILL 844.** Committee AM1784, found on page 644, and considered on page 705, was renewed.

Senator Chambers renewed his amendment, FA182, found on page 705, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORTS

Natural Resources

**LEGISLATIVE BILL 1164.** Indefinitely postponed.

(Signed) LeRoy Louden, Chairperson

Revenue

**LEGISLATIVE BILL 895.** Placed on General File with amendment. AM2082 is available in the Bill Room.

(Signed) Ray Janssen, Chairperson

Business and Labor

**LEGISLATIVE BILL 495.** Placed on General File with amendment. AM1993

- 1 1. On page 2, lines 1 and 7, after "Any" insert
- 2 "railroad".

**LEGISLATIVE BILL 1020.** Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

Health and Human Services

**LEGISLATIVE BILL 308.** Placed on General File with amendment. AM2016 is available in the Bill Room.

**LEGISLATIVE BILL 738.** Placed on General File with amendment. AM1815

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 81-653, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 ~~81-653 It is the intent of sections 81-653 to 81-661 (1)~~  
6 Sections 81-653 to 81-660 and section 8 of this act shall be known  
7 and may be cited as the Brain Injury Registry Act.

8 (2) The intent of the Brain Injury Registry Act is  
9 to require the establishment and maintenance of a brain injury  
10 registry-Brain Injury Registry in and for the State of Nebraska.  
11 The purpose of the brain injury registry-Brain Injury Registry is  
12 to provide a central data bank of accurate, precise, and current  
13 information which will to assist in the statistical identification  
14 and of persons with brain or head injury, planning for the  
15 treatment and rehabilitation of such persons, and with brain or  
16 head injury and in the prevention of such injury.

17 Sec. 2. Section 81-654, Revised Statutes Supplement,  
18 2007, is amended to read:

19 81-654 For purposes of ~~sections 81-653 to 81-661:~~ the  
20 Brain Injury Registry Act:

21 ~~(1) Brain injury registry shall mean the system of~~  
22 ~~reporting established by sections 81-653 to 81-661 in which cases~~  
23 ~~of brain or head injury in this state are reported and recorded~~  
1 ~~in order to achieve the goals of statistical identification and~~  
2 ~~planning for treatment and rehabilitation of persons with brain or~~  
3 ~~head injury and prevention of such injury;~~

4 ~~(2)-(1) Brain or head injury shall mean means clinically~~  
5 ~~evident neurotrauma resulting directly or indirectly from closed~~  
6 ~~or penetrating brain or head trauma, infection, febrile condition,~~  
7 ~~anoxia, vascular lesions, toxin, or spinal cord injury, not~~  
8 ~~primarily related to congenital or degenerative conditions,~~  
9 ~~chemical dependency, or aging processes, which impairs mental,~~  
10 ~~cognitive, behavioral, or physical functioning; and~~

11 ~~(3)-(2) Department shall mean means the Department of~~  
12 ~~Health and Human Services.~~

13 Sec. 3. Section 81-655, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 81-655 The department shall establish and maintain a  
16 ~~central registry-Brain Injury Registry. The registry shall consist~~  
17 ~~of information concerning persons with brain or head injury~~  
18 ~~that occurs within the state. The registry shall include such~~  
19 ~~information as , which information the department deems necessary~~  
20 ~~and appropriate for the statistical identification and of persons~~  
21 ~~with brain or head injury, planning for the treatment and~~  
22 ~~rehabilitation of such persons, with brain or head injury and~~  
23 ~~the prevention of such injury. Any information released from the~~  
24 ~~registry shall be disclosed as Class I, Class II, and Class IV data~~  
25 ~~as provided in sections 81-663 to 81-675.~~

26 Sec. 4. Section 81-656, Revised Statutes Cumulative  
27 Supplement, 2006, is amended to read:

1 81-656 In order to implement the intent and purposes  
2 of ~~section 81-653,~~ the Brain Injury Registry Act, the department

3 shall:

4 (1) Adopt and promulgate necessary rules and regulations;  
 5 ~~including to carry out the act, including, but not limited~~  
 6 ~~to,~~ a uniform system of classification of brain or head injury  
 7 which is consistent with medically and clinically accepted  
 8 standards and definitions for use in reporting by treating medical  
 9 personnel and hospitals. ~~The~~ In adopting and promulgating such  
 10 rules and regulations, the department shall be guided by the  
 11 standards and definitions of the International Classification of  
 12 Disease, Clinical Modification Coding System of the World Health  
 13 Organization; ~~and~~

14 (2) Execute any contracts that the department deems  
 15 necessary to carry out the act; and

16 ~~(2)-(3)~~ Comply with all necessary requirements in order  
 17 to obtain funds or grants.

18 Sec. 5. Section 81-657, Revised Statutes Supplement,  
 19 2007, is amended to read:

20 81-657 (1) If a person with brain or head injury is  
 21 ~~not admitted to a hospital within the state but is treated in~~  
 22 this state in the office of a physician or psychologist licensed  
 23 ~~under the Uniform Credentialing Act, to practice in this state~~  
 24 ~~but is not admitted to a hospital within this state,~~ the treating  
 25 physician or psychologist shall provide a report the brain or head  
 26 of such injury to the department within thirty days after such  
 27 treatment and identification of the person sustaining such injury.  
 1 ~~Each treating physician or psychologist shall be required to report~~  
 2 ~~each brain or head injury only one time.~~

3 (2) ~~Each hospital and each rehabilitation center located~~  
 4 ~~within a hospital in the State of Nebraska shall annually report to~~  
 5 ~~the department a brain or head injury which results in admission or~~  
 6 ~~treatment.~~

7 (2) If a person with a brain or head injury is  
 8 admitted to or treated at a hospital or at a rehabilitation  
 9 center located within a hospital in this state, such hospital or  
 10 rehabilitation center shall provide a report of such injury to the  
 11 department within thirty days after such admission or treatment and  
 12 identification of the person sustaining such injury.

13 (3) ~~The report~~ A report provided under this section shall  
 14 contain the following information about the person ~~sustaining the~~  
 15 who has sustained a brain or head injury:

16 (a) Name;

17 (b) Social security number;

18 (c) Date of birth;

19 (d) Gender;

20 (e) Residence;

21 (f) Date of the injury;

22 (g) Final diagnosis or classification of the injury

23 according to the International Classification of Disease, Clinical  
 24 Modification Coding System, as adopted by the department;

25 (h) Cause of the injury and, if practicable, whether the  
26 injury resulted from an accident involving the use of alcohol;

27 (i) Place or site of occurrence of the injury;

1 (j) Identification of the reporting source;

2 (k) Dispensation upon discharge;

3 (l) Payor source; and

4 (m) Any additional information the department can

5 ~~demonstrate is reasonable in order to implement the purposes stated~~  
6 ~~in section 81-653, deems necessary and appropriate to carry out the~~  
7 purposes of the Brain Injury Registry Act.

8 Sec. 6. Section 81-659, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 81-659 No patient-identifying data as defined in section  
11 81-664 shall be ~~divulged, disclosed,~~ made public, or released by  
12 the department to any public or private person or entity. All other  
13 data obtained from medical records of persons sustaining brain or  
14 head injury is for the confidential use as Class I, Class II, or  
15 Class IV data of the department and the private or public persons  
16 or entities that the department determines may view such records as  
17 provided in sections 81-663 to 81-675.

18 Sec. 7. Section 81-660, Revised Statutes Cumulative  
19 Supplement, 2006, is amended to read:

20 81-660 No physician, psychologist, hospital, or  
21 administrator, officer, or employee of a hospital or medical  
22 professional who is in compliance with sections 81-657 and 81-663  
23 to 81-675 shall be civilly or criminally liable for ~~divulging~~  
24 disclosing the information required ~~pursuant to~~ under section  
25 81-657.

26 Sec. 8. Within thirty days after receiving a report of  
27 a brain or head injury, the department shall provide relevant and  
1 timely information to the person with such injury to assist such  
2 person in accessing necessary and appropriate services relating  
3 to such injury. The department may develop such information or  
4 utilize information developed by other sources and approved by the  
5 department. The department may provide such information directly or  
6 contract with an appropriate entity to facilitate the provision of  
7 such information. Costs associated with providing such information  
8 shall be paid from cash funds, gifts, and grants. No funds from the  
9 General Fund shall be used to pay such costs. Funds received by the  
10 department for the payment of such costs shall be remitted to the  
11 State Treasurer for credit to the Health and Human Services Cash  
12 Fund. The department shall not be required to provide information  
13 under this section if sufficient funding is unavailable.

14 Sec. 9. Section 81-664, Revised Statutes Supplement,  
15 2007, is amended to read:

16 81-664 For purposes of sections 81-663 to 81-675:

17 (1) Aggregate data means data contained in the medical  
18 record and health information registries maintained by the  
19 department which is compiled in a statistical format and which does

20 not include patient-identifying data;

21 (2) Approved researcher means an individual or entity  
22 which is approved by the department pursuant to section 81-666 to  
23 obtain access to data contained in the medical record and health  
24 information registries maintained by the department to assist in  
25 the scientific or medical research for the prevention, cure, or  
26 control of a disease or injury process;

27 (3) Case-specific data means data contained in the  
1 medical record and health information registries concerning a  
2 specific individual other than patient-identifying data;

3 (4) Department means the Department of Health and Human  
4 Services;

5 (5) Medical record and health information registry means  
6 the system of reporting certain medical conditions occurring  
7 in this state, as prescribed by law, which are reported and  
8 recorded in order to achieve the goals of prevention, cure, and  
9 control through research and education, and includes the birth  
10 defects registry established in section 71-646, the cancer registry  
11 established in sections 81-642 to 81-650, the ~~brain injury registry~~  
12 ~~established in sections 81-653 to 81-661~~, Brain Injury Registry  
13 established pursuant to the Brain Injury Registry Act, and the  
14 Parkinson's Disease Registry established in the Parkinson's Disease  
15 Registry Act;

16 (6) Patient-identifying data means the patient's name,  
17 address, record number, symbol, or other identifying particular  
18 assigned to or related to an individual patient; and

19 (7) Research means study specific to the diseases or  
20 injuries for which access to data is requested and which is  
21 dedicated to the prevention, cure, or control of the diseases or  
22 injuries.

23 Sec. 10. Original sections 81-653, 81-655, and 81-659,  
24 Reissue Revised Statutes of Nebraska, sections 81-656 and 81-660,  
25 Revised Statutes Cumulative Supplement, 2006, and sections 81-654,  
26 81-657, and 81-664, Revised Statutes Supplement, 2007, are  
27 repealed.

1 Sec. 11. The following section is outright repealed:

2 Section 81-661, Revised Statutes Supplement, 2007.

**LEGISLATIVE BILL 796.** Placed on General File with amendment.  
AM1925

1 1. Strike original sections 2, 3, 10, and 11 and insert  
2 the following new sections:

3 Section 1. Section 38-1901, Revised Statutes Supplement,  
4 2007, is amended to read:

5 38-1901 Sections 38-1901 to 38-1920 and sections 4, 6,  
6 and 7 of this act shall be known and may be cited as the Medical  
7 Radiography Practice Act.

8 Sec. 2. Section 38-1902, Revised Statutes Supplement,  
9 2007, is amended to read:



10 38-1902 For purposes of the Medical Radiography Practice  
11 Act and elsewhere in the Uniform Credentialing Act, unless the  
12 context otherwise requires, the definitions found in sections  
13 38-1903 to 38-1913 and section 4 of this act apply.

14 Sec. 4. Limited computed tomography radiographer means  
15 a person licensed pursuant to section 6 of this act to practice  
16 medical radiography restricted to computed tomography.

17 Sec. 5. Section 38-1915, Revised Statutes Supplement,  
18 2007, is amended to read:

19 38-1915 (1) A person licensed by the department, with  
20 the recommendation of the board, as a medical radiographer  
21 may practice medical radiography on any part of the human  
22 anatomy for interpretation by and under the direction of a  
23 licensed practitioner, including computed tomography but excluding  
1 interpretative fluoroscopic procedures. An applicant for a license  
2 as a medical radiographer shall:

3 (a) Complete an educational program in radiography  
4 approved by the board pursuant to subsection (1) of section  
5 38-1918;

6 (b) Complete an application in accordance with the  
7 Uniform Credentialing Act; and

8 (c) Successfully complete an examination approved by the  
9 board.

10 (2) Presentation of proof of registration in radiography  
11 with the American Registry of Radiologic Technologists is proof of  
12 meeting the requirements of subdivisions (1)(a) and (c) of this  
13 section.

14 Sec. 6. (1) A person licensed by the department,  
15 with the recommendation of the board, as a limited computed  
16 tomography radiographer may practice medical radiography restricted  
17 to computed tomography. An applicant for a license as a limited  
18 computed tomography radiographer shall:

19 (a) Complete an application in accordance with the  
20 Uniform Credentialing Act;

21 (b) Be certified by (i) the Nuclear Medicine Technology  
22 Certification Board or (ii) the American Registry of Radiologic  
23 Technologists in nuclear medicine technology; and

24 (c) Be certified by the American Registry of Radiologic  
25 Technologists in computed tomography.

26 (2) A nuclear medicine technologist who meets the  
27 requirements for training and experience for nuclear medical  
1 technology under the Radiation Control Act may perform computed  
2 tomography without being licensed under the Medical Radiography  
3 Practice Act if such practice is limited to X-rays produced  
4 by a combination nuclear medicine-computed tomography system  
5 and administered as an integral part of a nuclear medicine  
6 procedure that uses a computed tomography protocol for  
7 purposes of attenuation correction and anatomical localization  
8 only and if the nuclear medicine technologist has received

9 documented device-specific training on the combination nuclear  
 10 medicine-computed tomography system as prescribed by rules and  
 11 regulations adopted and promulgated by the department.

12 Sec. 7. The requirements of section 6 of this act do  
 13 not apply to a student while enrolled and participating in an  
 14 educational program in nuclear medicine technology who, as part  
 15 of the educational program, applies X-rays to humans using a  
 16 computed tomography system while under the supervision of the  
 17 licensed practitioners, medical radiographers, or limited computed  
 18 tomography radiographers associated with the educational program. A  
 19 person registered by the Nuclear Medicine Technology Certification  
 20 Board or the American Registry of Radiologic Technologists may  
 21 apply for a license as a temporary limited computed tomography  
 22 radiographer. Temporary limited computed tomography radiographer  
 23 licenses shall expire twenty-four months after issuance and  
 24 shall not be renewed. Persons licensed as temporary limited  
 25 computed tomography radiographers shall be permitted to perform  
 26 medical radiography restricted to computed tomography while  
 27 under the direct supervision and in the physical presence of  
 1 licensed practitioners, medical radiographers, or limited computed  
 2 tomography radiographers.

3 Sec. 14. Section 71-3519, Revised Statutes Supplement,  
 4 2007, is amended to read:

5 71-3519 Sections 71-3501 to 71-3520 and section 10 of  
 6 this act shall be known and may be cited as the Radiation Control  
 7 Act.

8 Sec. 15. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13,  
 9 and 16 of this act become operative on December 1, 2008. The other  
 10 sections of this act become operative on their effective date.

11 Sec. 16. Original sections 38-1901, 38-1902, 38-1907,  
 12 38-1915, 71-3503, 71-3505, 71-3507, 71-3508.03, and 71-3517,  
 13 Revised Statutes Supplement, 2007, are repealed.

14 Sec. 17. Original section 71-3519, Revised Statutes  
 15 Supplement, 2007, is repealed.

16 2. On page 12, line 2, after "concern" insert an  
 17 underscored comma.

18 3. On page 16, line 23, strike the first comma and show  
 19 as stricken.

20 4. On page 21, line 1, after the stricken matter insert  
 21 "four hundred"; and in lines 2 through 6 reinstate the stricken  
 22 matter and strike the new matter.

23 5. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 972.** Placed on General File with amendment.  
 AM1977

1 1. On page 2, strike the new matter in lines 8  
 2 through 11 and insert "and must provide satisfactory evidence  
 3 of being credentialed in such other jurisdiction at a level with  
 4 requirements that are at least as stringent as or more stringent

5 than the requirements for the comparable credential being applied  
6 for in this state".

**LEGISLATIVE BILL 1074.** Indefinitely postponed.

(Signed) Joel Johnson, Chairperson

General Affairs

**LEGISLATIVE BILL 689.** Placed on General File.

**LEGISLATIVE BILL 993.** Placed on General File.

**LEGISLATIVE BILL 1103.** Placed on General File.

**LEGISLATIVE BILL 996.** Placed on General File with amendment.  
AM1945

1 1. On page 18, lines 17 and 18; and page 31, lines 10 and  
2 11, reinstate the stricken matter and strike the new matter.  
3 2. On page 18, line 22; and page 31, line 15, after  
4 "9" insert "except that a manufacturer which has two or more  
5 facilities, divisions, or subsidiaries or which is comprised of  
6 two or more separate and distinct legal entities with the same  
7 ownership may apply for and obtain a manufacturer's license for  
8 each such facility, division, subsidiary, or entity with approval  
9 from the department".

(Signed) Vickie McDonald, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 844.** Senator Chambers renewed his amendment, FA183, found on page 710, to the committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Chambers amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his amendment, FA184, found on page 710, to the committee amendment.

Pending.

## COMMITTEE REPORTS

## Education

**LEGISLATIVE BILL 1157.** Placed on General File with amendment. AM2093

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

3 Section 1. Section 79-758, Revised Statutes Supplement,  
4 2007, is amended to read:

5 79-758 For purposes of the Quality Education  
6 Accountability Act:

7 (1) Assessment means the process of measuring student  
8 achievement and progress on ~~state and locally adopted~~ state-adopted  
9 standards;

10 (2) Assessment instrument means a test aligned with state  
11 ~~and local~~ standards that is designed to measure student progress  
12 and achievement; and

13 ~~(3) Assessment portfolio means the compilation of~~  
14 ~~assessment practices and procedures, assessment instruments, and~~  
15 ~~national assessment instruments used by a school district in~~  
16 ~~meeting assessment and reporting requirements; and~~

17 ~~(4)~~ ~~(3)~~ National assessment instrument means a nationally  
18 norm-referenced test developed and scored by a national testing  
19 service.

20 Sec. 2. Section 79-760.01, Revised Statutes Supplement,  
21 2007, is amended to read:

22 79-760.01 The State Board of Education shall adopt  
23 measurable ~~model~~-academic content standards for at least ~~three~~  
1 the grade levels required for statewide assessment pursuant to  
2 section 79-760.03. The standards shall cover the subject areas of  
3 reading, writing, mathematics, science, and social studies. The  
4 standards adopted shall be sufficiently clear and measurable to be  
5 used for testing student performance with respect to mastery of  
6 the content described in the state standards. The State Board of  
7 Education shall develop a plan to review and update standards for  
8 each subject area every five years. The state board shall review  
9 and update the standards in reading by July 1, 2009, the standards  
10 in mathematics by July 1, 2010, and the standards in all other  
11 subject areas by July 1, 2013. The state board plan shall include a  
12 review of commonly accepted standards adopted by school districts.

13 Sec. 3. Section 79-760.02, Revised Statutes Supplement,  
14 2007, is amended to read:

15 79-760.02 In accordance with timelines that are adopted  
16 by the State Board of Education, but in no event later than one  
17 year following the adoption or modification of state standards,  
18 each school district shall adopt measurable quality academic  
19 content standards in the subject areas of reading, writing,  
20 mathematics, science, and social studies. The standards may be  
21 the same as, or may be equal to or exceed in rigor, the measurable

22 ~~model~~-academic content standards adopted by the state board and  
23 shall cover at least the same grade levels. School districts  
24 may work collaboratively with educational service units, with  
25 learning communities, or through interlocal agreements to develop  
26 such standards. Educational service units and learning communities  
27 shall develop a composite set of standards shared by member school  
1 districts. ~~The State Department of Education shall adopt and  
2 promulgate appropriate rules and regulations to insure the rigor of  
3 the measurable quality academic content standards.~~

4 Sec. 4. Section 79-760.03, Revised Statutes Supplement,  
5 2007, is amended to read:

6 79-760.03 (1) For school year 2009-10 and each school  
7 year thereafter, the State Board of Education shall implement  
8 a statewide system for the assessment of student learning and  
9 for reporting the performance of school districts and learning  
10 communities pursuant to this section. The assessment and reporting  
11 system shall measure student knowledge of subject matter materials  
12 covered by measurable academic content standards selected by the  
13 state board.

14 (2) The state board shall adopt a plan for an assessment  
15 and reporting system and implement and maintain the assessment  
16 and reporting system according to such plan. The plan shall  
17 be submitted annually to the Governor, the chairperson of the  
18 Education Committee of the Legislature, and the Clerk of the  
19 Legislature. The state board shall select ~~three~~-grade levels for  
20 assessment and reporting required pursuant to subsections (4)  
21 through (7) of this section. The purposes of the system are to:

22 (a) Determine how well public schools are performing in  
23 terms of achievement of public school students related to the state  
24 academic content standards;

25 (b) Report the performance of public schools based upon  
26 the results of state assessment instruments and national assessment  
27 instruments;

1 (c) Provide information for the public and policymakers  
2 on the performance of public schools; and

3 (d) Provide for the comparison among Nebraska public  
4 schools and the comparison of Nebraska public schools to public  
5 schools elsewhere.

6 (3) The Governor shall appoint a technical advisory  
7 committee to review the statewide assessment plan and state  
8 assessment instruments developed under the Quality Education  
9 Accountability Act. The technical advisory committee shall consist  
10 of three to five nationally recognized experts in educational  
11 assessment and measurement. The members shall serve terms of  
12 three years, except that two of the members shall be appointed  
13 for initial terms of two years. Any vacancy shall be filled by  
14 the Governor for the remainder of the term. One of the members  
15 shall be designated as chairperson by the Governor. Members  
16 shall be reimbursed for their actual and necessary expenses as

17 provided in sections 81-1174 to 81-1177. The committee shall advise  
 18 the Governor, the Legislature, the state board, and the State  
 19 Department of Education on the development of statewide assessment  
 20 instruments and the statewide assessment plan. The appointments to  
 21 the committee shall be confirmed by the Legislature.

22 ~~(3)-(4)~~ The state board shall prescribe a statewide  
 23 assessment of writing that relies on writing samples in each of  
 24 three grades selected by the state board. Each year at least one  
 25 of the three selected grades shall participate in the statewide  
 26 writing assessment with each selected grade level participating at  
 27 least once every three years.

1 ~~(4)-(5)~~ For school year 2009-10 and for each school  
 2 year thereafter, the state board shall prescribe a statewide  
 3 assessment of reading, ~~that is based on model assessments developed~~  
 4 ~~pursuant to section 79-760. The reading assessment instruments~~  
 5 ~~shall be developed in collaboration with educational service units~~  
 6 ~~and be approved by a majority of the educational service unit~~  
 7 ~~administrators. The statewide assessment of reading shall include~~  
 8 ~~assessment instruments for each of the grade levels three through~~  
 9 ~~eight and for one grade in high school and standards selected~~  
 10 ~~adopted by the state board pursuant to section 79-760.01.~~

11 ~~(5)-(6)~~ For school year 2010-11 and for each school year  
 12 thereafter, the state board shall prescribe a statewide assessment  
 13 of mathematics, ~~that is based on model assessments developed~~  
 14 ~~pursuant to section 79-760. The mathematics assessment instruments~~  
 15 ~~shall be developed in collaboration with educational service~~  
 16 ~~units and be approved by a majority of the educational service~~  
 17 ~~unit administrators. The statewide assessment of mathematics shall~~  
 18 ~~include assessment instruments for each of the grade levels three~~  
 19 ~~through eight and for one grade in high school and standards~~  
 20 ~~selected adopted by the state board pursuant to section 79-760.01.~~

21 ~~(6)~~ ~~School districts shall develop assessment portfolios.~~  
 22 ~~Such assessment portfolios may be developed through school~~  
 23 ~~district collaboration with educational service units and learning~~  
 24 ~~communities or through interlocal agreements. Educational service~~  
 25 ~~units shall conduct a peer review of local district assessments~~  
 26 ~~annually. Educational service units shall submit documentation~~  
 27 ~~of the district portfolios for review by the State Department~~  
 1 ~~of Education not more than once every three years. Assessment~~  
 2 ~~portfolios shall include all assessment instruments required by the~~  
 3 ~~state board and by the Quality Education Accountability Act.~~

4 ~~(7)~~ ~~The department shall identify criteria for rating~~  
 5 ~~assessment instruments and assessment portfolios. The department~~  
 6 ~~shall establish statewide minimum proficiency levels for local~~  
 7 ~~assessments and shall include proficiency levels in the rating of~~  
 8 ~~assessment instruments and assessment portfolios. The department~~  
 9 ~~shall contract with independent, recognized assessment experts~~  
 10 ~~to review and rate locally developed assessment instruments and~~  
 11 ~~portfolios according to such criteria and proficiency levels.~~

12 (7) For school year 2011-12 and each school year  
13 thereafter, the state board shall prescribe a statewide assessment  
14 of science. The statewide assessment of science shall include  
15 assessment instruments for each of the grade levels selected by  
16 the state board and standards adopted by the state board pursuant  
17 to section 79-760.01. The grade levels shall include at least one  
18 grade in elementary school, one grade in middle school or junior  
19 high school, and one grade in high school.

20 (8) The department shall conduct studies to verify the  
21 technical quality of assessment instruments and demonstrate the  
22 comparability of assessment instrument results required by the  
23 ~~Quality Education Accountability Act. act.~~ The department shall  
24 annually report such findings to the Governor, the Legislature, and  
25 ~~the State Board of Education. state board.~~

26 (9) ~~The State Board of Education. state board shall~~  
27 recommend national assessment instruments for the purpose of  
1 national comparison. Each school district shall ~~include national~~  
2 ~~assessment instruments in its assessment portfolio. report~~  
3 individual student data for scores and sub-scores according to  
4 procedures established by the state board and the department  
5 pursuant to section 79-760.05.

6 (10) The aggregate results of assessment instruments  
7 and national assessment instruments shall be reported by the  
8 district on a building basis to the public in that district, to  
9 the learning community coordinating council if such district is  
10 a member of a learning community, and to the department. Each  
11 learning community shall also report the aggregate results of  
12 any assessment instruments and national assessment instruments to  
13 the public in that learning community and to the department. The  
14 department shall report the aggregate results of any assessment  
15 instruments and national assessment instruments on a learning  
16 community, district, and building basis as part of the statewide  
17 assessment and reporting system.

18 (11)(a) The assessment and reporting plan shall:

19 (i) Provide for the confidentiality of the results of  
20 individual students; and

21 (ii) Include all public schools and all public school  
22 students.

23 (b) The state board shall adopt criteria for the  
24 inclusion of students with disabilities, students entering the  
25 school for the first time, and students with limited English  
26 proficiency.

27 (12) The state board may select additional grade levels  
1 and additional subject areas for statewide assessment to comply  
2 with federal requirements.

3 (13) The state board shall not require school districts  
4 to administer assessments or assessment instruments other than as  
5 prescribed by the act.

6 Sec. 5. Section 79-760.05, Revised Statutes Supplement,

7 2007, is amended to read:

8 79-760.05 (1) The State Board of Education shall  
 9 implement a statewide system for tracking individual student  
 10 achievement, using the student identifier system of the State  
 11 Department of Education, that can be aggregated to track student  
 12 progress by demographic characteristics, including, but not  
 13 limited to, race, poverty, high mobility, attendance, and limited  
 14 English proficiency, on available measures of student achievement  
 15 which include, but need not be limited to, national assessment  
 16 instruments, and state assessment instruments, ~~local assessment~~  
 17 ~~instruments, and other similar measures.~~ Such a system shall be  
 18 designed so as to aggregate student data by available educational  
 19 input characteristics, which may include class size, teacher  
 20 education, teacher experience, special education, early childhood  
 21 programs, federal programs, and other targeted education programs.  
 22 School districts shall provide the department with individual  
 23 student achievement data ~~as requested from assessment instruments~~  
 24 required pursuant to section 79-760.03 in order to implement the  
 25 statewide system.

26 (2) The department and the coordinator appointed pursuant  
 27 to section 79-11,150 shall annually analyze and report on student  
 1 achievement for the state, each school district, and each learning  
 2 community aggregated by the demographic characteristics described  
 3 in subsection (1) of this section. The department shall report  
 4 the findings to the Governor, the Legislature, school districts,  
 5 educational service units, and each learning community. Such  
 6 analysis shall include aggregated data that would indicate  
 7 differences in achievement due to available educational input  
 8 characteristics described in subsection (1) of this section.  
 9 Such analysis shall include indicators of progress toward state  
 10 achievement goals for students in poverty, limited English  
 11 proficient students, and highly mobile students according to the  
 12 plan developed by the coordinator pursuant to section 79-11,150.  
 13 Sec. 6. Original sections 79-758, 79-760.01, 79-760.02,  
 14 79-760.03, and 79-760.05, Revised Statutes Supplement, 2007, are  
 15 repealed.

(Signed) Ron Raikes, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 786.** Placed on General File with amendment.  
 AM2084

- 1 1. On page 3, strike lines 9 through 13; in line 14
- 2 strike "(3)" and insert "(2)"; in line 17 strike "(4)" and insert
- 3 "(3)"; and in line 21 strike "(5)" and insert "(4)".

**LEGISLATIVE BILL 1051.** Placed on General File with amendment.  
 AM2089



- 1 1. On page 3, line 15, strike "fifteen" and insert  
2 "twelve".

**LEGISLATIVE BILL 1068.** Placed on General File with amendment.  
AM1983

- 1 1. Strike original section 6 and insert the following new  
2 sections:  
3 Sec. 6. Section 39-2110, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 39-2110 Following adoption and publication of the  
6 specific criteria required by section 39-2109, the Department of  
7 Roads, after consultation with the appropriate local authorities  
8 in each instance, shall assign a functional classification to  
9 each segment of highway, road, and street in this state. Before  
10 assigning any such classification, the department shall make  
11 reasonable effort to resolve any differences of opinion between  
12 the department and any county or municipality. Whenever a new road  
13 or street is to be opened or an existing road or street is to be  
14 extended, the department shall, upon a request from the operating  
15 jurisdiction, assign a functional classification to such segment  
16 in accordance with the specific criteria established under section  
17 39-2109.  
18 Sec. 7. Section 39-2112, Reissue Revised Statutes of  
19 Nebraska, is amended to read:  
20 39-2112 Any county or municipality may, based on changing  
21 traffic patterns or volume or a change in jurisdiction, request  
22 the Department of Roads to reclassify any segment of highway,  
23 road, or street. Any county that wants to use the minimum  
1 maintenance, remote residential, or scenic recreation functional  
2 classification, or wants to return a road to its previous  
3 functional classification, may request the department to reclassify  
4 an applicable segment of highway or road. If a county board wants  
5 a road or a segment of road to be classified as remote residential  
6 it shall hold a public hearing on the matter prior to requesting  
7 the department to reclassify such road or segment of road. The  
8 department shall review such request and either grant or deny the  
9 reclassification in whole or in part. Any county or municipality  
10 dissatisfied with the action taken by the department under this  
11 section, may appeal to the Board of Public Roads Classifications  
12 and Standards in the manner provided in section 39-2111.  
13 2. On page 2, strike beginning with "by" in line 9  
14 through the period in line 10, show as stricken, and insert an  
15 underscored period.  
16 3. On page 8, line 10, strike "six" and insert  
17 "eighteen".  
18 4. On page 9, strike beginning with "The" in line 23  
19 through line 25 and show as stricken.  
20 5. On page 11, strike beginning with "The" in line 5  
21 through line 6.

- 22 6. On page 12, line 4, after the second comma insert  
23 "39-2110,".  
24 7. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 1069.** Indefinitely postponed.

**LEGISLATIVE BILL 1091.** Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 1143.** Placed on General File.

**LEGISLATIVE BILL 329.** Indefinitely postponed.

**LEGISLATIVE BILL 937.** Indefinitely postponed.

**LEGISLATIVE BILL 938.** Indefinitely postponed.

(Signed) John Synowiecki, Chairperson

Transportation and Telecommunications

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.

Patrick Meuret - Nebraska Railway Council

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

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.

Roy Neneman - Motor Vehicle Industry Licensing Board

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

(Signed) Deb Fischer, Chairperson

**AMENDMENT - Print in Journal**

Senator Karpisek filed the following amendment to LB844:  
AM2086

(Amendments to Standing Committee amendments, AM1784)

- 1 1. On page 6, line 13, strike "29-433" and show as
- 2 stricken, strike the underscored semicolon and insert "5 of this
- 3 act", and reinstate the stricken "if the"; and in lines 14 and 15
- 4 reinstate the stricken matter.
- 5 2. On page 8, lines 10 through 12, strike the new matter.
- 6 3. On page 9, line 5, strike "29-433" and insert "5 of
- 7 this act if the judge determines that attending such course is in
- 8 the best interest of the individual defendant".

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Langemeier asked unanimous consent to add his name as cointroducer to LB606. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 45 eleventh- and twelfth-grade students and teacher from Elkhorn; Dr. Jay and Jared Matzke from Gothenburg and Tyler Bakker from Littleton, Colorado; Curtis Bryant from Omaha; and 36 fourth-grade students, teachers, and sponsors from Elmwood-Murdock Public School, Elmwood.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Engel, the Legislature adjourned until 9:00 a.m., Thursday, February 28, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-THIRD DAY - FEBRUARY 28, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 28, 2008

**PRAYER**

The prayer was offered by Pastor Harry Riggs, First Baptist Church, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Lautenbaugh and Pankonin who were excused; and Senators Ashford, Cornett, Dubas, Engel, Flood, Heidemann, Nantkes, Stuthman, Synowiecki, and White who were excused until they arrive.

**SENATOR MCDONALD PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-second day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 27, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Jensen, Ronald L./Jensen Associates, Inc.  
Liberty Healthcare Corporation

Mueller, Monica  
Motorola, Inc.

Pappas, James E.

Bellevue Public Schools

Peetz, Natalie, Peetz & Company  
Omaha Zoological Society

### REPORT

The following report was received by the Legislature:

#### Education, Department of

Nebraska State Rehabilitation Council 2007 Annual Report

### GENERAL FILE

**LEGISLATIVE BILL 962.** Title read. Considered.

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

### COMMITTEE REPORT

Revenue

**LEGISLATIVE BILL 710.** Placed on General File.

(Signed) Ray Janssen, Chairperson

### AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB912:  
AM2059

- 1 1. On page 2, line 5, strike "(1)", show as stricken, and
- 2 insert "(1)(a)"; in lines 5, 7, and 8 strike the new matter and
- 3 reinstate the stricken matter; and in line 8 after the semicolon
- 4 insert "and
- 5 (b) Beginning with applications for financial assistance
- 6 received on or after February 1, 2008, associated hotel means any
- 7 publicly or privately owned facility in which the public may, for a
- 8 consideration, obtain sleeping accommodations and which is located
- 9 within four hundred fifty yards of an eligible facility, measured
- 10 from the eligible facility but not from any parking facility or
- 11 other structure;".

**RESOLUTIONS****LEGISLATIVE RESOLUTION 252.** Introduced by Avery, 28.

WHEREAS, Spencer Wolfe of Lincoln, Nebraska, was awarded the rank of Eagle Scout on June 28, 2007; and

WHEREAS, Spencer was the 50th Eagle Scout in his troop, Troop 12, which is one of the oldest troops in Lincoln, and while in this troop received 39 merit badges; and

WHEREAS, Spencer graduated from Lincoln Southwest High School where he was a four-year letter winner on the wrestling team, was a member of the National Honor Society, was in the orchestra, volunteered at the Humane Society, and was a youth deacon at his church; and

WHEREAS, Spencer is currently a freshman at the University of Nebraska at Kearney; and

WHEREAS, the attainment of Eagle Scout is an honor and is deserving of recognition.

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

1. That the members of the Legislature congratulate Spencer on his accomplishment.

2. That a copy of this resolution be sent to Spencer.

Laid over.

**LEGISLATIVE RESOLUTION 253.** Introduced by Hansen, 42.

WHEREAS, Shane Williams, an esteemed resident of North Platte and a student at North Platte High School, has achieved national recognition for exemplary volunteer service by receiving the 2008 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Shane Williams earned this award by giving generously of his time and energy by working on the state's annual NEBRASKAland Days celebration since he was ten years old, leading his high school class in collecting canned goods for an annual food drive over the past four years, and coordinating the complete remodeling of the NEBRASKAland Days' offices, including raising money for the remodeling project, recruiting and organizing volunteer help for the project, and working on all aspects of the project; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Shane Williams, who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Shane Williams as a recipient of the 2008 Prudential Spirit of Community Award, recognizes his outstanding record of volunteer service, peer leadership, and community spirit, and extends its best wishes for his continued success and happiness.

Laid over.

**LEGISLATIVE RESOLUTION 254.** Introduced by Fischer, 43.

WHEREAS, Matt Spain is the winner of the 285-pound Class B 2008 State Championship in wrestling; and

WHEREAS, Matt, a senior at Valentine High School, defeated Hadley Cooksley of Grand Island Northwest in the finals of the 285-pound division of the Class B 2008 State Championship at the Qwest Center in Omaha; and

WHEREAS, Matt's record as a senior wrestler at Valentine High School is 28-2, with 108 career wins; and

WHEREAS, Matt has placed three times at state championships during his high school career, placing 6th in 2006, 6th in 2007, and 1st in 2008; and

WHEREAS, Matt's father was also a state champion wrestler at Valentine.

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

1. That Matt Spain be congratulated for this exemplary achievement at the Class B 2008 State Championship in wrestling.

2. That a copy of this resolution be sent to Matt Spain.

Laid over.

## GENERAL FILE

**LEGISLATIVE BILL 914.** Title read. Considered.

Committee AM1676, found on page 419, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senator Janssen withdrew his amendment, AM1834, found on page 571.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 822.** Title read. Considered.

Committee AM1737, found on page 681, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present



and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1147.** Title read. Considered.

Committee AM1999, found on page 675, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE RESOLUTION 4CA.** Read. Considered.

**SENATOR STUTHMAN PRESIDING**

Senator Avery requested to pass over LR4CA.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 606A.** 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 606, One Hundredth Legislature, Second Session, 2008; and to declare an emergency.

**LEGISLATIVE BILL 1001A.** Introduced by White, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1001, One Hundredth Legislature, Second Session, 2008; and to declare an emergency.

### **MOTION - Print in Journal**

Senator Erdman filed the following motion to LB1014:

MO136

Bracket until April 1, 2008.

### **GENERAL FILE**

**LEGISLATIVE BILL 952.** Title read. Considered.

Senator Lathrop offered the following amendment:

FA185

Strike sections 2-5.

**SPEAKER FLOOD PRESIDING**

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 240, 241, and 242 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 240, 241, and 242.

**GENERAL FILE**

**LEGISLATIVE BILL 952.** The Lathrop amendment, FA185, found in this day's Journal, was renewed.

The Lathrop amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1049.** Title read. Considered.

Pending.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 797.** Placed on Select File with amendment.  
ER8169

- 1 1. On page 2, line 6, strike "and 71-7009" and insert
- 2 "71-7009, and 71-7011".
- 3 2. On page 18, line 20, strike "68-1017,".

**LEGISLATIVE BILL 1014.** Placed on Select File with amendment.  
ER8172

- 1 1. In the Standing Committee amendment, AM2006:
- 2 a. On page 4, line 25, strike "(1)", show as stricken,
- 3 and insert "(a)"; and in line 26 strike "(2)", show as stricken,
- 4 and insert "(b)";
- 5 b. On page 5, line 20, strike the second comma;
- 6 c. On page 12, lines 12 and 13, strike "effective date of
- 7 this act" and insert "operative date of this section";
- 8 d. On page 14, line 1, after the first "district" insert
- 9 "court district";
- 10 e. On page 16, line 20, strike "costs", show as stricken,
- 11 and insert "cost"; and in line 21 strike "contributes", show as
- 12 stricken, and insert "contribute";
- 13 f. On page 17, line 12, strike "sections" and insert

- 14 "this section and section" and strike "and 24-1302";
- 15 g. On page 20, lines 20 and 21, strike "Conducting
- 16 hearings" and insert "Hearings conducted";
- 17 h. On page 25, line 16, strike ","and" and insert "and,";
- 18 i. On page 30, line 11, strike the second comma and show
- 19 as stricken;
- 20 j. On page 36, line 23, after "creditor" insert an
- 21 underscored comma;
- 22 k. On page 49, line 9, after the second "motion" insert
- 23 an underscored comma;
- 1 l. On page 53, lines 7 and 15, strike "43-1408" and
- 2 insert "43-1418";
- 3 m. On page 57, line 8, after "court" insert an
- 4 underscored comma;
- 5 n. On page 60, line 5, strike the commas; in line 7
- 6 strike the second comma; and in line 15 strike the first comma;
- 7 o. On page 65, line 15, strike "(a)", show as stricken,
- 8 and insert "(1)"; in line 20 strike "(b)", show as stricken, and
- 9 insert "(2)"; and in line 23 strike "(c)", show as stricken, and
- 10 insert "(3)";
- 11 p. On page 66, line 2, strike "(d)", show as stricken,
- 12 and insert "(4)"; and in line 11 strike "(e)", show as stricken,
- 13 and insert "(5)";
- 14 q. On page 76, line 8, before "The" insert "(2)"; and in
- 15 line 17 strike "(2)", show as stricken, and insert "(3)";
- 16 r. On page 77, line 15, strike "(3)", show as stricken,
- 17 and insert "(4)"; in line 17 strike "(4)", show as stricken, and
- 18 insert "(5)"; and in line 21 strike "(5)", show as stricken, and
- 19 insert "(6)";
- 20 s. On page 99, line 4, strike "35" and insert "28"; in
- 21 line 6 strike "43-1408" and insert "43-1418"; in line 11 strike
- 22 "72" and insert "73"; and in line 14 strike "73" and insert "72";
- 23 and
- 24 t. On page 100, line 13, strike "sections are" and insert
- 25 "section is"; and in line 14 strike "Sections 43-2927 and" and
- 26 insert "Section".
- 27 2. On page 1, strike beginning with "24-730" in
- 1 line 1 through line 14 and insert "24-508, 24-730, 24-809.04,
- 2 24-1205, 25-534, 25-1129, 25-1130, 29-1816, 42-357, 43-272.01,
- 3 43-276, 43-1311, 43-1312, 43-1411.01, 43-1608, 43-1609, 43-1610,
- 4 43-1611, 43-1612, and 43-1613, Reissue Revised Statutes of
- 5 Nebraska, sections 24-312, 24-517, 24-1204, 24-1206, 24-1301,
- 6 24-1302, 25-2704, 25-2733, 25-2740, 43-247, 43-2,129, 43-2404.02,
- 7 43-3001, 79-215, 84-917, and 86-2,107, Revised Statutes Cumulative
- 8 Supplement, 2006, and sections 24-301.02, 24-503, 42-353, 42-359,
- 9 42-364, 42-364.13, 42-371, 43-2,119, 43-2922, 43-2923, 43-2924,
- 10 43-2927, 43-2928, 43-2929, 43-2930, 43-2932, 43-2934, 43-2936,
- 11 43-2937, and 43-2943, Revised Statutes Supplement, 2007; to
- 12 change and eliminate provisions relating to judgeships, judicial

13 vacancies, judicial hearings, court duties and authority,  
 14 jurisdiction, retired judges, referees, the Judicial Resources  
 15 Commission, appeals, clerk magistrates, facilitated conferencing,  
 16 mediators, support orders, support order liens, the Parenting Act,  
 17 domestic relations matters, parenting plans, compulsory school  
 18 attendance, and service of documents other than summons; to provide  
 19 for court referral to mediation or another form of alternative  
 20 dispute resolution, problem solving court programs, determination  
 21 of criminal charge versus juvenile code adjudication, paternity  
 22 proceedings, procedures and requirements for certain decrees, and  
 23 admissibility of certified copies of school records; to permit  
 24 jurors to take notes; to state intent; to eliminate duplicative  
 25 and conflicting provisions; to harmonize provisions; to provide  
 26 duties for the Revisor of Statutes; to provide operative dates;  
 27 to provide for severability; to repeal the original sections; to  
 1 outright repeal sections 25-1133, 25-2734, and 43-261, Reissue  
 2 Revised Statutes of Nebraska, and section 43-2931, Revised Statutes  
 3 Supplement, 2007; and to declare an emergency."  
 4 3. On page 2, strike line 1.

**LEGISLATIVE BILL 606.** Placed on Select File with amendment.  
 ER8170

1 1. In the Standing Committee amendments, AM1884, on page  
 2 4, line 16, after "thereafter" insert an underscored comma.  
 3 2. On page 1, strike beginning with "courts" in line 1  
 4 through line 3 and insert "public health and welfare; to amend  
 5 section 71-7608, Revised Statutes Supplement, 2007; to adopt the  
 6 Stem Cell Research Act; to provide funding; to repeal the original  
 7 section; and to declare an emergency.".

**LEGISLATIVE BILL 1096.** Placed on Select File with amendment.  
 ER8171

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. The Legislature finds that matters relating to  
 4 emergency medical first response and fire protection are matters of  
 5 state concern, particularly in larger cities that rely primarily or  
 6 entirely upon volunteers to provide these services. Recognizing the  
 7 increasing complexity and difficulty of providing these services,  
 8 the stringent and growing training demands made upon volunteers,  
 9 the demographics of an aging population, the economic pressures  
 10 that deny or inhibit employers from granting the opportunity for  
 11 volunteers to respond to emergency calls during business hours, and  
 12 the economic costs to residents and businesses of financing either  
 13 a paid or partly paid emergency response system, the Legislature  
 14 hereby declares the necessity of establishing a system and process  
 15 whereby certain cities of the first class would be required to  
 16 review, study, and modify on a continuing basis their emergency  
 17 response systems, with appropriate public input, based upon local

18 conditions and circumstances.

19 Sec. 2. Not later than January 5, 2009, each city of the  
20 first class with a population in excess of thirty-seven thousand  
21 five hundred inhabitants shall employ a full-time fire chief with  
22 appropriate training, credentials, and experience and for whom  
23 firefighting or emergency medical first response is a full-time  
1 career. The fire chief shall be appointed by the mayor with  
2 the approval of the city council. The fire chief shall have the  
3 immediate superintendence of the fire prevention, fire suppression,  
4 and emergency medical first response services and the facilities  
5 and equipment related to such services of the city. The fire  
6 chief shall promulgate, implement, and enforce rules governing the  
7 actions and conduct of volunteer members of the department so as to  
8 be in conformity with the personnel policies of the city.

9 Sec. 3. (1) In addition to such other duties as may be  
10 performed by the fire chief employed pursuant to section 2 of this  
11 act, he or she shall keep and maintain full and complete records  
12 regarding the twelve-month period ending thirty days prior to the  
13 annual report of the chief to the city council as provided for in  
14 subsection (2) of this section. Such records include, but are not  
15 limited to, the number of volunteers in active volunteer service  
16 providing emergency response services to the city including their  
17 ages, the amount and type of training received by each volunteer  
18 during the course of his or her time of service as an active  
19 volunteer, the number of new volunteers recruited during such  
20 period, the number of volunteers who ceased to be active volunteers  
21 during that period, the basic information regarding each volunteer  
22 specified in section 35-1309.01, the number and nature of calls or  
23 requests for emergency services, the response time for each call,  
24 to be calculated from the time of receipt of the dispatch to the  
25 time of arrival of the first fire or rescue emergency response  
26 vehicle at the site of the request, the number of volunteers  
27 responding to each call, and the time each call was received. The  
1 city council may specify any additional information to be gathered  
2 or collected by the fire chief or as the fire chief may recommend.

3 (2) The fire chief shall collate and analyze the  
4 information gathered pursuant to subsection (1) of this section  
5 and shall, no less than once in any twelve-month period, on a  
6 date specified by the city council, provide a report to the  
7 city council at a regular council meeting on the prior year's  
8 experience regarding the volunteer department and shall make such  
9 recommendations as he or she deems appropriate.

10 Sec. 4. Section 35-901, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 35-901 (1) For purposes of this section, volunteer  
13 department shall mean volunteer fire department or volunteer  
14 first-aid, rescue, or emergency squad or volunteer fire company  
15 serving any city, village, county, township, or rural or suburban  
16 fire protection district.

17 (2) ~~Each-Except~~ as provided in subsection (4) of this  
 18 section, each volunteer department may establish a volunteer  
 19 department trust fund. All general donations, ~~or~~ contributions,  
 20 bequests, or annuities made to the volunteer department and all  
 21 money raised by or for the volunteer department shall be deposited  
 22 in the trust fund. The trust fund shall be under the control  
 23 of the volunteer department, and the volunteer department may  
 24 make expenditures from the trust fund as it deems necessary. The  
 25 treasurer of the volunteer department shall be the custodian of the  
 26 trust fund.

27 (3) The trust fund shall not be considered public funds  
 1 or funds of any city, village, county, township, or rural or  
 2 suburban fire protection district for any purpose, including the  
 3 Nebraska Budget Act, nor shall any city, village, county, township,  
 4 or rural or suburban fire protection district incur any liability  
 5 solely by reason of any expenditure from such fund except liability  
 6 for property when any city, village, county, township, or rural  
 7 or suburban fire protection district receives title to property  
 8 acquired with money from such fund.

9 (4)(a) If the total amount of expenditures and receipts  
 10 in the trust fund exceeds one hundred thousand dollars in  
 11 any twelve-month period, the volunteer department shall inform  
 12 any city, village, county, township, or rural or suburban fire  
 13 protection district receiving service from the department and such  
 14 entity may examine or cause to be examined all books, accounts,  
 15 vouchers, records, and expenditures with regard to the trust fund.

16 (b) Funds, fees, or charges solicited, collected, or  
 17 received by a volunteer department that are (i) in consequence  
 18 of the performance of fire or rescue services by the volunteer  
 19 department at a given place and time, (ii) accomplished through the  
 20 use by the volunteer department of equipment owned by the taxing  
 21 authority supporting such department and provided to the volunteer  
 22 department for that purpose, and (iii) paid by or on behalf of  
 23 the recipient of those services shall not be deposited in a trust  
 24 fund authorized by this section. Such funds are public funds of the  
 25 taxing authority supporting the volunteer department and are deemed  
 26 to have been collected by the volunteer department as the agent of  
 27 the taxing authority and are held by the department on its behalf.

1 If such funds are in the possession of a volunteer department,  
 2 the taxing authority shall cause all the books, accounts, records,  
 3 vouchers, expenditures, and statements regarding such funds to be  
 4 examined and independently audited at the expense of the taxing  
 5 authority by a qualified professional auditor or the Auditor of  
 6 Public Accounts for the immediately preceding five years.

7 (4)-(5) Nothing in this section shall be construed or  
 8 deemed to permit a violation of the Nebraska Liquor Control Act.

9 (5)-(6) All expenditures of public funds as defined in  
 10 the Nebraska Budget Act for support of a volunteer department or  
 11 its purposes shall be submitted as claims, approved by the taxing

12 authority supporting such department or its purposes, and published  
 13 as required by law. All such claims shall be properly itemized for  
 14 proposed expenditure or reimbursement for costs already incurred  
 15 and paid except as may be otherwise permitted pursuant to section  
 16 35-106.

17 ~~(6)-(7)~~ All money raised pursuant to the Nebraska Bingo  
 18 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card  
 19 Lottery Act, and the Nebraska Small Lottery and Raffle Act shall be  
 20 subject to such acts with respect to the deposit and expenditure of  
 21 such money.

22 (8) No volunteer department shall solicit, charge, or  
 23 collect any funds, fees, or charges as described in subdivision  
 24 (4)(b) of this section without the express authorization of the  
 25 taxing authority supporting the department by vote of a majority  
 26 of the members of the governing body of such taxing authority.  
 27 Such authorization shall not extend beyond a twelve-month period  
 1 but may be renewed at the discretion of the taxing authority in  
 2 the same manner in which it was initially granted. Upon collection  
 3 or receipt, such funds, fees, or charges shall be remitted to  
 4 the designated officer of the taxing authority for deposit to  
 5 the account of the taxing authority. The taxing authority may  
 6 appropriate and expend some or all of such funds for the support of  
 7 a service award benefit program adopted and conducted pursuant to  
 8 the Volunteer Emergency Responders Recruitment and Retention Act.

9 Sec. 5. Original section 35-901, Reissue Revised Statutes  
 10 of Nebraska, is repealed.

11 2. On page 1, line 4, strike "a city" and insert "certain  
 12 cities"; in line 5 strike "the use of a"; and in line 6 strike  
 13 "fund" and insert "funds".

(Signed) Amanda McGill, Chairperson

### AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB1049:  
 AM2047

1 1. On page 2, line 16, strike "Solely for purposes of  
 2 appointment, the" and insert "The"; and in line 18 after the period  
 3 insert "When a member ceases to meet the qualifications for his or  
 4 her initial appointment, the office shall be immediately vacated.".

5 2. On page 3, line 7, after the period insert "An  
 6 appointment made for the remainder of the term shall not be  
 7 considered a full term.".

Senator Schimek filed the following amendment to LB1049:  
 AM2109

1 1. On page 2, line 18, after the period insert "No  
 2 individual shall be appointed or reappointed to the commission if  
 3 that appointment or reappointment would cause the number of members

4 of one gender to be greater than one-half of the membership of the  
5 commission, except that an individual serving on the effective date  
6 of this act may complete his or her term."

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

Senator Pahls asked unanimous consent to add his name as cointroducer to LB606 and LB1096. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB962. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB1001. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Carlson's son, Nathan Carlson, from Holdrege; Mary Finley, Connie Johnson, and Anna McManus; and Marie Kubat, Marjorie Vandenack, and Virginie Davidsaver from Omaha.

The Doctor of the Day was Dr. Geoff Cooper from Bellevue.

### **ADJOURNMENT**

At 11:57 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, March 4, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FOURTH DAY - MARCH 4, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 4, 2008

**PRAYER**

The prayer was offered by Pastor Bob Lawrence, South Auburn Church of Christ, Auburn.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Dierks, Engel, Heidemann, Nantkes, and Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-third day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 962.** Placed on Select File.

**LEGISLATIVE BILL 914.** Placed on Select File with amendment.  
ER8174

- 1 1. Strike original section 25 and insert the following
- 2 new section:
- 3 Sec. 26. Sections 1, 8, 13, 17, 18, 19, 20, 21, 22, 24,
- 4 25, 26, 27, and 29 of this act become operative on their effective
- 5 date. Sections 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 23, and
- 6 28 of this act become operative on January 1, 2009.
- 7 2. On page 1, line 2, after the first comma insert
- 8 "77-1783.01,".
- 9 3. On page 27, line 9, strike "subsections (11) and
- 10 (12)", show as stricken, and insert "this subsection and subsection
- 11 (11)".
- 12 4. On page 41, line 18, strike "Incentive" and insert

13 "Incentives".

14 5. On page 66, line 1, strike "effective date of this  
15 act" and insert "operative date of this section"; and in line 14  
16 after "November" insert an underscored comma.

17 6. On page 67, line 8, after "repealed" insert a period.

**LEGISLATIVE BILL 822.** Placed on Select File.

**LEGISLATIVE BILL 1147.** Placed on Select File with amendment.  
ER8175

1 1. In the Standing Committee amendment, AM1999:

2 a. On page 10, lines 10 and 11; page 13, lines 4 and 5;  
3 and page 16, lines 10 and 11, strike "Bureau of Labor Statistics"  
4 and insert "Bureau of Labor Statistics"; and

5 b. On page 16, line 27, before "Except" insert "(2)".

6 2. On page 1, strike beginning with "24-710.07" in line  
7 3 through the semicolon in line 5 and insert "23-2306, 23-2309.01,  
8 23-2310.05, 24-710.07, 24-710.10, 81-2027.03, 84-1307, 84-1310.01,  
9 and 84-1311.03, Revised Statutes Cumulative Supplement, 2006,  
10 and sections 23-2320, 79-947.01, and 84-1322, Revised Statutes  
11 Supplement, 2007; to change contribution allocation provisions and  
12 contribution requirements under the County Employees Retirement Act  
13 and the State Employees Retirement Act;".

**LEGISLATIVE BILL 952.** Placed on Select File with amendment.  
ER8173

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

3 Section 1. Section 81-119, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 81-119 Each department created by section 81-101 shall  
6 have power through its head, or any deputy, assistant, or employee,  
7 when authorized by him or her, to make a thorough investigation  
8 into all the books, papers, and affairs of any person, firm,  
9 or corporation when in the judgment of such department such  
10 examination is necessary to the proper performance of its duties  
11 and the efficient enforcement of the laws. Such department may  
12 subpoena witnesses to attend investigative hearings and have such  
13 witnesses bring with them books, accounts, and documents necessary  
14 for a thorough investigation. Such witnesses may be examined under  
15 oath. These powers shall not be used for criminal investigations.  
16 ~~and in so doing to administer oaths and affirmations and to examine~~  
17 ~~on oath or affirmation any person, officer, agent or clerk of any~~  
18 ~~firm or corporation touching the matters which, in the judgment of~~  
19 ~~such department, ought to be inquired into, and to examine and to~~  
20 ~~summon, and by attachment compel the attendance of, any person or~~  
21 ~~persons in this state to testify under oath before such department~~  
22 ~~or its secretary or any deputy, any assistant or employee thereof~~  
23 ~~in relation thereto.~~

- 1 Sec. 2. Original section 81-119, Reissue Revised Statutes  
 2 of Nebraska, is repealed.  
 3 2. On page 1, strike beginning with the last comma in  
 4 line 2 through line 7 and insert "; to change provisions relating  
 5 to investigatory powers; and to repeal the original section."

(Signed) Amanda McGill, Chairperson

### MESSAGE FROM THE GOVERNOR

February 26, 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 appointed to the Nebraska Railway Council:

Ralph Holzfastr, 77045 Road 343, Paxton, NE 69155

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

### COMMITTEE REPORTS

Health and Human Services

**LEGISLATIVE BILL 809.** Placed on General File with amendment.  
 AM1981

- 1 1. Strike section 1 and insert the following new section:  
 2 Section 1. 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.

**LEGISLATIVE BILL 1048.** Placed on General File with amendment.  
AM1979

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

3 Section 1. Section 71-606, Revised Statutes Supplement,  
4 2007, is amended to read:

5 71-606 (1) A stillborn child ~~born dead~~ shall be  
6 registered as a fetal death on a certificate form furnished by the  
7 department. Such certificate shall not be required for a child  
8 which has not advanced to the twentieth week of gestation. The  
9 certificate shall be filed with the department by the funeral  
10 director and embalmer in charge of the funeral and shall include  
11 a statement of the cause of death made by a person holding a  
12 valid license as a physician who was in attendance. In the event  
13 of hospital disposition, as provided in section 71-20,121, the  
14 entire certificate shall be completed by the attending physician  
15 and subscribed to also by the hospital administrator or his or her  
16 designated representative. If the attendant is not a physician, the  
17 death shall be referred to the county attorney for certification.  
18 The same time limit for completion shall apply as for a regular  
19 death certificate.

20 (2)(a) The parent of a stillborn child may request a  
21 certificate of birth resulting in stillbirth for such child,  
22 regardless of the date of filing of the corresponding fetal death  
23 certificate. The department shall provide such certificate upon  
1 request and payment of the required fee. For purposes of this  
2 section, certificate of birth resulting in stillbirth means a birth  
3 certificate issued to record the birth of a stillborn child born.

4 (b) The person responsible for filing a fetal death  
5 certificate under this section shall notify the parent or parents  
6 of the stillborn child that such parent may request a certificate  
7 of birth resulting in stillbirth and shall provide the necessary  
8 information for making such request.

9 (c) The parent requesting a certificate of birth

10 resulting in stillbirth may provide a name for the stillborn  
 11 child. If no name is provided, the department shall enter upon  
 12 the certificate the name "baby boy" or "baby girl" and the last  
 13 name of the requesting parent. The name on the original or amended  
 14 certificate of birth resulting in stillbirth shall be the same as  
 15 that entered on the original or amended fetal death certificate  
 16 and shall include the state file number of the corresponding fetal  
 17 death certificate for such child.

18 Sec. 2. Original section 71-606, Revised Statutes  
 19 Supplement, 2007, is repealed.

20 Sec. 3. Since an emergency exists, this act takes effect  
 21 when passed and approved according to law.

**LEGISLATIVE BILL 1108.** Placed on General File with amendment.  
 AM1897

1 1. Insert the following new sections:

2 Sec. 2. Section 38-2115, Revised Statutes Supplement,  
 3 2007, is amended to read:

4 38-2115 (1) Mental health practice means the provision  
 5 of treatment, assessment, psychotherapy, counseling, or equivalent  
 6 activities to individuals, couples, families, or groups for  
 7 behavioral, cognitive, social, mental, or emotional disorders,  
 8 including interpersonal or personal situations.

9 (2) Mental health practice does not include:

10 (a) The practice of psychology or medicine;

11 (b) Prescribing drugs or electroconvulsive therapy;

12 (c) Treating physical disease, injury, or deformity;

13 (d) Diagnosing major mental illness or disorder except in  
 14 consultation with a qualified physician, ~~or~~ a psychologist licensed  
 15 to engage in the practice of psychology as provided in section  
 16 38-3111, or a licensed independent mental health practitioner;

17 (e) Measuring personality or intelligence for the purpose  
 18 of diagnosis or treatment planning;

19 (f) Using psychotherapy with individuals suspected of  
 20 having major mental or emotional disorders except in consultation  
 21 with a qualified physician, ~~a~~ ~~or~~ licensed psychologist, or a  
 22 licensed independent mental health practitioner; or

23 (g) Using psychotherapy to treat the concomitants of  
 1 organic illness except in consultation with a qualified physician  
 2 or licensed psychologist.

3 (3) Mental health practice includes the initial  
 4 assessment of organic mental or emotional disorders for the purpose  
 5 of referral or consultation.

6 (4) Nothing in sections 38-2114, 38-2118, and 38-2119  
 7 shall be deemed to constitute authorization to engage in activities  
 8 beyond those described in this section. Persons certified under the  
 9 Mental Health Practice Act but not licensed under section 38-2122  
 10 shall not engage in mental health practice.

11 Sec. 3. Section 38-2116, Revised Statutes Supplement,

12 2007, is amended to read:

13 38-2116 (1) Mental health practitioner means a person who  
 14 holds himself or herself out as a person qualified to engage in  
 15 mental health practice or a person who offers or renders mental  
 16 health practice services. Independent mental health practitioner  
 17 means a person who holds himself or herself out as a person  
 18 qualified to engage in independent mental health practice or a  
 19 person who offers or renders independent mental health practice  
 20 services.

21 (2) A person who is licensed as a mental health  
 22 practitioner ~~or an independent mental health practitioner~~ and  
 23 certified as a master social worker may use the title licensed  
 24 clinical social worker. A person who is licensed as a mental health  
 25 practitioner ~~or an independent mental health practitioner~~ and  
 26 certified as a professional counselor may use the title licensed  
 27 professional counselor. A person who is licensed as a mental  
 1 health practitioner ~~or an independent mental health practitioner~~  
 2 and certified as a marriage and family therapist may use the  
 3 title licensed marriage and family therapist. No person shall use  
 4 the title licensed clinical social worker, licensed professional  
 5 counselor, or licensed marriage and family therapist unless he or  
 6 she is licensed and certified as provided in this subsection.

7 (3) A person who is licensed as an independent mental  
 8 health practitioner and certified as a master social worker may  
 9 use the title licensed independent clinical social worker. A person  
 10 who is licensed as an independent mental health practitioner and  
 11 certified as a professional counselor may use the title licensed  
 12 independent professional counselor. A person who is licensed as an  
 13 independent mental health practitioner and certified as a marriage  
 14 and family therapist may use the title licensed independent  
 15 marriage and family therapist. No person shall use the title  
 16 licensed independent clinical social worker, licensed independent  
 17 professional counselor, or licensed independent marriage and family  
 18 therapist unless he or she is licensed and certified as provided in  
 19 this subsection.

20 ~~(3)-(4)~~ A mental health practitioner shall not represent  
 21 himself or herself as a physician or psychologist and shall not  
 22 represent his or her services as being medical or psychological  
 23 in nature. An independent mental health practitioner shall not  
 24 represent himself or herself as a physician or psychologist.

25 2. On page 3, line 12, reinstate the stricken language;  
 26 in lines 12 through 14 strike the new language; strike lines 5, 6,  
 27 17, and 18 and show as stricken; and after lines 6 and 18 insert  
 1 the following new subdivision:

2 "(ii)(A) Is licensed as a licensed mental health  
 3 practitioner or (B) is licensed as a provisional mental health  
 4 practitioner and has satisfactorily passed an examination approved  
 5 by the board pursuant to subdivision (3) of section 38-2122; and".

6 3. On page 4, line 9, after "38-2112" insert ", 38-2115,



7 38-2116,".

8 4. Renumber the remaining sections accordingly.

(Signed) Joel Johnson, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 572.** Placed on General File.

**LEGISLATIVE BILL 884.** Placed on General File with amendment.  
AM2126

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

3 Section 1. Section 84-1602, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 84-1602 Sections 84-1601 to 84-1615 shall be administered  
6 by the personnel division of the Department of Administrative  
7 Services. The Director of Personnel may employ such administrative,  
8 clerical, secretarial, and technical assistants and consultants as  
9 are required for the administration of such sections. The director  
10 may also enter into agreements with public and private entities  
11 and, notwithstanding other provisions of law, provide facilities at  
12 state or private cost as are required for the administration of  
13 such sections.

14 Sec. 2. Section 84-1611, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 84-1611 (1) ~~For any contract period or periods beginning~~  
17 ~~on or after July 1, 1995, the~~ The state shall make the following  
18 contributions from the various funds toward payment of a health  
19 insurance or health maintenance organization program for employees  
20 which may include coverage for dependents.

21 (a) ~~For any employee with a service date of May 4, 1993,~~  
22 ~~or after, the state shall pay seventy nine percent of the total~~  
23 ~~cost which was in effect on July 1, 1994, for the plan, option,~~  
1 and coverage chosen by the employee. For any plan effective on or  
2 after July 1, 1995, and for any employee with a service date of May  
3 4, 1993, or after, the state shall pay seventy nine percent of the  
4 total cost of the plan as of the effective date of the plan for the  
5 option and coverage chosen by the employee;

6 (b) ~~For any employee who has a change in plan, option,~~  
7 ~~or coverage after April 25, 1993, the state shall pay seventy nine~~  
8 ~~percent of the total cost which was in effect on July 1, 1994, for~~  
9 ~~the plan, option, and coverage chosen by the employee. For any plan~~  
10 ~~effective on or after July 1, 1995, and for any employee who has a~~  
11 ~~change in plan, option, or coverage after April 25, 1993, the state~~  
12 ~~shall pay seventy nine percent of the total cost of the plan as of~~  
13 ~~the effective date of the plan for the option and coverage chosen~~  
14 ~~by the employee;~~

15 (c) ~~For any employee who is required to change health~~

16 carriers because of the termination of the plan and who does not  
 17 change either the option or coverage, the state shall pay an amount  
 18 equal to seventy nine percent of the total cost which was in effect  
 19 on July 1, 1994, for the optional major medical plan for the  
 20 same coverage as the plan chosen by the employee, subject to the  
 21 limitations in subsection (2) of this section;

22 (d) For any employee who chooses any coverage of the  
 23 preferred provider organization plan, the state shall pay an amount  
 24 equal to seventy nine percent of the total cost which was in effect  
 25 on July 1, 1994, for the optional major medical plan for the same  
 26 coverage chosen by the employee; and

27 (e) For all other employees, except as limited in  
 1 subsection (2) of this section, the state shall pay an amount  
 2 equal to seventy nine percent of the total cost which was in effect  
 3 on July 1, 1994, for the optional major medical plan for the same  
 4 coverage as the plan chosen by the employee.

5 (2)(a) Under no circumstances shall the state's  
 6 contribution exceed the actual cost of the plan, option, and  
 7 coverage chosen by the employee.

8 (b) The state's contribution shall not be less than  
 9 seventy-nine percent of the total cost ~~which was in effect on~~  
 10 ~~July 1, 1994,~~ for the plan, option, and coverage chosen by the  
 11 employee if the employee enrolls and participates as required in  
 12 a wellness program offered by the state through the Department of  
 13 Administrative Services. The state's contribution shall not be less  
 14 than sixty-nine percent of the total cost for the plan, option, and  
 15 coverage chosen by the employee if the employee does not enroll  
 16 and participate as required in a wellness program offered by the  
 17 state through the department. Any wellness program offered shall  
 18 contain alternatives which allow participation by persons with  
 19 disabilities. If no alternative is allowed, the department shall  
 20 provide a waiver procedure for persons with disabilities.

21 (3) For purposes of this section, (a) coverage shall  
 22 mean the rate categories of one-party, two-party, four-party, and  
 23 family, as offered under any contract entered into for medical  
 24 benefits, and (b) option shall mean one of the choices of levels of  
 25 medical and other benefits offered by a carrier, ~~and~~ (c) ~~service~~  
 26 ~~date shall mean the date maintained in the Nebraska employees~~  
 27 ~~information system and used for calculating vacation and sick leave~~  
 1 ~~benefits.~~

2 (4) If any provision of this section varies from the  
 3 terms of a labor contract, the terms of the labor contract shall  
 4 prevail for the employees covered by the labor contract.

5 Sec. 3. The Wellness Program Design Advisory Group is  
 6 created. The members shall be appointed by the Governor. The group  
 7 shall have five members: (1) The chief medical officer designated  
 8 in section 81-3115; (2) the Director of Administrative Services;  
 9 (3) an employee representative from a code agency of the State of  
 10 Nebraska; (4) an employee representative from a noncode agency of

11 the State of Nebraska; and (5) a representative from the private  
12 sector who shall be experienced in wellness or health benefits. The  
13 Wellness Program Design Advisory Group shall be appointed by August  
14 1, 2008, and shall terminate on December 31, 2009. The Department  
15 of Administrative Services shall provide administrative support for  
16 the group. The group shall meet as required to provide advice  
17 to the department regarding the design of a wellness program,  
18 including, but not limited to, advice regarding components of a  
19 successful wellness program. Members shall not receive a per diem.  
20 Members may be reimbursed for their actual and necessary expenses  
21 as provided in sections 81-1174 to 81-1177.

22 Sec. 4. Original section 84-1611, Reissue Revised  
23 Statutes of Nebraska, and section 84-1602, Revised Statutes  
24 Cumulative Supplement, 2006, are repealed.

(Signed) Ray Aguilar, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 255.** Introduced by McGill, 26.

WHEREAS, Minh Thu Tran, a resident of Lincoln and a student at Lincoln Northeast High School, has achieved national recognition for exemplary volunteer service by receiving the 2008 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial, in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Minh Thu Tran has earned this award by generously giving her time to the creation and maintenance of Lincoln Northeast High School's "Study Buddies Program" to provide tutoring assistance to nontraditional students; and

WHEREAS, the State of Nebraska, the strength of our communities, and the overall vitality of our society depend upon the dedication of young people like Minh Thu Tran who use their considerable talents to serve others.

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

1. That the Legislature congratulates and honors Minh Thu Tran as a recipient of the 2008 Prudential Spirit of Community Award.

2. That a copy of this resolution to sent to Minh Thu Tran.

Laid over.

**MOTIONS - Approve Appointments**

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 711:

Nebraska Educational Telecommunications Commission  
Phillip Dudley Jr.

Voting in the affirmative, 36:

Adams	Erdman	Janssen	McDonald	Schimek
Aguilar	Fischer	Johnson	McGill	Stuthman
Avery	Friend	Karpisek	Pahls	Wallman
Burling	Fulton	Kopplin	Pankonin	White
Carlson	Gay	Kruse	Pirsch	
Christensen	Hansen	Langemeier	Preister	
Cornett	Howard	Lautenbaugh	Raikes	
Dubas	Hudkins	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Flood	Lathrop	Synowiecki
Chambers	Harms	Nelson	Wightman

Excused and not voting, 5:

Dierks	Engel	Heidemann	Nantkes	Pedersen
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The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 730:

Nebraska Railway Council  
Patrick Meuret

Voting in the affirmative, 34:

Adams	Erdman	Hudkins	Lautenbaugh	Pirsch
Aguilar	Fischer	Janssen	Louden	Preister
Avery	Friend	Johnson	McDonald	Raikes
Burling	Fulton	Karpisek	McGill	Schimek
Carlson	Gay	Kopplin	Nelson	Stuthman
Christensen	Hansen	Kruse	Pahls	Wightman
Engel	Howard	Langemeier	Pankonin	

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Dierks	Harms	Synowiecki
Chambers	Dubas	Lathrop	Wallman
Cornett	Flood	Rogert	White

Excused and not voting, 3:

Heidemann	Nantkes	Pedersen
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The appointment was confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 730:

Motor Vehicle Industry Licensing Board  
Roy Neneman

Voting in the affirmative, 33:

Adams	Engel	Hudkins	McDonald	Schimek
Aguilar	Erdman	Janssen	McGill	Stuthman
Ashford	Fischer	Karpisek	Pahls	Wallman
Avery	Friend	Kopplin	Pankonin	White
Burling	Gay	Kruse	Pirsch	Wightman
Carlson	Hansen	Lathrop	Preister	
Christensen	Howard	Lautenbaugh	Raikes	

Voting in the negative, 0.

Present and not voting, 13:

Chambers	Dubas	Harms	Louden	Synowiecki
Cornett	Flood	Johnson	Nelson	
Dierks	Fulton	Langemeier	Rogert	

Excused and not voting, 3:

Heidemann	Nantkes	Pedersen
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The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB123 with 41 ayes, 2 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 123.**

A BILL FOR AN ACT relating to real property; to amend section 87-302, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Foreclosure Protection Act; to provide a penalty; to change provisions relating to the Uniform Deceptive Trade Practices Act; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 268.**

A BILL FOR AN ACT relating to counties; to amend sections 23-151 and 32-528, Reissue Revised Statutes of Nebraska; to change provisions relating

to election of county boards; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 41:

Adams	Dubas	Howard	McGill	Stuthman
Aguilar	Engel	Janssen	Nantkes	Synowiecki
Ashford	Erdman	Johnson	Pahls	Wallman
Avery	Fischer	Karpisek	Pankonin	White
Burling	Flood	Kopplin	Pirsch	Wightman
Carlson	Friend	Kruse	Preister	
Chambers	Gay	Langemeier	Raikes	
Christensen	Hansen	Lathrop	Rogert	
Cornett	Harms	McDonald	Schimek	

Voting in the negative, 4:

Dierks	Fulton	Hudkins	Nelson
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Present and not voting, 2:

Lautenbaugh Louden

Excused and not voting, 2:

Heidemann Pedersen

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

### **LEGISLATIVE BILL 279.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,173, 60-4,174, and 60-4,175, Reissue Revised Statutes of Nebraska; to change provisions relating to driver training schools; 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, 44:

Adams	Dubas	Howard	Lautenbaugh	Raikes
Aguilar	Engel	Hudkins	Louden	Rogert
Ashford	Erdman	Janssen	McDonald	Schimek
Avery	Fischer	Johnson	McGill	Stuthman
Burling	Flood	Karpisek	Nantkes	Synowiecki
Carlson	Fulton	Kopplin	Nelson	Wallman
Chambers	Gay	Kruse	Pahls	White
Christensen	Hansen	Langemeier	Pirsch	Wightman
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Present and not voting, 3:

Cornett          Friend          Pankonin

Excused and not voting, 2:

Heidemann      Pedersen

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB386 with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 386.**

A BILL FOR AN ACT relating to real property; to adopt the Nebraska Security Instrument Satisfaction Act.

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, 47:



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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 500.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-652, Revised Statutes Supplement, 2007; to change provisions governing charges to the experience account of employers; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

**LEGISLATIVE BILL 586.** With Emergency.

A BILL FOR AN ACT relating to liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to change medical lien provisions; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 620.**

A BILL FOR AN ACT relating to debt collection; to amend section 43-3342.03, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to collection and disbursement of child support by the State Disbursement Unit and collection of debt by state agencies; to provide for fees; to create a fund; and to repeal the original section.

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

Voting in the affirmative, 45:

Adams	Dubas	Harms	Lathrop	Pirsch
Aguilar	Engel	Howard	Lautenbaugh	Preister
Ashford	Erdman	Hudkins	Louden	Raikes
Avery	Fischer	Janssen	McDonald	Rogert
Burling	Flood	Johnson	McGill	Schimek
Carlson	Friend	Karpisek	Nantkes	Stuthman
Christensen	Fulton	Kopplin	Nelson	Wallman
Cornett	Gay	Kruse	Pahls	White
Dierks	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Synowiecki

Excused and not voting, 2:

Heidemann Pedersen

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

### **LEGISLATIVE BILL 623.**

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1207, Reissue Revised Statutes of Nebraska; to change provisions relating to speedy trial; and to repeal the original section.

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

Voting in the affirmative, 45:

Adams	Dierks	Hansen	Langemeier	Pirsch
Aguilar	Dubas	Harms	Lathrop	Preister
Ashford	Engel	Howard	Lautenbaugh	Raikes
Avery	Erdman	Hudkins	McDonald	Rogert
Burling	Fischer	Janssen	McGill	Schimek
Carlson	Flood	Johnson	Nantkes	Stuthman
Chambers	Friend	Karpisek	Nelson	Wallman
Christensen	Fulton	Kopplin	Pahls	White
Cornett	Gay	Kruse	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Louden            Synowiecki

Excused and not voting, 2:

Heidemann    Pedersen

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

### **LEGISLATIVE BILL 624.**

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-905, Revised Statutes Cumulative Supplement, 2006; to modify provisions relating to operation of a motor vehicle to avoid arrest; and to repeal the original section.

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

Voting in the affirmative, 46:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Engel	Hudkins	McDonald	Stuthman
Ashford	Erdman	Janssen	McGill	Synowiecki
Avery	Fischer	Johnson	Nantkes	Wallman
Burling	Flood	Karpisek	Nelson	White
Carlson	Friend	Kopplin	Pahls	Wightman
Chambers	Fulton	Kruse	Pankonin	
Christensen	Gay	Langemeier	Pirsch	
Cornett	Hansen	Lathrop	Preister	
Dierks	Harms	Lautenbaugh	Raikes	

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 2:

Heidemann    Pedersen

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

### **LEGISLATIVE BILL 668.**

A BILL FOR AN ACT relating to personal property; to amend section 69-1305.03, Revised Statutes Cumulative Supplement, 2006; to eliminate provisions relating to gift cards and gift certificates as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

Adams	Engel	Hudkins	McDonald	Schimek
Aguilar	Erdman	Janssen	McGill	Stuthman
Ashford	Fischer	Johnson	Nantkes	Synowiecki
Avery	Flood	Karpisek	Nelson	Wallman
Burling	Friend	Kopplin	Pahls	White
Carlson	Fulton	Kruse	Pankonin	Wightman
Christensen	Gay	Langemeier	Pirsch	
Cornett	Hansen	Lathrop	Preister	
Dierks	Harms	Lautenbaugh	Raikes	
Dubas	Howard	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Heidemann Pedersen

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

### **LEGISLATIVE BILL 715.**

A BILL FOR AN ACT relating to real estate; to amend section 81-885.17, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to nonresident real estate licensees; and to repeal the original section.

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

Voting in the affirmative, 45:

Adams	Dierks	Hansen	Langemeier	Pirsch
Aguilar	Dubas	Harms	Lathrop	Preister
Ashford	Engel	Howard	Lautenbaugh	Raikes
Avery	Erdman	Hudkins	Louden	Rogert
Burling	Fischer	Janssen	McDonald	Schimek
Carlson	Flood	Johnson	Nantkes	Stuthman
Chambers	Friend	Karpisek	Nelson	Synowiecki
Christensen	Fulton	Kopplin	Pahls	Wallman
Cornett	Gay	Kruse	Pankonin	White

Voting in the negative, 0.

Present and not voting, 2:

McGill            Wightman

Excused and not voting, 2:

Heidemann    Pedersen

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

#### **LEGISLATIVE BILL 744.**

A BILL FOR AN ACT relating to state government; to amend section 81-1108.17, Revised Statutes Cumulative Supplement, 2006; to authorize leases of state property as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

Adams	Dubas	Howard	McDonald	Schimek
Aguilar	Engel	Hudkins	McGill	Stuthman
Ashford	Erdman	Janssen	Nantkes	Synowiecki
Avery	Fischer	Johnson	Nelson	Wallman
Burling	Flood	Karpisek	Pahls	White
Carlson	Friend	Kruse	Pankonin	Wightman
Chambers	Fulton	Langemeier	Pirsch	
Christensen	Gay	Lathrop	Preister	
Cornett	Hansen	Lautenbaugh	Raikes	
Dierks	Harms	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Kopplin

Excused and not voting, 2:

Heidemann Pedersen

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

**LEGISLATIVE BILL 747.**

A BILL FOR AN ACT relating to energy; to amend sections 66-1065 and 79-10,105, Reissue Revised Statutes of Nebraska; to change provisions relating to energy financing contracts; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

**LEGISLATIVE BILL 750.** With Emergency.

A BILL FOR AN ACT relating to elections; to amend section 32-302, Reissue Revised Statutes of Nebraska, and sections 32-311.01 and 32-321, Revised Statutes Cumulative Supplement, 2006; to provide for voter registration applications to be distributed and returned to the office of the Secretary of State; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 752.**

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend section 81-1108.32, Revised Statutes Cumulative Supplement, 2006; to change membership provisions; and to repeal the original section.

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

Voting in the affirmative, 46:

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



Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 2:

Heidemann Pedersen

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

**LEGISLATIVE BILL 782.** With Emergency.

A BILL FOR AN ACT relating to children; to amend section 28-725, Revised Statutes Cumulative Supplement, 2006, and section 28-726, Revised Statutes Supplement, 2007; to provide and eliminate provisions relating to disclosure of child abuse and neglect information; to repeal the original sections; to outright repeal section 28-739, Revised Statutes Cumulative Supplement, 2006, and sections 28-734, 28-735, 28-736, 28-737, and 28-738, Revised Statutes Supplement, 2007; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 790.**

A BILL FOR AN ACT relating to agriculture; to amend section 2-5109, Revised Statutes Cumulative Supplement, 2006; to change buffer strip reimbursement; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

**LEGISLATIVE BILL 791.**

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1072, 2-1074, and 2-10,116, Reissue Revised Statutes of Nebraska; to define a term; to provide for rules and regulations governing planting of certified seed potatoes; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB823 with 40 ayes, 3 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 823.**

A BILL FOR AN ACT relating to information technology; to amend sections 86-501, 86-506, 86-516, 86-520, 86-521, 86-526, 86-527, 86-528, 86-529, 86-530, 86-552, 86-562, 86-563, 86-564, 86-565, 86-569, 86-571, 86-572, and 86-573, Revised Statutes Cumulative Supplement, 2006, and section 86-570, Revised Statutes Supplement, 2007; to change provisions relating to enterprise projects under the Information Technology Infrastructure Act, the Nebraska Information Technology Commission, the Chief Information Officer, the technical panel, and the Information Technology Infrastructure Fund; to provide powers and duties for the Nebraska Information Technology Commission and the Chief Information Officer; to require reporting of information technology plans by state agencies, boards, and commissions; to change and eliminate provisions of the Intergovernmental Data Services Program Act; to rename and change provisions relating to the Geographic Information System Steering Committee; to repeal the Intergovernmental Data Communications Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 86-531, 86-532, 86-533, 86-534, 86-535, 86-536, 86-537, 86-538, 86-539, 86-540, 86-541, 86-542, 86-543, 86-544, 86-545, 86-546, 86-547, 86-548, 86-549, and 86-553, Revised Statutes Cumulative Supplement,

2006.

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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 856.**

A BILL FOR AN ACT relating to elections; to amend section 32-564, Revised Statutes Cumulative Supplement, 2006; to provide for a special election for congressional representatives as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

Adams	Dubas	Howard	McDonald	Schimek
Aguilar	Engel	Hudkins	McGill	Stuthman
Ashford	Erdman	Janssen	Nantkes	Synowiecki
Avery	Fischer	Johnson	Nelson	Wallman
Burling	Flood	Karpisek	Pahls	White
Carlson	Friend	Kopplin	Pankonin	Wightman
Chambers	Fulton	Langemeier	Pirsch	
Christensen	Gay	Lathrop	Preister	
Cornett	Hansen	Lautenbaugh	Raikes	
Dierks	Harms	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Kruse

Excused and not voting, 2:

Heidemann Pedersen

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

### **LEGISLATIVE BILL 857.**

A BILL FOR AN ACT relating to elections; to amend section 32-712, Reissue Revised Statutes of Nebraska; to change provisions relating to certification of candidates for President and Vice President; and to repeal the original section.

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

Voting in the affirmative, 46:

Adams	Dubas	Howard	McDonald	Schimek
Aguilar	Engel	Hudkins	McGill	Stuthman
Ashford	Erdman	Janssen	Nantkes	Synowiecki
Avery	Fischer	Johnson	Nelson	Wallman
Burling	Flood	Karpisek	Pahls	White
Carlson	Friend	Kopplin	Pankonin	Wightman
Chambers	Fulton	Langemeier	Pirsch	
Christensen	Gay	Lathrop	Preister	
Cornett	Hansen	Lautenbaugh	Raikes	
Dierks	Harms	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Kruse

Excused and not voting, 2:

Heidemann Pedersen

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

**LEGISLATIVE BILL 896.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2007; to update references to the Internal Revenue Code of 1986; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB915 with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 915.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2769, Reissue Revised Statutes of Nebraska, sections 77-2727, 77-2734.01, 77-2794, and 77-27,119, Revised Statutes Cumulative Supplement, 2006, and sections 77-2717 and 77-5803, Revised Statutes Supplement, 2007; to change provisions relating to income tax, tax credits, and disclosure of information; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 925.**

A BILL FOR AN ACT relating to livestock; to amend section 54-401, Reissue Revised Statutes of Nebraska; to provide liability for damage done by certain goats as prescribed; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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: LBs 123, 268, 279, 386, 500, 586, 620, 623, 624, 668, 715, 744, 747, 750, 752, 782, 790, 791, 823, 856, 857, 896, 915, and 925.

### GENERAL FILE

**LEGISLATIVE BILL 768.** Title read. Considered.

Committee AM1682, found on page 445, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 939.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 1056.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.



**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 721A.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 721, One Hundredth Legislature, Second Session, 2008.

**AMENDMENT - Print in Journal**

Senator Ashford filed the following amendment to LB606A:  
AM2136

- 1 1. On page 2, line 8, after "employees" insert "in the
- 2 Department of Health and Human Services".

**RESOLUTION**

**LEGISLATIVE RESOLUTION 256.** Introduced by Aguilar, 35.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle in the United States; Operation Enduring Freedom in Afghanistan; and Operation Iraqi Freedom in Iraq; and

WHEREAS, Nebraska Army National Guard missions have included security, force protection, transportation, logistic support, quick reaction force, forward area support, rear area support, medical support, aviation maintenance, aviation support, medical evacuation (air and ground), reconnaissance, surveillance, law and order (police investigation), and direct support maintenance; and

WHEREAS, Nebraska Air National Guard missions have included aerial refueling, maintenance, engineering, supply mobility support, financial management, and security; and

WHEREAS, more than three thousand five hundred members of the Nebraska National Guard have deployed to more than twenty foreign countries during the last five years; and

WHEREAS, First Lieutenant Edward D. Iwan, Sergeant Jacob S. Schmuecker, Sergeant Wayne R. Cornell, Sergeant Kenneth E. Locker Jr., Specialist William L. Bailey III, and Specialist Randy J. Matheny made the ultimate sacrifice by giving their lives for this nation; and

WHEREAS, the Bronze Star with Valor, awarded for heroic or meritorious achievement or service, has been presented to Sergeant Anthony J. Jensen, Sergeant Jared M. Riggert, Sergeant Heather N. Springer, Sergeant Josiah P. Warren, Specialist Mathew P. Severin, and Specialist Bryan M. Stroyek; and

WHEREAS, the Purple Heart, awarded to members of the United States Armed Forces wounded or killed as a direct result of enemy actions, has been presented to Staff Sergeant Courtney L. Miller, Sergeant Dennis K. Cabanting, Sergeant Timothy L. Dolberg, Sergeant Jeremy M. Fulton,

Sergeant Adam L. Homan, Sergeant Mack W. Richards, Sergeant Travis D. Richards (two awards), Sergeant Jacob S. Schmuecker (posthumous), Sergeant Josiah P. Warren, Specialist Jeromy P. Dillman, Specialist Luis A. Estrada, Specialist William J. Hottovy, Specialist Daniel L. McCoy, Specialist Houston M. Meeks, Specialist Brennan A. Rutt, Specialist Bradley C. Utterback, Specialist Arthur C. Werner, Specialist Timothy J. Wheelock, Specialist Shane T. Zezulka, Specialist William L. Bailey III (posthumous), Specialist Randy J. Matheny (posthumous), Private First Class Jason M. Newman, and Private First Class James J. O'Malley IV; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, has been presented to Sergeant Wayne R. Cornell, Sergeant Christopher M. Brammer, Sergeant Joshua D. Tobaben, and Specialist Micah J. Alfieri.

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

1. That the Legislature expresses its gratitude and wishes to honor these men and women for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be sent to all the soldiers mentioned in this resolution.

Laid over.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Holzfafter, Ralph - Nebraska Railway Council - Transportation and Telecommunications

(Signed) Pat Engel, Chairperson  
Legislative Council, Executive Board

### COMMITTEE REPORTS

Revenue

**LEGISLATIVE BILL 1081.** Placed on General File.

**LEGISLATIVE BILL 814.** Placed on General File with amendment.  
AM2113

- 1 1. Strike original section 1 and insert the following new
- 2 sections:
- 3 Section 1. Section 77-1704.02, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 77-1704.02 (1) Any county treasurer shall accept payments
- 6 of five hundred dollars or more for the partial discharge of
- 7 current or delinquent real property taxes, personal property taxes,
- 8 or both or any charges for interest, publication, penalties, or

9 other charges by reason of the delinquency of such taxes. Such  
10 partial payment shall be in an amount of at least five hundred  
11 dollars unless the partial payment is for the remaining obligation.  
12 The county treasurer shall distribute partial payments to the  
13 entities levying taxes on the property in proportion to the total  
14 amount of taxes levied on the property by each entity levying  
15 taxes on such property. Partial payment shall stop the accumulation  
16 of interest with regard to the amount of payment made. Partial  
17 payments for delinquent taxes shall be applied to the oldest  
18 delinquencies first. Partial payment of delinquent taxes shall not  
19 affect any collection procedure that is underway or available to  
20 the county until the delinquency is fully satisfied.

21 ~~(1)-(2)~~ Any county board may pass a resolution to allow  
22 payments ~~for the~~ of amounts less than five hundred dollars for  
23 the partial discharge of current or delinquent real property  
1 taxes, personal property taxes, or both or any charges for  
2 interest, publication, penalties, or other charges by reason of  
3 the delinquency of such taxes to be held in escrow by the  
4 county treasurer or may contract with another party to hold such  
5 payments in escrow. Upon passage of such a resolution or such  
6 other effective date as the resolution may provide, the county  
7 treasurer shall accept payments in accordance with the resolution  
8 or any subsequent amendments thereto and hold such amounts until  
9 the accumulated payments are sufficient to pay at least one-half  
10 the taxes currently due on the property or the full amount of  
11 delinquency and any interest, penalties, or other charges due to  
12 the delinquency. The resolution of the county board may require  
13 a minimum, limited, or periodic payment amount as a condition  
14 for acceptance of payments to be held in escrow. The resolution  
15 may also require that an escrow agreement be executed between the  
16 person making payment and the county treasurer as a condition for  
17 accepting payments.

18 ~~(2)-(3)~~ Payments held in escrow under this section may be  
19 held in a designated bank account or may be commingled with other  
20 county funds. Such amounts are the property of the person making  
21 payment and shall be held in trust for the benefit of such person  
22 and be accounted for with respect to the property for which the  
23 current or delinquent taxes are to be paid. The county may pay  
24 interest on amounts held in escrow at a rate to be determined by  
25 the county board or may retain any interest received. Upon sale  
26 of the property, any amounts held in escrow with respect to that  
27 property shall be returned to the person that made the payment or  
1 applied as directed by such person.

2 ~~(3)-(4)~~ Payments held in escrow for payment of delinquent  
3 taxes shall be applied to the oldest delinquencies first. Payments  
4 held in escrow for payment of delinquent taxes shall not affect any  
5 collection procedure that is underway or available to the county  
6 until the delinquency is fully satisfied.

7 Sec. 3. Section 77-1719.03, Revised Statutes Cumulative

- 8 Supplement, 2006, is amended to read:
- 9 77-1719.03 In any case ~~where in which~~ any distress  
 10 warrant includes taxes for one year or more, the sheriff may,  
 11 in his or her discretion, accept partial payment and shall pay  
 12 the same, as received, to the county treasurer, who shall accept  
 13 the same and receipt the sheriff therefor. ~~Pursuant to section~~  
 14 ~~77-1704.02, the~~ The county treasurer may accept the partial payment  
 15 ~~and hold such amounts until the accumulated payments are sufficient~~  
 16 ~~to pay the full amount of the delinquency for one year and any~~  
 17 ~~interest, penalties, or other charges due to the delinquency, in~~  
 18 the manner provided in section 77-1704.02. Notwithstanding any  
 19 partial payment, the sheriff shall make levy and return thereof, on  
 20 the distress warrant, as required by law.
- 21 2. On page 4, line 23, strike "by September 1, next  
 22 following" and insert "on or before the first Monday of March after  
 23 the tax becomes delinquent".
- 24 3. On page 6, line 2, after the second comma insert "and  
 25 section 77-1719.03, Revised Statutes Cumulative Supplement, 2006,".  
 26 4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 890.** Placed on General File with amendment.  
 AM2125

- 1 1. Strike the original sections and insert the following  
 2 new sections:
- 3 Section 1. Section 77-2701.35, Revised Statutes  
 4 Supplement, 2007, is amended to read:
- 5 77-2701.35 (1) Sales price applies to the measure subject  
 6 to sales tax and means the total amount of consideration, including  
 7 cash, credit, property, and services, for which personal property  
 8 or services are sold, leased, or rented, valued in money, whether  
 9 received in money or otherwise, without any deduction for the  
 10 following:
- 11 (a) The seller's cost of the property sold;
- 12 (b) The cost of materials used, the cost of labor or  
 13 service, interest, losses, all costs of transportation to the  
 14 seller, all taxes imposed on the seller, and any other expense of  
 15 the seller;
- 16 (c) Charges by the seller for any services necessary to  
 17 complete the sale;
- 18 (d) Delivery charges, except as provided in subdivision  
 19 (3)(e) of this section; and
- 20 (e) Installation charges.
- 21 (2) Sales price includes consideration received by the  
 22 seller from third parties if:
- 23 (a) The seller actually receives consideration from a  
 1 party other than the purchaser and the consideration is directly  
 2 related to a price reduction or discount on the sale;
- 3 (b) The seller has an obligation to pass the price  
 4 reduction or discount through to the purchaser;

- 5 (c) The amount of the consideration attributable to the  
 6 sale is fixed and determinable by the seller at the time of the  
 7 sale of the item to the purchaser; and
- 8 (d) One of the following criteria is met:
- 9 (i) The purchaser presents a coupon, certificate, or  
 10 other documentation to the seller to claim a price reduction  
 11 or discount when the coupon, certificate, or documentation is  
 12 authorized, distributed, or granted by a third party with the  
 13 understanding that the third party will reimburse any seller to  
 14 whom the coupon, certificate, or documentation is presented;
- 15 (ii) The purchaser identifies himself or herself to the  
 16 seller as a member of a group or organization entitled to a price  
 17 reduction or discount. A preferred customer card that is available  
 18 to any patron does not constitute membership in such a group; or
- 19 (iii) The price reduction or discount is identified as a  
 20 third-party price reduction or discount on the invoice received by  
 21 the purchaser or on a coupon, certificate, or other documentation  
 22 presented by the purchaser.
- 23 (3) Sales price does not include:
- 24 (a) Any discounts, including cash, terms, or coupons that  
 25 are not reimbursed by a third party that are allowed by a seller  
 26 and taken by a purchaser on a sale;
- 27 (b) Interest, financing, and carrying charges from credit  
 1 extended on the sale of personal property or services, if the  
 2 amount is separately stated on the invoice, bill of sale, or  
 3 similar document given to the purchaser;
- 4 (c) Any taxes legally imposed directly on the consumer  
 5 that are separately stated on the invoice, bill of sale, or similar  
 6 document given to the purchaser; ~~and~~
- 7 (d) Credit for any trade-in as follows:
- 8 (i) The value of property taken by a seller in trade as  
 9 all or a part of the consideration for a sale of property of any  
 10 kind or nature; or
- 11 (ii) The value of a motor vehicle or motorboat taken by  
 12 any person in trade as all or a part of the consideration for a  
 13 sale of another motor vehicle or motorboat; and-
- 14 (e) Delivery charges for direct mail.
- 15 Sec. 2. This act becomes operative on October 1, 2008.
- 16 Sec. 3. Original section 77-2701.35, Revised Statutes  
 17 Supplement, 2007, is repealed.

**LEGISLATIVE BILL 1017.** Placed on General File with amendment.  
 AM2134

- 1 1. Strike the original sections and insert the following  
 2 new sections:
- 3 Section 1. Section 44-4317, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:
- 5 44-4317 (1)(a) Any public agency which has the authority  
 6 to levy a tax shall be authorized to levy a tax, to contract

7 indebtedness, and to issue general obligation bonds payable from  
8 such a tax levy to pay the premium costs of general liability  
9 insurance, property insurance, workers' compensation insurance,  
10 health, dental, or accident insurance, life insurance, and any  
11 other insurance to protect against any of the losses described in  
12 section 44-4304 and to pay all costs and expenses associated with  
13 membership in a risk management pool, including, but not limited  
14 to, standard insurance coverages, group self-insurance coverages,  
15 assessments levied by the pool, retirement of debt incurred by the  
16 pool, and operating expenses of the pool.

17 (b) A member of a risk management pool which has the  
18 authority to levy a tax shall be authorized to enter into  
19 agreements obligating the member to make payments beyond its  
20 current budget year for any of such purposes.

21 (c) Taxes levied by a public agency other than an  
22 educational service unit or school district for the payment of the  
23 principal of, premium of, or interest on such a general obligation  
1 bond of such public agency, the payment of such insurance premium  
2 costs, and the payment of all costs and expenses associated with  
3 membership in a risk management pool may be levied in excess of any  
4 tax limitation imposed by statute.

5 (d) Except as permitted in subdivision (1)(e) of this  
6 section, taxes levied by an educational service unit or school  
7 district on or after the effective date of this act for the  
8 payment of the principal of, premium of, or interest on such a  
9 general obligation bond of such public agency, the payment of such  
10 insurance premium costs, and the payment of all costs and expenses  
11 associated with membership in a risk management pool shall be  
12 subject to the levy limit applicable to such public agency under  
13 section 77-3442.

14 (e) Taxes levied by an educational service unit or school  
15 district beginning with fiscal year 2011-12 for the payment of the  
16 principal of, premium of, or interest on such a general obligation  
17 bond of such educational service unit or school district issued  
18 prior to the effective date of this act shall be excluded from the  
19 exception to the levy limits in subsection (10) of section 77-3442.

20 (2) Nothing in the Intergovernmental Risk Management  
21 Act shall be construed or interpreted as permitting the State  
22 of Nebraska, represented by the Risk Manager, to enter into any  
23 agreement or contract or do any act in contravention of the  
24 Constitution of the State of Nebraska.

25 Sec. 2. Section 77-3442, Revised Statutes Supplement,  
26 2007, is amended to read:

27 77-3442 (1) Property tax levies for the support of local  
1 governments for fiscal years beginning on or after July 1, 1998,  
2 shall be limited to the amounts set forth in this section except as  
3 provided in section 77-3444.

4 (2)(a) Except as provided in subdivision (2)(e) of this  
5 section, school districts and multiple-district school systems,

6 except learning communities and school districts that are members  
7 of learning communities, may levy a maximum levy of one dollar and  
8 five cents per one hundred dollars of taxable valuation of property  
9 subject to the levy.

10 (b) For each fiscal year, learning communities may levy  
11 a maximum levy for the general fund budgets of member school  
12 districts equal to the local effort rate prescribed in section  
13 79-1015.01 for such fiscal year. The proceeds from the levy  
14 pursuant to this subdivision shall be distributed pursuant to  
15 section 79-1073.

16 (c) Except as provided in subdivision (2)(e) of this  
17 section, for each fiscal year, school districts that are members  
18 of learning communities may levy for purposes of such districts'  
19 general fund budget and special building funds a maximum combined  
20 levy of the difference of one dollar and five cents on each one  
21 hundred dollars of taxable property subject to the levy minus  
22 the learning community levies pursuant to subdivisions (2)(b) and  
23 (2)(g) of this section for such learning community.

24 (d) Excluded from the limitations in subdivisions (2)(a)  
25 and (2)(c) of this section are amounts levied to pay for  
26 sums agreed to be paid by a school district to certificated  
27 employees in exchange for a voluntary termination of employment  
1 and amounts levied to pay for special building funds and sinking  
2 funds established for projects commenced prior to April 1, 1996,  
3 for construction, expansion, or alteration of school district  
4 buildings. For purposes of this subsection, commenced means any  
5 action taken by the school board on the record which commits  
6 the board to expend district funds in planning, constructing, or  
7 carrying out the project.

8 (e) Federal aid school districts may exceed the maximum  
9 levy prescribed by subdivision (2)(a) or (2)(c) of this section  
10 only to the extent necessary to qualify to receive federal aid  
11 pursuant to Title VIII of Public Law 103-382, as such title existed  
12 on September 1, 2001. For purposes of this subdivision, federal  
13 aid school district means any school district which receives ten  
14 percent or more of the revenue for its general fund budget from  
15 federal government sources pursuant to Title VIII of Public Law  
16 103-382, as such title existed on September 1, 2001.

17 (f) For school fiscal year 2002-03 through school fiscal  
18 year 2007-08, school districts and multiple-district school systems  
19 may, upon a three-fourths majority vote of the school board of  
20 the school district, the board of the unified system, or the  
21 school board of the high school district of the multiple-district  
22 school system that is not a unified system, exceed the maximum  
23 levy prescribed by subdivision (2)(a) of this section in an amount  
24 equal to the net difference between the amount of state aid that  
25 would have been provided under the Tax Equity and Educational  
26 Opportunities Support Act without the temporary aid adjustment  
27 factor as defined in section 79-1003 for the ensuing school fiscal

1 year for the school district or multiple-district school system  
2 and the amount provided with the temporary aid adjustment factor.  
3 The State Department of Education shall certify to the school  
4 districts and multiple-district school systems the amount by which  
5 the maximum levy may be exceeded for the next school fiscal year  
6 pursuant to this subdivision (f) of this subsection on or before  
7 February 15 for school fiscal years 2004-05 through 2007-08.

8 (g) For each fiscal year, learning communities may levy a  
9 maximum levy of two cents on each one hundred dollars of taxable  
10 property subject to the levy for special building funds for member  
11 school districts. The proceeds from the levy pursuant to this  
12 subdivision shall be distributed pursuant to section 79-1073.01.

13 (h) For each fiscal year, learning communities may levy  
14 a maximum levy of five cents on each one hundred dollars of  
15 taxable property subject to the levy for elementary learning center  
16 facilities and for up to fifty percent of the estimated cost for  
17 capital projects approved by the learning community coordinating  
18 council pursuant to section 79-2111.

19 (3) Community colleges may levy a maximum levy calculated  
20 pursuant to the Community College Foundation and Equalization Aid  
21 Act on each one hundred dollars of taxable property subject to the  
22 levy.

23 (4)(a) Natural resources districts may levy a maximum  
24 levy of four and one-half cents per one hundred dollars of taxable  
25 valuation of property subject to the levy.

26 (b) Natural resources districts shall also have the power  
27 and authority to levy a tax equal to the dollar amount by which  
1 their restricted funds budgeted to administer and implement ground  
2 water management activities and integrated management activities  
3 under the Nebraska Ground Water Management and Protection Act  
4 exceed their restricted funds budgeted to administer and implement  
5 ground water management activities and integrated management  
6 activities for FY2003-04, not to exceed one cent on each one  
7 hundred dollars of taxable valuation annually on all of the taxable  
8 property within the district.

9 (c) In addition, natural resources districts located in  
10 a river basin, subbasin, or reach that has been determined to  
11 be fully appropriated pursuant to section 46-714 or designated  
12 as overappropriated pursuant to section 46-713 by the Department  
13 of Natural Resources shall also have the power and authority to  
14 levy a tax equal to the dollar amount by which their restricted  
15 funds budgeted to administer and implement ground water management  
16 activities and integrated management activities under the Nebraska  
17 Ground Water Management and Protection Act exceed their restricted  
18 funds budgeted to administer and implement ground water management  
19 activities and integrated management activities for FY2005-06, not  
20 to exceed three cents on each one hundred dollars of taxable  
21 valuation on all of the taxable property within the district for  
22 fiscal year 2006-07 and each fiscal year thereafter through fiscal



23 year 2011-12.

24 (5) Educational service units may levy a maximum levy of  
25 one and one-half cents per one hundred dollars of taxable valuation  
26 of property subject to the levy.

27 (6)(a) Incorporated cities and villages which are not  
1 within the boundaries of a municipal county may levy a maximum levy  
2 of forty-five cents per one hundred dollars of taxable valuation  
3 of property subject to the levy plus an additional five cents per  
4 one hundred dollars of taxable valuation to provide financing for  
5 the municipality's share of revenue required under an agreement  
6 or agreements executed pursuant to the Interlocal Cooperation Act  
7 or the Joint Public Agency Act. The maximum levy shall include  
8 amounts levied to pay for sums to support a library pursuant  
9 to section 51-201, museum pursuant to section 51-501, visiting  
10 community nurse, home health nurse, or home health agency pursuant  
11 to section 71-1637, or statue, memorial, or monument pursuant to  
12 section 80-202.

13 (b) Incorporated cities and villages which are within the  
14 boundaries of a municipal county may levy a maximum levy of ninety  
15 cents per one hundred dollars of taxable valuation of property  
16 subject to the levy. The maximum levy shall include amounts paid  
17 to a municipal county for county services, amounts levied to pay  
18 for sums to support a library pursuant to section 51-201, a museum  
19 pursuant to section 51-501, a visiting community nurse, home health  
20 nurse, or home health agency pursuant to section 71-1637, or a  
21 statue, memorial, or monument pursuant to section 80-202.

22 (7) Sanitary and improvement districts which have been in  
23 existence for more than five years may levy a maximum levy of forty  
24 cents per one hundred dollars of taxable valuation of property  
25 subject to the levy, and sanitary and improvement districts which  
26 have been in existence for five years or less shall not have  
27 a maximum levy. Unconsolidated sanitary and improvement districts  
1 which have been in existence for more than five years and are  
2 located in a municipal county may levy a maximum of eighty-five  
3 cents per hundred dollars of taxable valuation of property subject  
4 to the levy.

5 (8) Counties may levy or authorize a maximum levy of  
6 fifty cents per one hundred dollars of taxable valuation of  
7 property subject to the levy, except that five cents per one  
8 hundred dollars of taxable valuation of property subject to the  
9 levy may only be levied to provide financing for the county's  
10 share of revenue required under an agreement or agreements executed  
11 pursuant to the Interlocal Cooperation Act or the Joint Public  
12 Agency Act. The maximum levy shall include amounts levied to pay  
13 for sums to support a library pursuant to section 51-201 or museum  
14 pursuant to section 51-501. The county may allocate up to fifteen  
15 cents of its authority to other political subdivisions subject  
16 to allocation of property tax authority under subsection (1) of  
17 section 77-3443 and not specifically covered in this section to

18 levy taxes as authorized by law which do not collectively exceed  
19 fifteen cents per one hundred dollars of taxable valuation on any  
20 parcel or item of taxable property. The county may allocate to  
21 one or more other political subdivisions subject to allocation  
22 of property tax authority by the county under subsection (1) of  
23 section 77-3443 some or all of the county's five cents per one  
24 hundred dollars of valuation authorized for support of an agreement  
25 or agreements to be levied by the political subdivision for the  
26 purpose of supporting that political subdivision's share of revenue  
27 required under an agreement or agreements executed pursuant to the  
1 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
2 allocation by a county would cause another county to exceed its  
3 levy authority under this section, the second county may exceed the  
4 levy authority in order to levy the amount allocated.

5 (9) Municipal counties may levy or authorize a maximum  
6 levy of one dollar per one hundred dollars of taxable valuation  
7 of property subject to the levy. The municipal county may allocate  
8 levy authority to any political subdivision or entity subject to  
9 allocation under section 77-3443.

10 (10) Property tax levies for judgments, except judgments  
11 or orders from the Commission of Industrial Relations, obtained  
12 against a political subdivision which require or obligate a  
13 political subdivision to pay such judgment, to the extent such  
14 judgment is not paid by liability insurance coverage of a  
15 political subdivision, for preexisting lease-purchase contracts  
16 approved prior to July 1, 1998, for bonded indebtedness approved  
17 according to law and secured by a levy on property except as  
18 provided in section 44-4317 for bonded indebtedness issued by  
19 educational service units and school districts, and for payments by  
20 a public airport to retire interest-free loans from the Department  
21 of Aeronautics in lieu of bonded indebtedness at a lower cost to  
22 the public airport are not included in the levy limits established  
23 by this section.

24 (11) The limitations on tax levies provided in this  
25 section are to include all other general or special levies  
26 provided by law. Notwithstanding other provisions of law, the  
27 only exceptions to the limits in this section are those provided by  
1 or authorized by sections 77-3442 to 77-3444.

2 (12) Tax levies in excess of the limitations in this  
3 section shall be considered unauthorized levies under section  
4 77-1606 unless approved under section 77-3444.

5 (13) For purposes of sections 77-3442 to 77-3444,  
6 political subdivision means a political subdivision of this state  
7 and a county agricultural society.

8 Sec. 3. Original section 44-4317, Reissue Revised  
9 Statutes of Nebraska, and section 77-3442, Revised Statutes  
10 Supplement, 2007, are repealed.

11 Sec. 4. Since an emergency exists, this act takes effect  
12 when passed and approved according to law.

**LEGISLATIVE BILL 9.** Indefinitely postponed.  
**LEGISLATIVE BILL 169.** Indefinitely postponed.  
**LEGISLATIVE BILL 714.** Indefinitely postponed.  
**LEGISLATIVE BILL 770.** Indefinitely postponed.  
**LEGISLATIVE BILL 887.** Indefinitely postponed.  
**LEGISLATIVE BILL 922.** Indefinitely postponed.  
**LEGISLATIVE BILL 931.** Indefinitely postponed.  
**LEGISLATIVE BILL 1000.** Indefinitely postponed.  
**LEGISLATIVE BILL 1007.** Indefinitely postponed.  
**LEGISLATIVE BILL 1071.** Indefinitely postponed.  
**LEGISLATIVE BILL 1080.** Indefinitely postponed.  
**LEGISLATIVE BILL 1098.** Indefinitely postponed.  
**LEGISLATIVE BILL 1118.** Indefinitely postponed.  
**LEGISLATIVE BILL 1140.** Indefinitely postponed.  
**LEGISLATIVE BILL 1175.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

### **VISITORS**

Visitors to the Chamber were 18 fourth-grade students and teacher from Wildewood Elementary, Ralston; and 18 eighth-grade students from St. Mary's, Lincoln.

### **RECESS**

At 11:57 a.m., on a motion by Senator Aguilar, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senators Ashford, Cornett, Flood, Pedersen, and Synowiecki who were excused until they arrive.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 4, 2008, at 12:00 p.m. were the following: LBs 123, 268, 279, 386, 500, 586e, 620, 623, 624, 668, 715, 744, 747, 750e, 752, 782e, 790, 791, 823, 856, 857, 896e, 915, and 925.

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

**AMENDMENTS - Print in Journal**

Senators Johnson and Stuthman filed the following amendment to LB797: AM2133 is available in the Bill Room.

Senator Johnson filed the following amendment to LB797: AM2143

- 1 1. Strike original section 2 and insert the following new
- 2 section:
- 3 Sec. 2. Section 71-409, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 71-409 Critical access hospital means a facility (1) with
- 6 acute care inpatient beds where care or treatment is provided on an
- 7 outpatient basis or on an inpatient basis to persons for an average
- 8 period of not more than ninety-six hours and emergency services
- 9 are provided on a twenty-four-hour basis, ~~and~~ (2) which has
- 10 formal agreements with at least one hospital and other appropriate
- 11 providers for services such as patient referral and transfer,
- 12 communications systems, provision of emergency and nonemergency
- 13 transportation, and backup medical and emergency services, and (3)
- 14 which is located in a rural area. For purposes of this section,
- 15 rural area means a county with a population of less than one
- 16 hundred thousand residents. A facility licensed as a critical
- 17 access hospital shall have no more than twenty-five acute care
- 18 inpatient beds.
- 19 2. On page 3, line 9, strike "April", show as stricken,
- 20 and insert "January".
- 21 3. On page 9, line 2, after "the" insert "breast and
- 22 cervical cancer"; in line 3 strike "71-7001", show as stricken,
- 23 and insert "71-7001.01"; and strike beginning with "in" in line 4
- 1 through "program" in line 5 and show as stricken.
- 2 4. On page 12, line 11, strike "71-7001" and insert
- 3 "71-7001.01".
- 4 5. On page 18, line 15, strike "sections 68-906 and
- 5 68-1017" and insert "section 71-409, Revised Statutes Cumulative
- 6 Supplement, 2006, and section 68-906".

**COMMITTEE REPORT**

## Appropriations

**LEGISLATIVE BILL 1165.** Placed on General File with amendment. AM2056

- 1 1. Strike original section 1 and insert the following new
- 2 sections:
- 3 Section 1. Section 84-612, Revised Statutes Supplement,
- 4 2007, is amended to read:
- 5 84-612 (1) There is hereby created within the state
- 6 treasury a fund known as the Cash Reserve Fund which shall be under
- 7 the direction of the State Treasurer. The fund shall only be used

8 pursuant to this section.

9 (2) The State Treasurer shall transfer funds from the  
10 Cash Reserve Fund to the General Fund upon certification by the  
11 Director of Administrative Services that the current cash balance  
12 in the General Fund is inadequate to meet current obligations. Such  
13 certification shall include the dollar amount to be transferred.  
14 Any transfers made pursuant to this subsection shall be reversed  
15 upon notification by the Director of Administrative Services that  
16 sufficient funds are available.

17 (3) The State Treasurer, at the direction of the  
18 budget administrator of the budget division of the Department  
19 of Administrative Services, shall transfer such amounts not to  
20 exceed seven million seven hundred fifty-three thousand two hundred  
21 sixty-three dollars in total from the Cash Reserve Fund to the  
22 Nebraska Capital Construction Fund between July 1, 2003, and June  
23 30, 2007.

1 (4) The State Treasurer, at the direction of the budget  
2 administrator, shall transfer an amount equal to the total amount  
3 transferred pursuant to subsection (3) of this section from the  
4 General Fund to the Cash Reserve Fund on or before June 30, 2008.

5 (5) In addition to receiving transfers from other funds,  
6 the Cash Reserve Fund shall receive federal funds received by the  
7 State of Nebraska for undesignated general government purposes,  
8 federal revenue sharing, or general fiscal relief of the state.

9 (6) On June 15, 2007, the State Treasurer shall transfer  
10 fifteen million six hundred seventy-four thousand one hundred seven  
11 dollars from the Cash Reserve Fund to the General Fund.

12 (7) On June 16, 2008, the State Treasurer shall transfer  
13 seventeen million nine hundred thirty-one thousand thirty dollars  
14 from the Cash Reserve Fund to the General Fund.

15 (8) On June 15, 2009, the State Treasurer shall transfer  
16 four million nine hundred ninety thousand five hundred five dollars  
17 from the Cash Reserve Fund to the General Fund.

18 (9) On or before June 16, 2008, the State Treasurer, at  
19 the direction of the budget administrator, shall transfer fifty  
20 million dollars from the Cash Reserve Fund to the General Fund.

21 (10) On or before June 16, 2009, the State Treasurer,  
22 at the direction of the budget administrator, shall transfer fifty  
23 million dollars from the Cash Reserve Fund to the General Fund.

24 (11) From the effective date of an endowment agreement  
25 as defined in subdivision (3)(c) of section 79-1101 until June  
26 30, 2007, forty million dollars of the Cash Reserve Fund shall be  
27 deemed to constitute the Early Childhood Education Endowment Fund.

1 Such funds shall remain part of the Cash Reserve Fund for all  
2 purposes, except that the interest earned on such forty million  
3 dollars shall accrue as provided in section 84-613.

4 (12) The State Treasurer, at the direction of the budget  
5 administrator, shall transfer such amounts, as certified by the  
6 Director of Administrative Services, for employee health insurance

7 claims and expenses, not to exceed twelve million dollars in total  
8 from the Cash Reserve Fund to the State Employees Insurance Fund  
9 between May 1, 2007, and June 30, 2011.

10 (13) On July 9, 2007, the State Treasurer shall transfer  
11 twelve million dollars from the Cash Reserve Fund to the Nebraska  
12 Capital Construction Fund.

13 (14) On July 9, 2007, the State Treasurer shall transfer  
14 five million dollars from the Cash Reserve Fund to the Job Training  
15 Cash Fund. The State Treasurer shall transfer from the Job Training  
16 Cash Fund to the Cash Reserve Fund such amounts as directed in  
17 section 81-1201.21.

18 (15) On July 7, 2008, the State Treasurer shall transfer  
19 five million dollars from the Cash Reserve Fund to the Job Training  
20 Cash Fund. The State Treasurer shall transfer from the Job Training  
21 Cash Fund to the Cash Reserve Fund such amounts as directed in  
22 section 81-1201.21.

23 (16) On or before August 1, 2007, the State Treasurer,  
24 at the direction of the budget administrator, shall transfer  
25 seventy-five million dollars from the Cash Reserve Fund to the  
26 Nebraska Capital Construction Fund.

27 (17) On or before June 30, 2009, the State Treasurer  
1 shall transfer nine million five hundred ninety thousand dollars  
2 from the Cash Reserve Fund to the Nebraska Capital Construction  
3 Fund.

4 (18) The State Treasurer, at the direction of the budget  
5 administrator, shall transfer an amount equal to the total amount  
6 transferred pursuant to subsection (12) of this section from  
7 the appropriate health insurance accounts of the State Employees  
8 Insurance Fund in such amounts as certified by the Director of  
9 Administrative Services to the Cash Reserve Fund on or before June  
10 30, 2011.

11 (19) On July 9, 2007, the State Treasurer shall  
12 transfer one million dollars from the Cash Reserve Fund to the  
13 Microenterprise Development Cash Fund.

14 (20) On July 9, 2007, the State Treasurer shall transfer  
15 two hundred fifty thousand dollars from the Cash Reserve Fund to  
16 the Building Entrepreneurial Communities Cash Fund.

17 (21) On July 7, 2008, the State Treasurer shall  
18 transfer one million dollars from the Cash Reserve Fund to the  
19 Microenterprise Development Cash Fund.

20 (22) On July 7, 2008, the State Treasurer shall transfer  
21 two hundred fifty thousand dollars from the Cash Reserve Fund to  
22 the Building Entrepreneurial Communities Cash Fund.

23 (23) Within five days after the effective date of this  
24 act, or as soon thereafter as administratively possible, the State  
25 Treasurer shall transfer five million dollars from the Cash Reserve  
26 Fund to the Nebraska Cultural Preservation Endowment Fund.

27 Sec. 2. Original section 84-612, Revised Statutes  
1 Supplement, 2007, is repealed.

(Signed) Lavon Heidemann, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 1157.** Title read. Considered.

### **SENATOR STUTHMAN PRESIDING**

Committee AM2093, found on page 724, was considered.

### **SENATOR LANGEMEIER PRESIDING**

Pending.

### **AMENDMENT - Print in Journal**

Senator Friend filed the following amendment to LB1096:  
AM2147

(Amendments to E & R amendments, ER8171)

- 1 1. On page 2, line 2, before the period insert "or by the
- 2 city manager in cities that have adopted the city manager plan of
- 3 government".

### **COMMITTEE REPORTS**

#### Health and Human Services

The Health and Human Services 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.

Dale Michels - State Board of Health

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

The Health and Human Services 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.

Julie Johnson - Commission for the Blind and Visually Impaired  
Wesley Majerus - Commission for the Blind and Visually Impaired

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

The Health and Human Services 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.

Patricia Madsen - Child Abuse Prevention Fund Board  
 Tawanna Black - Child Abuse Prevention Fund Board  
 Rebecca Brown - Child Abuse Prevention Fund Board  
 Sandra Markley - Child Abuse Prevention Fund Board  
 Parrish McDonald - Child Abuse Prevention Fund Board

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

(Signed) Joel Johnson, Chairperson

#### Judiciary

**LEGISLATIVE BILL 781.** Placed on General File.

**LEGISLATIVE BILL 943.** Placed on General File.

**LEGISLATIVE BILL 1025.** Placed on General File.

**LEGISLATIVE BILL 840.** Placed on General File with amendment.  
 AM1690

- 1 1. On page 10, line 14, strike "and"; in lines 15 and
- 2 16 strike "or Salvinorin A"; and in line 23 strike the period and
- 3 insert "; and
- 4 (35) Salvinorin A.".

**LEGISLATIVE RESOLUTION 224.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

#### RESOLUTION

**LEGISLATIVE RESOLUTION 257.** Introduced by Engel, 17.

WHEREAS, the South Sioux City High School girls' basketball team is the champion of the 2008 Class B Girls' State Basketball Tournament, repeating its championship successes of 1995, 1996, 1997, 1998, 2000, 2001, 2002, 2003, 2004, and 2005; and

WHEREAS, this championship marks the eleventh state title for the Lady Cardinals, a state record, and signifies "A New Beginning"; and

WHEREAS, the Lady Cardinals' 53-48 win over the defending champion Alliance Bulldogs broke the Bulldogs' forty-seven-game winning streak; and

WHEREAS, Head Coach Kelly Flynn and assistant coach Ed Wiltgen guided the South Sioux City High School girls' basketball team to an impressive 24-1 season; and

WHEREAS, throughout the year, the South Sioux City Lady Cardinals have demonstrated that hard work, dedication, and discipline produces remarkable results; and

WHEREAS, the South Sioux City Lady Cardinals are positive role models for young athletes in the community and throughout the region; and



WHEREAS, such a team achievement is made possible not only by the players' performance and coaching guidance, but also through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature recognizes and congratulates the South Sioux City Lady Cardinals basketball team and its coaches.

2. That a copy of this resolution be sent to South Sioux City Lady Cardinals' basketball team Head Coach Kelly Flynn.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 1157.** Committee AM2093, found on page 724 and considered in this day's Journal, was renewed.

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

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

Voting in the affirmative, 32:

Adams	Cornett	Howard	McDonald	Schimek
Aguilar	Engel	Janssen	McGill	Synowiecki
Ashford	Flood	Johnson	Nantkes	White
Avery	Friend	Kopplin	Pahls	Wightman
Burling	Fulton	Kruse	Pedersen	
Carlson	Hansen	Lathrop	Raikes	
Chambers	Harms	Lautenbaugh	Rogert	

Voting in the negative, 5:

Dierks	Dubas	Karpisek	Stuthman	Wallman
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Present and not voting, 12:

Christensen	Gay	Langemeier	Pankonin
Erdman	Heidemann	Louden	Pirsch
Fischer	Hudkins	Nelson	Preister

The committee amendment was adopted with 32 ayes, 5 nays, and 12 present and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 30 ayes, 4 nays, and 15

present and not voting.

**LEGISLATIVE BILL 1049.** Senator Erdman renewed his amendment, AM2047, found on page 743.

The Erdman amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Senator Chambers withdrew his motion, MO131, found on page 666, to indefinitely postpone.

Senator Preister renewed his amendment, AM2035, found on page 701.

### **SPEAKER FLOOD PRESIDING**

Pending.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 243, 244, 245, 246, 247, 248, 249, and 250 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 243, 244, 245, 246, 247, 248, 249, and 250.

### **COMMITTEE REPORT**

Education

**LEGISLATIVE BILL 988.** Placed on General File with amendment. AM2128 is available in the Bill Room.

(Signed) Ron Raikes, Chairperson

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 258.** Introduced by Kopplin, 3.

WHEREAS, Kennedy Healy, a resident of Sarpy County and a student at Gretna Middle School, has achieved national recognition for exemplary volunteer service by receiving the 2008 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Miss Healy earned this award by giving generously of her time and energy to help form the "Help MDA Hope Club," a five-member youth group that raises money for the Muscular Dystrophy Association and provides weekly assistance at the local MDA office; and

WHEREAS, Miss Healy gives speeches for MDA, appears in its telethon, and led her club in organizing three carnivals, two bake sales, and a teen dance, raising more than \$6,500 for MDA; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Kennedy Healy who use their considerable talents and resources to serve others.

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

1. That the Legislature hereby congratulates and honors Miss Kennedy Healy as a recipient of the Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit and extends best wishes for her continued success and happiness.

2. That a copy of this resolution to sent to Miss Kennedy Healy.

Laid over.

### **ANNOUNCEMENT**

Senator Erdman announced the Agriculture Committee will hold an executive session Wednesday, March 5, 2008, at 8:00 a.m., in Room 1524.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Lathrop asked unanimous consent to add his name as cointroducer to LB920. No objections. So ordered.

### **VISITOR**

The Doctor of the Day was Dr. Paul Paulman from Omaha.

### **ADJOURNMENT**

At 5:02 p.m., on a motion by Senator Burling, the Legislature adjourned until 9:00 a.m., Wednesday, March 5, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FIFTH DAY - MARCH 5, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 5, 2008

**PRAYER**

The prayer was offered by Pastor Owen Derrick, Christ Lutheran Church, Pickrell.

**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 Christensen, Cornett, Dierks, Flood, Heidemann, Lautenbaugh, McDonald, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 768.** Placed on Select File with amendment.  
ER8176

- 1 1. On page 1, line 2, after "Nebraska" insert ", and
- 2 section 31-740, Revised Statutes Supplement, 2007"; and in line 4
- 3 strike "section" and insert "sections".

**LEGISLATIVE BILL 939.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS****Health and Human Services**

The Health and Human Services 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.

Sharon Vandegrift - Nebraska Rural Health Advisory Commission  
 Douglas A. Dilly - Nebraska Rural Health Advisory Commission  
 Martin L. Fattig - Nebraska Rural Health Advisory Commission  
 Steven Dokken - Nebraska Rural Health Advisory Commission  
 Kathy Boswell - Nebraska Rural Health Advisory Commission

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

The Health and Human Services 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.

Michael Buscher - Board of Emergency Medical Services  
 Robert Dunn - Board of Emergency Medical Services  
 Shawn Baumgartner - Board of Emergency Medical Services  
 Leon Sykes - Board of Emergency Medical Services  
 Ann Fiala - Board of Emergency Medical Services

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

The Health and Human Services 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.

Larry Brown - Foster Care Review Board  
 Dave Schroeder - Foster Care Review Board

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

(Signed) Joel Johnson, Chairperson

**COMMUNICATION**

Received petition from the Mayor and Council of the City of Creighton adopted on March 4, 2008.

**GENERAL FILE**

**LEGISLATIVE BILL 606A.** Title read. Considered.

Senator Ashford renewed his amendment, AM2136, found on page 777.

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

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1049.** Senator Preister renewed his amendment, AM2035, found on page 701 and considered on page 794.

Senator Preister withdrew his amendment.

Pending.

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 923.** Indefinitely postponed.

**LEGISLATIVE BILL 975.** Indefinitely postponed.

**LEGISLATIVE BILL 1138.** Indefinitely postponed.

(Signed) LeRoy Louden, Chairperson

**AMENDMENT - Print in Journal**

Senator Harms filed the following amendment to LB1157:  
AM2169

(Amendments to Standing Committee amendments, AM2093)

- 1 1. On page 3, line 17, after "to" insert "the State
- 2 Department of Education".
- 3 2. On page 4, line 10, strike "to five"; and in line
- 4 11 before the period insert ", one administrator from a school in
- 5 Nebraska, and one teacher from a school in Nebraska".

**GENERAL FILE**

**LEGISLATIVE BILL 1049.** Senator Schimek renewed her amendment, AM2109, found on page 743.

Senator Schimek withdrew her amendment.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 844.** Senator Chambers renewed his amendment, FA184, found on page 710 and considered on page 723, to the committee amendment.

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

The Chambers amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Karpisek withdrew his amendment, AM2086, found on page 731.

Committee AM1784, found on page 644 and considered on pages 705 and 715, as amended, was renewed.

### **SENATOR LANGEMEIER PRESIDING**

Senator Chambers offered the following amendment to the committee amendment:

FA186

Amend AM1784

Strike section 3, page 7.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the committee amendment:

FA187

Amend AM1784

P. 7, line 22 strike new language.

### **SENATOR ERDMAN PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Chambers amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA188

Amend AM1784

P. 6, line 12 reinstate stricken matter, strike new matter.



Pending.

### AMENDMENTS - Print in Journal

Senator McDonald filed the following amendment to LB1055:  
AM2099

(Amendments to Standing Committee amendments, AM1876)

- 1 1. Insert the following new amendment:
- 2 "7. On page 8, lines 11, 12, 16, 21, and 24, after
- 3 "county" insert ". city, or village".
- 4 2. On page 1, line 13, before the period insert "; and
- 5 in line 21 after the period insert "Reasonable costs for such
- 6 disposition are the responsibility of the defendant".
- 7 3. Renumber the remaining amendments accordingly.

Senator Fischer filed the following amendment to LB755:  
AM2172

- 1 1. Insert the following new section:
- 2 Sec. 12. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

Senator White filed the following amendment to LR4CA:  
AM2174

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. At the general election in November 2008 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article IV, section 5:
- 8 ~~IV-5 All civil officers of this state~~ A civil officer
- 9 shall be liable to impeachment for any misdemeanor ~~in which~~
- 10 evinces moral turpitude and which arose out of the election to, or
- 11 discharge of the duties of, his or her office.
- 12 Sec. 2. The proposed amendment shall be submitted to the
- 13 electors in the manner prescribed by the Constitution of Nebraska,
- 14 Article XVI, section 1, with the following ballot language:
- 15 A constitutional amendment to provide that a civil
- 16 officer is liable to impeachment for any misdemeanor which evinces
- 17 moral turpitude and which arose out of the election to, or
- 18 discharge of the duties of, his or her office.
- 19 For
- 20 Against.

Senator Flood filed the following amendment to LB895:  
AM2119

(Amendments to Standing Committee amendments, AM2082)

- 1 1. On page 5, line 2, strike "and 2007-08" and insert
- 2 "through 2008-09"; and in line 3 strike "2008-09" and insert

3 "2009-10".

4 2. On page 11, line 2, strike the last comma and insert  
5 "and"; in line 3 strike ", and 77-27,188"; and in line 5 after  
6 the period insert "The changes made in section 77-27,188 by this  
7 legislative bill become operative for applications filed on and  
8 after July 1, 2009.".

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 1143A.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1143, One Hundredth Legislature, Second Session, 2008.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 259.** Introduced by Christensen, 44.

WHEREAS, the Perkins County Plainsmen won the 2008 Class C-2 Girls' State Basketball Championship; and

WHEREAS, the Plainsmen capped off a perfect year with its 62-49 victory over Sutton in the championship game; and

WHEREAS, the entire Perkins County team and coaching staff should be recognized for their excellent teamwork in achieving the championship; and

WHEREAS, the family members, friends, and fans have supported the Plainsmen with dedication and devotion throughout the school year.

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

1. That the Legislature congratulates the team members and coaches of the Perkins County Plainsmen for their achievement in winning the 2008 Class C-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to Coach Chris Mestl and the team.

Laid over.

**LEGISLATIVE RESOLUTION 260.** Introduced by Flood, 19.

WHEREAS, the Norfolk Catholic Knights won the 2008 Class C-1 Girls' State Basketball Championship; and

WHEREAS, this is the first girls' state basketball title in school history; and

WHEREAS, the Knights rallied in the fourth quarter to beat Wahoo Bishop Neumann 52-50; and

WHEREAS, the entire Norfolk Catholic team and coaching staff should be recognized for their excellent teamwork in achieving the championship; and

WHEREAS, the family members, friends, and fans have supported the Knights with dedication and devotion throughout the school year.

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

1. That the Legislature congratulates the team members and coaches of the Norfolk Catholic Knights for their achievement in winning the 2008 Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to Coach Tim Kassmeier and the team.

Laid over.

### **VISITORS**

Visitors to the Chamber were 20 twelfth-grade students and teacher from Lawrence Nelson School, Nelson; 27 fourth-grade students, teachers, and sponsors from Freeman School, Adams; and State Chambers Leadership Nebraska participants from across the state.

### **RECESS**

At 12:04 p.m., on a motion by Senator Gay, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senators Ashford, Cornett, Dierks, Heidemann, Janssen, Kruse, Loudon, Raikes, Schimek, and White who were excused until they arrive.

### **COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 1056.** Placed on Select File with amendment.

ER8177

- 1 1. On page 6, line 17, strike "or cities".
- 2 2. On page 7, line 5, after "cities" insert an
- 3 underscored comma.

(Signed) Amanda McGill, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 844.** Senator Chambers renewed his amendment, FA188, found in this day's Journal, to the committee amendment.

**SENATOR ERDMAN PRESIDING**

Senator Chambers requested a roll call vote on his amendment.

The Chambers amendment lost with 2 ayes, 24 nays, 13 present and not voting, and 10 excused and not voting.

Senator Chambers offered the following motion:

MO137

Reconsider the vote on FA188.

**SENATOR LANGEMEIER PRESIDING**

Pending.

**COMMITTEE REPORT**

Agriculture

**LEGISLATIVE BILL 862.** Placed on General File with amendment. AM1859

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 2-958.01, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 2-958.01 The Noxious Weed and Invasive Plant Species
- 6 Assistance Fund is created. The fund may be used to carry out
- 7 the purposes of section 2-958.02. The State Treasurer shall credit
- 8 to the fund ~~any money~~ any funds transferred pursuant to section
- 9 54-857, funds appropriated to the fund by the Legislature, and any
- 10 money funds received as gifts or grants or other private or public
- 11 funds obtained for the purposes set forth in section 2-958.02. Any
- 12 money in the fund available for investment shall be invested by the
- 13 state investment officer pursuant to the Nebraska Capital Expansion
- 14 Act and the Nebraska State Funds Investment Act.
- 15 Sec. 2. Section 54-856, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 54-856 (1) There shall be paid to the director an
- 18 inspection fee of ten cents per ton on all commercial feed
- 19 distributed in the State of Nebraska during ~~the each~~ six-month
- 20 period ~~following beginning~~ beginning January 1, 1987, through December 31,
- 21 2007. Beginning for commercial feed distributed in the State of
- 22 Nebraska for the six-month period beginning January 1, 2008, there
- 23 shall be paid to the director an inspection fee of nine cents per
- 1 ton. The ~~After the first six months of operation, the fee may~~

2 be raised or lowered by the director after a public hearing is  
3 held outlining the reason for any proposed change in the rate.  
4 The maximum rate fixed by the director shall not exceed fifteen  
5 cents per ton. The inspection fee shall be paid on commercial  
6 feed distributed by the person whose name appears on the label as  
7 the manufacturer, guarantor, or distributor, except that a person  
8 other than the manufacturer, guarantor, or distributor may assume  
9 liability for the inspection fee, subject to the following:

10 (a) No fee shall be paid on a commercial feed if the  
11 payment has been made by a previous distributor;

12 (b) No fee shall be paid on customer-formula feed if the  
13 inspection fee is paid on the commercial feed which is used as  
14 ingredients therein;

15 (c) No fee shall be paid on commercial feed used as  
16 ingredients for the manufacture of other commercial feed. If the  
17 fee has already been paid, credit shall be given for such payment;

18 (d) In the case of a commercial feed which is distributed  
19 in the state only in packages of ten pounds or less, an annual fee  
20 fixed by the director, not to exceed twenty-five dollars, shall be  
21 paid in lieu of the inspection fee. The annual fee shall be paid  
22 not later than the last day of January each year; and

23 (e) The minimum inspection fee shall be five dollars for  
24 any six-month reporting period.

25 (2) If the director determines that it is necessary to  
26 adjust the rate of the inspection fee being paid to the department,  
27 all persons holding a valid license issued pursuant to section  
1 54-850 shall be so notified and shall be given an opportunity to  
2 offer comment at a public hearing which shall be required prior to  
3 any inspection fee rate change.

4 (3) Each person who is liable for the payment of such fee  
5 shall:

6 (a) File, not later than January 31 and July 31 of each  
7 year, a semiannual statement setting forth the number of tons of  
8 commercial feed distributed in this state during the preceding  
9 six-month period, which statement shall cover the periods from  
10 July 1 to December 31 and January 1 to June 30, and upon filing  
11 such statement, pay the inspection fee at the rate specified by  
12 this section. Any person who holds a valid license issued pursuant  
13 to section 54-850 and whose name appears on the label as the  
14 manufacturer, guarantor, or distributor shall file such statement  
15 regardless of whether any inspection fee is due. Inspection fees  
16 which are due and owing and have not been remitted to the director  
17 within fifteen days following the date due shall have a penalty  
18 of twenty-five percent of the fees due added to the amount due  
19 when payment is made, and an additional penalty of twenty-five  
20 percent of the fees due shall be added if such fees are not paid  
21 within thirty days of the due date. The assessment of this penalty  
22 fee shall not prevent the director from taking other actions as  
23 provided in the Commercial Feed Act; and

24 (b) Keep such records as may be necessary or required by  
 25 the director to indicate accurately the tonnage of commercial feed  
 26 distributed in this state. The director shall have the right to  
 27 examine such records to verify statements of tonnage. Failure to  
 1 make an accurate statement, to pay the inspection fee, or to comply  
 2 as provided in this section shall constitute sufficient cause for  
 3 the cancellation of all licenses on file.

4 Sec. 3. Section 54-857, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:

6 54-857 All money received pursuant to the Commercial Feed  
 7 Act shall be remitted by the director to the State Treasurer for  
 8 credit to the Commercial Feed Administration Cash Fund which is  
 9 hereby created. Such fund shall be used by the department to aid  
 10 in defraying the expenses of administering the act. Any money in  
 11 the fund available for investment shall be invested by the state  
 12 investment officer pursuant to the Nebraska Capital Expansion Act  
 13 and the Nebraska State Funds Investment Act.

14 On or before October 1, 2008, the State Treasurer shall  
 15 transfer two hundred fifty thousand dollars from the Commercial  
 16 Feed Administrative Cash Fund to the Noxious Weed and Invasive  
 17 Plant Species Assistance Fund.

18 Sec. 4. Section 81-201.05, Revised Statutes Cumulative  
 19 Supplement, 2006, is amended to read:

20 81-201.05 (1) The Weed Book Cash Fund is created. Any  
 21 money in the Weed and Insect Books Cash Fund on July 16, 2004,  
 22 shall be transferred to the Weed Book Cash Fund. Upon such  
 23 transfer, the following amounts shall be transferred from the Weed  
 24 Book Cash Fund: (a) Twenty-five thousand dollars to the Noxious  
 25 Weed Cash Fund; and (b) thirty-seven thousand eight hundred dollars  
 26 to the Plant Protection and Plant Pest Cash Fund. On July 1, 2005,  
 27 July 1, 2006, July 1, 2007, July 1, 2008, ~~and~~ July 1, 2009, July  
 1 1, 2010, and July 1, 2011, if there are sufficient funds available,  
 2 twenty-five thousand dollars shall be transferred from the Weed  
 3 Book Cash Fund to the Noxious Weed Cash Fund. Any money in the Weed  
 4 Book Cash Fund available for investment shall be invested by the  
 5 state investment officer pursuant to the Nebraska Capital Expansion  
 6 Act and the Nebraska State Funds Investment Act.

7 (2) The sale price of each Weeds of the Great Plains book  
 8 sold by the Department of Agriculture shall be credited as follows:

9 (a) Seventy-five percent to the Weed Book Cash Fund  
 10 to aid in defraying the cost of publishing, preparing, and  
 11 distributing such books and any supplemental inserts to such  
 12 books; and

13 (b) Twenty-five percent to the Noxious Weed Cash Fund.

14 Sec. 5. Original sections 54-856 and 54-857, Reissue  
 15 Revised Statutes of Nebraska, and sections 2-958.01 and 81-201.05,  
 16 Revised Statutes Cumulative Supplement, 2006, are repealed.

17 Sec. 6. Since an emergency exists, this act takes effect  
 18 when passed and approved according to law.

(Signed) Philip Erdman, Chairperson

**MESSAGE FROM THE GOVERNOR**

March 5, 2008

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

I hereby withdraw the nomination of Sam Jensen as a member of the Commission of Industrial Relations.

Sincerely,  
(Signed) Dave Heineman  
Governor

**GENERAL FILE**

**LEGISLATIVE BILL 844.** Senator Chambers renewed his motion, MO137, found in this day's Journal, to reconsider the vote on FA188.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

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

Voting in the affirmative, 2:

Chambers      Johnson

Voting in the negative, 28:

Adams	Erdman	Harms	Lathrop	Pirsch
Burling	Fischer	Heidemann	Lautenbaugh	Rogert
Carlson	Flood	Hudkins	McDonald	Synowiecki
Christensen	Friend	Karpisek	McGill	White
Dierks	Fulton	Kopplin	Nantkes	
Dubas	Gay	Langemeier	Nelson	

Present and not voting, 13:

Aguilar	Janssen	Pedersen	Schimek	Wightman
Avery	Kruse	Preister	Stuthman	
Howard	Pankonin	Raikes	Wallman	

Excused and not voting, 6:

Ashford	Engel	Louden
Cornett	Hansen	Pahls

The Chambers motion to reconsider failed with 2 ayes, 28 nays, 13 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Committee AM1784, found on page 644 and considered on pages 705, 715, and in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following motion:

MO138

Indefinitely postpone.

#### **SENATOR ERDMAN PRESIDING**

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

The Chambers motion to indefinitely postpone failed with 0 ayes, 21 nays, 19 present and not voting, and 9 excused and not voting.

Senator Chambers offered the following motion:

MO139

Reconsider the vote to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 5:

Avery	Chambers	Johnson	Synowiecki	White
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Voting in the negative, 32:



Adams	Dubas	Harms	Louden	Schimek
Aguilar	Engel	Heidemann	McDonald	Stuthman
Ashford	Erdman	Hudkins	McGill	Wallman
Burling	Fischer	Karpisek	Nantkes	Wightman
Carlson	Fulton	Kruse	Nelson	
Christensen	Gay	Lathrop	Pirsch	
Dierks	Hansen	Lautenbaugh	Rogert	

Present and not voting, 4:

Howard	Pankonin	Preister	Raikes
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Excused and not voting, 8:

Cornett	Friend	Kopplin	Pahls
Flood	Janssen	Langemeier	Pedersen

The Chambers motion to reconsider failed with 5 ayes, 32 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA189

P. 6, line 12 strike "three hundred" and insert "two."

The Chambers amendment lost with 1 aye, 18 nays, 21 present and not voting, and 9 excused and not voting.

Senator Chambers offered the following amendment:

FA190

P. 6, line 5 strike new language, reinstate stricken language.

### **SPEAKER FLOOD PRESIDING**

Senator Karpisek offered the following motion:

MO140

Invoke cloture pursuant to Rule 7, Section 10.

Senator Karpisek 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 the motion to invoke cloture.

Senator Karpisek requested the roll call vote be taken in reverse order.

Voting in the affirmative, 35:

Adams	Dierks	Hansen	Lathrop	Pirsch
Ashford	Engel	Harms	Lautenbaugh	Raikes
Avery	Erdman	Heidemann	Louden	Rogert
Burling	Fischer	Hudkins	McDonald	Stuthman
Carlson	Flood	Janssen	McGill	Wallman
Christensen	Fulton	Karpisek	Nantkes	White
Cornett	Gay	Kruse	Nelson	Wightman

Voting in the negative, 2:

Chambers	Synowiecki
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Present and not voting, 5:

Aguilar	Johnson	Pankonin	Preister	Schimek
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Excused and not voting, 7:

Dubas	Howard	Langemeier	Pedersen
Friend	Kopplin	Pahls	

The Karpisek motion to invoke cloture prevailed with 35 ayes, 2 nays, 5 present and not voting, and 7 excused and not voting.

Senator Chambers requested a record vote on his amendment, FA190.

Voting in the affirmative, 7:

Chambers	Harms	Preister	Rogert
Flood	Janssen	Raikes	

Voting in the negative, 25:

Adams	Cornett	Hansen	Lathrop	Nelson
Ashford	Dierks	Heidemann	Lautenbaugh	Pirsch
Burling	Engel	Hudkins	Louden	Schimek
Carlson	Erdman	Karpisek	McDonald	Wallman
Christensen	Fischer	Kruse	McGill	White

Present and not voting, 10:

Aguilar	Fulton	Johnson	Pankonin	Synowiecki
Avery	Gay	Nantkes	Stuthman	Wightman

Excused and not voting, 7:

Dubas	Howard	Langemeier	Pedersen
Friend	Kopplin	Pahls	

The Chambers amendment lost with 7 ayes, 25 nays, 10 present and not voting, and 7 excused and not voting.

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

Voting in the affirmative, 31:

Adams	Engel	Harms	Louden	Stuthman
Ashford	Erdman	Heidemann	McDonald	Wallman
Burling	Fischer	Hudkins	McGill	White
Carlson	Flood	Janssen	Nelson	
Christensen	Fulton	Karpisek	Pirsch	
Cornett	Gay	Lathrop	Rogert	
Dierks	Hansen	Lautenbaugh	Schimek	

Voting in the negative, 4:

Chambers	Nantkes	Raikes	Synowiecki
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Present and not voting, 7:

Aguilar	Johnson	Pankonin	Wightman
Avery	Kruse	Preister	

Excused and not voting, 7:

Dubas	Howard	Langemeier	Pedersen
Friend	Kopplin	Pahls	

Advanced to Enrollment and Review Initial with 31 ayes, 4 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

### AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB956:  
AM1730

1 1. On page 3, line 1, strike "and" and insert  
 2 "employers."; in line 2 after "employers" insert ", and poverty  
 3 area employers"; in line 3 strike the second "or" and insert  
 4 an underscored comma; in line 4 after "Nebraska" insert ", or  
 5 (c) located in areas of high concentration of poverty within the  
 6 corporate limits of a city or village consisting of one or more  
 7 contiguous census tracts, as determined by the most recent federal  
 8 decennial census, which contain a percentage of families below the  
 9 poverty line of greater than thirty percent, and all census tracts  
 10 contiguous to such tract or tracts, as determined by the most

11 recent federal decennial census"; and in line 6 strike "and rural"  
 12 and insert ", rural, or poverty area".

Senator Janssen filed the following amendment to LB777:  
 AM2170

(Amendments to Standing Committee amendments, AM2002)

- 1 1. Strike section 3 and insert the following new section:
- 2 Sec. 2. This act becomes operative on January 1, 2009.
- 3 2. Renumber the remaining section accordingly.

Senator Ashford filed the following amendment to LB1014:

AM2196

- 1 1. Strike sections 1, 4, 8, 9, 10, 11, 12, and 36 and all
- 2 amendments thereto.
- 3 2. On page 5, line 10, strike "equalize" and insert
- 4 "more efficiently administer"; in line 14 after "shall" insert
- 5 "annually"; in line 15 strike beginning with "create" through
- 6 "assign" and insert "determine whether to reassign"; and in line 18
- 7 strike "and the" and insert "for such cases and such".
- 8 3. Renumber the remaining sections and correct
- 9 internal references and the operative date and repealer sections
- 10 accordingly.

Senator Ashford filed the following amendment to LB1014:

AM2154

(Amendments to Standing Committee amendments, AM2006)

- 1 1. Insert the following new section:
- 2 Sec. 67. (1) The Aging Prison Population Task Force is
- 3 created. The task force shall consist of the following members:
- 4 (a) The Director of Correctional Services or his or her
- 5 designee;
- 6 (b) The Deputy Director of Programs and Community
- 7 Services of the Department of Correctional Services or his or her
- 8 designee;
- 9 (c) The chief executive officer of the Department of
- 10 Health and Human Services or his or her designee;
- 11 (d) The chairperson of the Board of Parole or his or her
- 12 designee;
- 13 (e) The executive director of the Community Corrections
- 14 Council or his or her designee;
- 15 (f) The Public Counsel or his or her designee; and
- 16 (g) The following members appointed by the Executive
- 17 Board of the Legislative Council:
- 18 (i) A representative of the Nebraska Medicaid Eligibility
- 19 Program of the Economic Assistance and Child Support Enforcement
- 20 Unit of the Children and Family Services Policy Section of the
- 21 Division of Children and Family Services of the Department of
- 22 Health and Human Services;
- 1 (ii) A representative of the office of the state

- 2 long-term care ombudsman of the State Unit on Aging of the  
3 Long-Term Care Services Section of the Division of Medicaid and  
4 Long-Term Care of the Department of Health and Human Services;  
5 (iii) A representative of the State Unit on Aging of the  
6 Long-Term Care Services Section of the Division of Medicaid and  
7 Long-Term Care of the Department of Health and Human Services;  
8 (iv) A representative of the Long-Term Care State Plan  
9 Services Unit of the Long-Term Care Services Section of the  
10 Division of Medicaid and Long-Term Care of the Department of Health  
11 and Human Services;  
12 (v) A representative of the Aged and Disabled Waiver  
13 Program of the Home and Community-Based Services Unit of the  
14 Long-Term Care Services Section of the Division of Medicaid and  
15 Long-Term Care of the Department of Health and Human Services;  
16 (vi) A representative of an area agency on aging as  
17 defined in the Nebraska Community Aging Services Act;  
18 (vii) A public policy specialist from Nebraska Advocacy  
19 Services, Inc.;  
20 (viii) Two or more members of the faculty of the School  
21 of Criminology and Criminal Justice of the College of Public  
22 Affairs and Community Service at the University of Nebraska at  
23 Omaha;  
24 (ix) Two or more members of the faculty of the Department  
25 of Gerontology of the College of Public Affairs and Community  
26 Service at the University of Nebraska at Omaha;  
27 (x) A representative of an association representing both  
1 proprietary and nonproprietary long-term health care facilities in  
2 Nebraska; and  
3 (xi) A representative of an association representing  
4 nonproprietary long-term health care facilities in Nebraska.  
5 (2) The chairperson of the executive board shall convene  
6 the first meeting of the task force within forty-five days after  
7 the operative date of this section, and the task force shall select  
8 a chairperson at such time. The task force shall meet periodically,  
9 shall meet at least twice, and shall meet at the call of the  
10 chairperson.  
11 (3) The task force shall conduct a preliminary  
12 investigation of aging inmates in Nebraska and make recommendations  
13 regarding the necessity and objective of future research activity.  
14 The task force shall include in its report an assessment of the  
15 issues associated with persons who are fifty years of age or older  
16 in the custody of the Nebraska correctional institutions, including  
17 those in custody as a result of a sentence of life imprisonment  
18 without parole and those in custody who will transition back  
19 into the community upon parole or release upon completion of the  
20 sentence.  
21 (4) The task force shall issue a report and make  
22 recommendations to the Legislature and the Governor relating to  
23 any policy changes the task force deems desirable. The task force

24 shall complete its work by June 30, 2009, and submit its report to  
 25 the Legislature, the Governor, and the Judiciary Committee of the  
 26 Legislature by such date.

27 (5) This section terminates on June 30, 2009.

1 2. Renumber the remaining sections accordingly.

2 3. Correct the operative date section so the section

3 added by this amendment becomes operative three calendar months

4 after the adjournment of this legislative section.

Senator Ashford filed the following amendment to LB1014:

AM2175

1 1. Insert the following sections:

2 Sec. 38. Section 43-512.15, Revised Statutes Supplement,  
 3 2007, is amended to read:

4 43-512.15 (1) The county attorney or authorized attorney,  
 5 upon referral from the Department of Health and Human Services,  
 6 shall file a complaint to modify a child support order unless the  
 7 attorney determines in the exercise of independent professional  
 8 judgment that:

9 (a) The variation from the Supreme Court child support  
 10 guidelines pursuant to section 42-364.16 is based on material  
 11 misrepresentation of fact concerning any financial information  
 12 submitted to the attorney;

13 (b) The variation from the guidelines is due to a  
 14 voluntary reduction in net monthly income. For purposes of this  
 15 section, a person who has been incarcerated for a period of one  
 16 year or more in a county or city jail or a federal or state  
 17 correctional facility shall be considered to have an involuntary  
 18 reduction of income unless (i) the incarceration is a result of  
 19 a conviction for criminal nonsupport pursuant to section 28-706  
 20 or a conviction for a violation of any federal law or law of  
 21 another state substantially similar to section 28-706 or (ii)  
 22 the incarcerated individual has a documented record of willfully  
 23 failing or neglecting to provide proper support which he or  
 1 she knew or reasonably should have known he or she was legally  
 2 obligated to provide when he or she had sufficient resources to  
 3 provide such support; or

4 (c) When the amount of the order is considered with all  
 5 the other undisputed facts in the case, no variation from the  
 6 criteria set forth in subdivisions (1) and (2) of section 43-512.12  
 7 exists.

8 (2) The department, a county attorney, or an authorized  
 9 attorney shall not in any case be responsible for reviewing or  
 10 filing an application to modify child support for individuals  
 11 incarcerated as described in subdivision (1)(b) of this section.

12 ~~(2)-(3)~~ The proceedings to modify a child support order  
 13 shall comply with section 42-364, and the county attorney or  
 14 authorized attorney shall represent the state in the proceedings.

15 ~~(3)-(4)~~ After a complaint to modify a child support order

16 is filed, any party may choose to be represented personally by  
 17 private counsel. Any party who retains private counsel shall so  
 18 notify the county attorney or authorized attorney in writing.

19 Sec. 74. Original section 43-512.15, Revised Statutes  
 20 Supplement, 2007, is repealed.

21 2. Amend the operative date section so that the sections  
 22 added by this amendment become operative on July 1, 2008.

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

Senator Ashford filed the following amendment to LB1014:

AM2107

1 1. Insert the following new sections:

2 Section 24. Sections 24 to 32 of this act shall be known  
 3 and may be cited as the Legal Education for Public Service Loan  
 4 Repayment Act.

5 Sec. 25. The Legislature finds that many attorneys  
 6 graduate from law school with substantial educational debt that  
 7 prohibits many from considering public legal service work. A  
 8 need exists for public legal service entities to hire competent  
 9 attorneys. The public is better served by competent and qualified  
 10 attorneys working in the area of public legal service. Programs  
 11 providing educational loan forgiveness will encourage law students  
 12 and other attorneys to seek employment in the area of public legal  
 13 service and will enable public legal service entities to attract  
 14 and retain qualified attorneys.

15 Sec. 26. For purposes of the Legal Education for Public  
 16 Service Loan Repayment Act:

17 (1) Board means the Legal Education for Public Service  
 18 Loan Repayment Board;

19 (2) Educational loans means loans received as an  
 20 educational benefit, scholarship, or stipend toward a juris  
 21 doctorate degree and either (a) are made, insured, or guaranteed by  
 22 a governmental unit or (b) are made under a program funded in whole  
 23 or in part by a governmental unit or nonprofit institution; and

1 (3) Public legal service means providing legal service  
 2 to indigent persons while employed by a tax-exempt charitable  
 3 organization.

4 Sec. 27. The Legal Education for Public Service Loan  
 5 Repayment Board is created. The board shall consist of the director  
 6 of Legal Aid of Nebraska, the deans of Creighton School of Law  
 7 and the University of Nebraska College of Law, a student from each  
 8 law school selected by the dean of the law school, a member of  
 9 the Nebraska State Bar Association selected by the president of  
 10 the association, and the chief counsel of the Commission on Public  
 11 Advocacy.

12 Sec. 28. The board shall select one of its members to be  
 13 chairperson. The board shall meet as necessary to carry out its  
 14 duties, but shall meet at least annually. The members shall serve

15 without compensation but shall be reimbursed for their actual and  
16 necessary expenses as provided in sections 81-1174 to 81-1177.

17 Sec. 29. The board shall develop and recommend to the  
18 Commission on Public Advocacy rules and regulations that will  
19 govern the legal education for public service loan repayment  
20 program. The rules and regulations shall include:

21 (1) Recipients shall be full-time, salaried attorneys  
22 working for a tax-exempt charitable organization and whose primary  
23 duties are public legal service;

24 (2) Loan applicants shall pay an application fee  
25 established by the rules and regulations at a level anticipated  
26 to cover all or most of the administrative costs of the program.  
27 All application fees shall be remitted to the State Treasurer for  
1 credit to the Legal Education for Public Service Loan Repayment  
2 Fund. Every effort shall be made to minimize administrative costs  
3 and the application fee;

4 (3) The maximum annual loan amount, which initially shall  
5 not exceed six thousand dollars per year per recipient, shall be  
6 an amount which is sufficient to fulfill the purposes of recruiting  
7 and retaining public legal service attorneys in occupations and  
8 areas with unmet needs, including attorneys to work in rural areas  
9 and attorneys with skills in languages other than English. The  
10 board may recommend adjustments of the loan amount annually to the  
11 commission to account for inflation and other relevant factors;

12 (4) Loans shall be made only to refinance existing  
13 educational loans;

14 (5) A general program structure of loan forgiveness shall  
15 be established that qualifies for the tax benefits provided in  
16 section 108(f) of the Internal Revenue Code, as defined in section  
17 49-801.01; and

18 (6) Other criteria for loan eligibility, application,  
19 payment, and forgiveness necessary to carry out the purposes of the  
20 Legal Education for Public Service Loan Repayment Act.

21 Sec. 30. The commission shall accept applications for  
22 loan forgiveness on an annual basis from qualified persons  
23 and shall present those applications to the board for its  
24 consideration. The board shall make recommendations for loans  
25 to the commission and the commission shall certify the eligible  
26 recipients and the loan amount per recipient. The loans awarded  
27 to the recipients shall come from funds appropriated by the  
1 Legislature and any other funds that may be available from the  
2 Legal Education for Public Service Loan Repayment Fund.

3 Sec. 31. The commission may solicit and receive donations  
4 from law schools, corporations, nonprofit organizations, bar  
5 associations, bar foundations, law firms, individuals, or other  
6 sources for purposes of the Legal Education for Public Service  
7 Loan Repayment Act. The donations shall be remitted to the State  
8 Treasurer for credit to the Legal Education for Public Service Loan  
9 Repayment Fund.



10 Sec. 32. The Legal Education for Public Service Loan  
11 Repayment Fund is created. The fund shall consist of funds donated  
12 to the legal education for public service loan repayment program  
13 pursuant to section 31 of this act and application fees collected  
14 under the Legal Education for Public Service Loan Repayment Act.  
15 Any money in the fund available for investment shall be invested  
16 by the state investment officer pursuant to the Nebraska Capital  
17 Expansion Act and the Nebraska State Funds Investment Act.

18 Sec. 33. Section 29-3927, Revised Statutes Cumulative  
19 Supplement, 2006, is amended to read:

20 29-3927 (1) With respect to its duties under section  
21 29-3923, the commission shall:

22 (a) Adopt and promulgate rules and regulations for its  
23 organization and internal management and rules and regulations  
24 governing the exercise of its powers and the fulfillment of its  
25 purpose;

26 (b) Appoint and abolish such advisory committees as may  
27 be necessary for the performance of its functions and delegate  
1 appropriate powers and duties to them;

2 (c) Accept and administer loans, grants, and donations  
3 from the United States and its agencies, the State of Nebraska and  
4 its agencies, and other sources, public and private, for carrying  
5 out the functions of the commission;

6 (d) Enter into contracts, leases, and agreements  
7 necessary, convenient, or desirable for carrying out its purposes  
8 and the powers granted under this section with agencies of state or  
9 local government, corporations, or persons;

10 (e) Acquire, hold, and dispose of personal property in  
11 the exercise of its powers;

12 (f) Provide legal services to indigent persons through  
13 the divisions in section 29-3930; and

14 (g) Adopt guidelines and standards, which are recommended  
15 to the commission by the council, for county indigent defense  
16 systems, including, but not limited to, standards relating to  
17 the following: The use and expenditure of funds appropriated  
18 by the Legislature to reimburse counties which qualify for  
19 reimbursement; attorney eligibility and qualifications for court  
20 appointments; compensation rates for salaried public defenders,  
21 contracting attorneys, and court-appointed attorneys and overall  
22 funding of the indigent defense system; maximum caseloads for  
23 all types of systems; systems administration, including rules for  
24 appointing counsel, awarding defense contracts, and reimbursing  
25 defense expenses; conflicts of interest; continuing legal education  
26 and training; and availability of supportive services and expert  
27 witnesses.

1 (2) The standards adopted by the commission under  
2 subdivision (1)(g) of this section are intended to be used as a  
3 guide for the proper methods of establishing and operating indigent  
4 defense systems. The standards are not intended to be used as

5 criteria for the judicial evaluation of alleged misconduct of  
 6 defense counsel to determine the validity of a conviction. They may  
 7 or may not be relevant in such judicial evaluation, depending upon  
 8 all the circumstances.

9 (3) With respect to its duties related to the provision  
 10 of civil legal services to eligible low-income persons, the  
 11 commission shall have such powers and duties as described in  
 12 sections 25-3001 to 25-3004.

13 (4) The commission may adopt and promulgate rules and  
 14 regulations governing the Legal Education for Public Service Loan  
 15 Repayment Act which are recommended by the Legal Education for  
 16 Public Service Loan Repayment Board pursuant to the act. The  
 17 commission shall have the powers and duties provided in the act.

18 2. Renumber the remaining sections and correct the  
 19 repealer and operative date sections so that the sections added  
 20 by this amendment become operative three calendar months after  
 21 adjournment of this legislative session.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 1157.** Placed on Select File with amendment.  
 ER8178

- 1 1. On page 1, line 1, strike "section 79-760.03" and
- 2 insert "sections 79-758, 79-760.01, 79-760.02, 79-760.03, and
- 3 79-760.05"; and in line 4 strike "section" and insert "sections".

**LEGISLATIVE BILL 606A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 986A.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 986, One Hundredth Legislature, Second Session, 2008.

### VISITOR

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

**ADJOURNMENT**

At 4:55 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Thursday, March 6, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**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

**THIRTY-SEVENTH DAY - MARCH 7, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 7, 2008

**PRAYER**

The prayer was offered by Pastor John Nelson, Christ Lutheran Church, Columbus.

**ROLL CALL**

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

The roll was called and all members were present except Senator Engel who was excused; and Senators Avery, Dierks, Erdman, Flood, Fulton, Hansen, Heidemann, Karpisek, Lathrop, Lautenbaugh, Raikes, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 883.** Placed on General File.

**LEGISLATIVE BILL 759.** Placed on General File with amendment.  
AM2142

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. (1) Prescription drugs or devices which have
- 4 been delivered to a Department of Correctional Services facility,
- 5 a criminal detention facility, a juvenile detention facility, or a
- 6 jail for administration to a patient held at such facility or jail
- 7 pursuant to a valid prescription, but which are not administered to
- 8 such patient, may be delivered to a pharmacist or pharmacy under
- 9 contract with the facility or jail for relabeling and redispensing
- 10 and administration to another patient held at such facility or jail
- 11 pursuant to a valid prescription as provided in this section.
- 12 (2)(a) The decision to accept delivery of a prescription

13 drug or device for relabeling and redispersing under this section  
 14 rests solely with the contracting pharmacist or pharmacy.

15 (b) A prescription drug or device shall be in the control  
 16 of the facility or jail at all times prior to the delivery of the  
 17 drug or device for relabeling and redispersing under this section.  
 18 The drug or device shall be delivered in the original and unopened  
 19 labeled container with the tamper-evident seal intact, and the  
 20 container shall bear the expiration date or calculated expiration  
 21 date and lot number of the drug or device.

22 (c) A prescription drug or device shall not be  
 23 re-labeled and redispensed under this section if the relabeling and  
 1 redispersing is otherwise prohibited by law.

2 (3) For purposes of this section:

3 (a) Administer has the definition found in section  
 4 38-2806;

5 (b) Calculated expiration date has the definition found  
 6 in section 38-2884;

7 (c) Criminal detention facility has the definition found  
 8 in section 83-4,125;

9 (d) Deliver or delivery has the definition found in  
 10 section 38-2813;

11 (e) Department of Correctional Services facility has the  
 12 definition of facility found in section 83-170;

13 (f) Dispense or dispensing has the definition found in  
 14 section 38-2817;

15 (g) Jail has the definition found in section 47-117;

16 (h) Juvenile detention facility has the definition found  
 17 in section 83-4,125;

18 (i) Prescription has the definition found in section  
 19 38-2840; and

20 (j) Prescription drug or device has the definition found  
 21 in section 38-2841.

22 (4) The Jail Standards Board, in consultation with the  
 23 Board of Pharmacy, shall adopt and promulgate rules and regulations  
 24 to carry out this section, including, but not limited to, rules and  
 25 regulations relating to (a) persons authorized to administer the  
 26 prescription drug or device to a patient and (b) the proper storage  
 27 and protection of the drug or device consistent with the directions  
 1 contained on the label or package insert provided by the pharmacist  
 2 or pharmacy for the drug or device.

3 Sec. 2. This act becomes operative on December 1, 2008.

**LEGISLATIVE BILL 954.** Placed on General File with amendment.  
 AM2117

1 1. On page 2, line 3, strike "(1)", show as stricken,  
 2 and insert "(1)(a)"; in line 7 before "If" insert paragraphing and  
 3 "(b)"; in line 11 after the period insert "Such general consent  
 4 form shall inform the person that a test for the presence of  
 5 the human immunodeficiency virus infection may be performed and



6 that the person may refuse the performance of such test."; in  
 7 line 18 after the stricken "(2)" insert "(3)", reinstate the  
 8 stricken matter beginning with "The" through "consent", and after  
 9 the stricken colon insert "for the performance of an HIV-related  
 10 test under subdivision (1)(a) of this section shall include:"; and  
 11 in lines 19 through 25, reinstate the stricken matter.  
 12 2. On page 3, lines 1 through 6, reinstate the stricken  
 13 matter; in line 7 strike "(3)", show as stricken, and insert "(4)";  
 14 and in line 11 strike "(4)", show as stricken, and insert "(5)".

**LEGISLATIVE BILL 1163.** Indefinitely postponed.

(Signed) Joel Johnson, Chairperson

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 6, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Blankenau, Don, of Blackwell Sanders Peper Martin LLP  
 Resources Districts, Nebraska Association of

Dukesherer, James C.  
 Rural Electric Association, Nebraska

Gordon Thomas Honeywell Governmental Affairs  
 Ammunition Coating Systems  
 Applied Biosystems

Gregorich, Joseph  
 American Electronics Association (AEA)

McGrain, Jordan  
 Gateway Development Corp.

Owens, Daniel  
 Center for Rural Affairs

Sedlacek, Ronald J.  
 HDM Corp

Shannon, Fred  
 Hewlett Packard

**REPORTS**

The following reports were received by the Legislature:

**Auditor of Public Accounts**

Statewide Single Audit for the year ended June 30, 2007

**Emergency Management Agency, Nebraska**

2007 Status of Nebraska Emergency Management/Homeland Security Program

**Property Assessment and Taxation, Department of**

Development Projects for Cities Using Tax Increment Financing in 2007

**Roads, Department of**

2007 Annual Report

**SELECT FILE**

**LEGISLATIVE BILL 962.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 914.** ER8174, found on page 745, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 768.** ER8176, found on page 797, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 939.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1056.** ER8177, found on page 803, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 851.** ER8165, found on page 670, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 755.** ER8164, found on page 671, was adopted.

Senator Fischer renewed her amendment, AM2172, found on page 801.

The Fischer amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 855.** ER8167, found on page 708, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 756.** ER8168, found on page 709, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 797.** ER8169, found on page 738, was adopted.

Senator Johnson renewed the Johnson-Stuthman amendment, AM2133, found on page 788.

The Johnson-Stuthman amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Johnson renewed his amendment, AM2143, found on page 788.

The Johnson amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Synowiecki renewed his amendment, AM2203, found on page 823.

## **SENATOR FISCHER PRESIDING**

## **SENATOR LANGEMEIER PRESIDING**

Senator Synowiecki withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

## **COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 963.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

## **AMENDMENTS - Print in Journal**

Senator Carlson filed the following amendment to LB1094:  
AM2234

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 2-3225, Revised Statutes Supplement,
- 4 2007, is amended to read:
- 5 2-3225 (1)(a) Each district shall have the power and
- 6 authority to levy a tax of not to exceed four and one-half cents

7 on each one hundred dollars of taxable valuation annually on all of  
8 the taxable property within such district unless a higher levy is  
9 authorized pursuant to section 77-3444.

10 (b) Each district shall also have the power and authority  
11 to levy a tax equal to the dollar amount by which its restricted  
12 funds budgeted to administer and implement ground water management  
13 activities and integrated management activities under the Nebraska  
14 Ground Water Management and Protection Act exceed its restricted  
15 funds budgeted to administer and implement ground water management  
16 activities and integrated management activities for FY2003-04, not  
17 to exceed one cent on each one hundred dollars of taxable valuation  
18 annually on all of the taxable property within the district.

19 (c) In addition to the power and authority granted in  
20 subdivisions (1)(a) and (b) of this section, each district located  
21 in a river basin, subbasin, or reach that has been determined  
22 to be fully appropriated pursuant to section 46-714 or designated  
23 overappropriated pursuant to section 46-713 by the Department of  
1 Natural Resources shall also have the power and authority to  
2 levy a tax equal to the dollar amount by which its restricted  
3 funds budgeted to administer and implement ground water management  
4 activities and integrated management activities under the Nebraska  
5 Ground Water Management and Protection Act exceed its restricted  
6 funds budgeted to administer and implement ground water management  
7 activities and integrated management activities for FY2005-06, not  
8 to exceed three cents on each one hundred dollars of taxable  
9 valuation on all of the taxable property within the district for  
10 fiscal year 2006-07 and each fiscal year thereafter through fiscal  
11 year 2011-12.

12 (d) In addition to the power and authority granted in  
13 subdivisions (a) through (c) of this subsection, a district with  
14 jurisdiction that includes a river subject to an interstate compact  
15 among three or more states and that also includes one or more  
16 irrigation districts within the compact river basin may annually  
17 levy a tax not to exceed ten cents per one hundred dollars of  
18 taxable valuation of all taxable property in the district. The  
19 proceeds of such tax may be used for the payment of principal and  
20 interest on bonds and refunding bonds issued pursuant to section  
21 2-3226.01 or for the repayment of financial assistance received  
22 by the district pursuant to section 5 of this act. Such levy is  
23 not includable in the computation of other limitations upon the  
24 district's tax levy.

25 (2) The proceeds of the tax levies authorized in  
26 subdivisions (1)(a) through (c) of this section shall be used,  
27 together with any other funds which the district may receive from  
1 any source, for the operation of the district. When adopted by the  
2 board, the tax levies authorized in subdivisions (1)(a) through (d)  
3 of this section shall be certified by the secretary to the county  
4 clerk of each county which in whole or in part is included within  
5 the district. Such levy shall be handled by the counties in the

6 same manner as other levies, and proceeds shall be remitted to the  
7 district treasurer. Such levy shall not be considered a part of the  
8 general county levy and shall not be considered in connection with  
9 any limitation on levies of such counties.

10 Sec. 2. Section 2-3226.01, Revised Statutes Supplement,  
11 2007, is amended to read:

12 2-3226.01 (1) In order to implement its duties and  
13 obligations under the Nebraska Ground Water Management and  
14 Protection Act and in addition to other powers authorized by law,  
15 the board of a district with jurisdiction that includes a river  
16 subject to an interstate compact among three or more states and  
17 that also includes one or more irrigation districts within the  
18 compact river basin may issue negotiable bonds and refunding bonds  
19 of the district and entitled river-flow enhancement bonds, with  
20 terms determined appropriate by the board, payable by (a) funds  
21 granted to such district by the state or federal government for  
22 one or more qualified projects, (b) the occupation tax authorized  
23 by section 2-3226.05, or (c) the levy authorized by section 2-3225.  
24 The district may issue the bonds or refunding bonds directly,  
25 or such bonds may be issued by any joint entity as defined  
26 in section 13-803 whose member public agencies consist only of  
27 qualified natural resources districts or by any joint public  
1 agency as defined in section 13-2503 whose participating public  
2 agencies consist only of qualified natural resources districts, in  
3 connection with any joint project which is to be owned, operated,  
4 or financed by the joint entity or joint public agency for the  
5 benefit of its member natural resources districts. For the payment  
6 of such bonds or refunding bonds, the district may pledge one or  
7 more permitted payment sources.

8 (2) Within forty-five days after receipt of a written  
9 request by the Natural Resources Committee of the Legislature, the  
10 qualified natural resources districts shall submit a written report  
11 to the committee containing an explanation of existing or planned  
12 activities for river-flow enhancement, the revenue source for  
13 implementing such activities, and a description of the estimated  
14 benefit or benefits to the district or districts.

15 (3) Beginning on April 1, 2008, if a district uses the  
16 proceeds of a bond issued pursuant to this section for the purposes  
17 described in subdivision (1) of section 2-3226.04 or the state uses  
18 funds for those same purposes, ~~such district shall restrict the~~  
19 ~~use of ground water from water wells used on acres certified for~~  
20 ~~both ground water use and surface water use to no greater than~~  
21 ~~the total ground water allocation previously permitted by district~~  
22 ~~rule or regulation less any surface water purchased, leased, or~~  
23 ~~otherwise acquired for implementation of the project entered into~~  
24 ~~by the district. the agreement to acquire water rights by purchase~~  
25 ~~or lease pursuant to such subdivision shall identify (a) the~~  
26 ~~method of payment, (b) the distribution of funds by the party or~~  
27 ~~parties receiving payments, (c) the water use or rights subject~~

1 to the agreement, and (d) the water use or rights allowed by the  
2 agreement. If any irrigation district is party to the agreement,  
3 the irrigation district shall allocate funds received under such  
4 agreement among its users or members in a reasonable manner, giving  
5 consideration to the benefits received and the value of the rights  
6 surrendered.

7 Sec. 3. Section 2-3226.05, Revised Statutes Supplement,  
8 2007, is amended to read:

9 2-3226.05 (1) The district may levy an occupation tax  
10 upon the activity of irrigation of agricultural lands within  
11 such district on an annual basis, not to exceed ten dollars per  
12 irrigated acre, the proceeds of which may be used for the purpose  
13 of repaying principal and interest on any bonds or refunding bonds  
14 issued pursuant to section 2-3226.01 for one or more projects under  
15 section 2-3226.04 or for the repayment of financial assistance  
16 received by the district pursuant to section 5 of this act.

17 (2) Acres classified by the county assessor as irrigated  
18 shall be subject to such district's occupation tax unless, on or  
19 before July 1, 2007, and on or before March 1 in each subsequent  
20 year, the record owner certifies to the district the nonirrigation  
21 status of such acres.

22 (3) Any such occupation tax shall remain in effect so  
23 long as the district has bonds outstanding which have been issued  
24 stating such occupation tax as an available source for payment.

25 (4) Such occupation taxes shall be certified to,  
26 collected by, and accounted for by the county treasurer at the same  
27 time as general real estate taxes, and such occupation taxes shall  
1 be and remain a perpetual lien against such real estate until paid.  
2 Such occupation taxes shall become delinquent at the same time as  
3 general real property taxes.

4 (5) Such lien shall be inferior only to general taxes  
5 levied by political subdivisions of the state. When such occupation  
6 taxes have become delinquent and the real property on which the  
7 irrigation took place has not been offered at any tax sale, the  
8 district may proceed in district court in the county in which the  
9 real estate is situated to foreclose in its own name the lien  
10 in the same manner and with like effect as a foreclosure of a  
11 real estate mortgage, except that sections 77-1903 to 77-1917 shall  
12 govern when applicable.

13 Sec. 4. The Legislature finds that water rights holders  
14 who lease and forego water use to assist in the management,  
15 protection, and conservation of the water resources of river  
16 basins must be paid. It is the intent of the Legislature to  
17 provide payment to such water rights holders through the financial  
18 assistance provided in section 5 of this act. The Legislature  
19 further finds that the financial assistance provided by the state  
20 under such section shall be repaid through the authority granted  
21 under Laws 2007, LB 701, or such other means as are provided by the  
22 Legislature.

23 Sec. 5. (1) The Water Contingency Cash Fund is created.  
24 The department shall administer the fund. Any money in the fund  
25 available for investment shall be invested by the state investment  
26 officer pursuant to the Nebraska Capital Expansion Act and the  
27 Nebraska State Funds Investment Act.

1 (2) No later than five days after the effective date  
2 of this act, a natural resources district with jurisdiction that  
3 includes a river subject to an interstate compact among three or  
4 more states and that also includes one or more irrigation districts  
5 within the compact river basin, and such natural resources  
6 district, using authority granted under Laws 2007, LB 701, enters  
7 or has entered into agreements, shall submit a request in writing  
8 to the department certifying the amount of financial assistance  
9 necessary to meet its obligations under section 2-3226.04. Within  
10 fifteen days after the effective date of this act, if such a  
11 request has been received by the department, the department shall  
12 expend from the Water Contingency Cash Fund the amount requested  
13 to provide financial assistance to the submitting natural resources  
14 district. The natural resources district shall use the financial  
15 assistance provided by the state from the Water Contingency Cash  
16 Fund to compensate water rights holders who agree or have agreed  
17 to lease and forgo the use of water. Any financial assistance  
18 provided under this section not used for such purpose by the  
19 natural resources district within sixty days after it is received  
20 by such district shall be returned to the department for credit to  
21 the Water Contingency Cash Fund.

22 Sec. 6. (1) Any district receiving financial assistance  
23 pursuant to section 5 of this act shall remit to the department  
24 the proceeds of the property tax authorized pursuant to subdivision  
25 (1)(d) of section 2-3225, the proceeds of the occupation tax  
26 authorized pursuant to section 2-3226.05, or both, when such  
27 proceeds are available for distribution until the amount of such  
1 financial assistance has been repaid. Such proceeds shall be  
2 remitted within fifteen days after receipt of the proceeds by the  
3 district.

4 (2) If the district does not receive proceeds described  
5 in subsection (1) of this section, the district shall reimburse the  
6 Water Contingency Cash Fund by such means as are provided by the  
7 Legislature. Such reimbursement shall be made no later than June  
8 30, 2013.

9 Sec. 7. The department shall remit reimbursements  
10 received pursuant to section 6 of this act to the State Treasurer  
11 for credit to the Water Contingency Cash Fund. The department shall  
12 calculate the amount of such reimbursements so remitted. After the  
13 initial disbursement of financial assistance by the department as  
14 authorized in section 5 of this act, the State Treasurer shall, at  
15 the end of each calendar month, transfer the balance of the Water  
16 Contingency Cash Fund to the Cash Reserve Fund.

17 Sec. 8. Section 84-612, Revised Statutes Supplement,

18 2007, is amended to read:

19 84-612 (1) There is hereby created within the state  
20 treasury a fund known as the Cash Reserve Fund which shall be under  
21 the direction of the State Treasurer. The fund shall only be used  
22 pursuant to this section.

23 (2) The State Treasurer shall transfer funds from the  
24 Cash Reserve Fund to the General Fund upon certification by the  
25 Director of Administrative Services that the current cash balance  
26 in the General Fund is inadequate to meet current obligations. Such  
27 certification shall include the dollar amount to be transferred.

1 Any transfers made pursuant to this subsection shall be reversed  
2 upon notification by the Director of Administrative Services that  
3 sufficient funds are available.

4 (3) The State Treasurer, at the direction of the  
5 budget administrator of the budget division of the Department  
6 of Administrative Services, shall transfer such amounts not to  
7 exceed seven million seven hundred fifty-three thousand two hundred  
8 sixty-three dollars in total from the Cash Reserve Fund to the  
9 Nebraska Capital Construction Fund between July 1, 2003, and June  
10 30, 2007.

11 (4) The State Treasurer, at the direction of the budget  
12 administrator, shall transfer an amount equal to the total amount  
13 transferred pursuant to subsection (3) of this section from the  
14 General Fund to the Cash Reserve Fund on or before June 30, 2008.

15 (5) In addition to receiving transfers from other funds,  
16 the Cash Reserve Fund shall receive federal funds received by the  
17 State of Nebraska for undesignated general government purposes,  
18 federal revenue sharing, or general fiscal relief of the state.

19 (6) On June 15, 2007, the State Treasurer shall transfer  
20 fifteen million six hundred seventy-four thousand one hundred seven  
21 dollars from the Cash Reserve Fund to the General Fund.

22 (7) On June 16, 2008, the State Treasurer shall transfer  
23 seventeen million nine hundred thirty-one thousand thirty dollars  
24 from the Cash Reserve Fund to the General Fund.

25 (8) On June 15, 2009, the State Treasurer shall transfer  
26 four million nine hundred ninety thousand five hundred five dollars  
27 from the Cash Reserve Fund to the General Fund.

1 (9) On or before June 16, 2008, the State Treasurer, at  
2 the direction of the budget administrator, shall transfer fifty  
3 million dollars from the Cash Reserve Fund to the General Fund.

4 (10) On or before June 16, 2009, the State Treasurer,  
5 at the direction of the budget administrator, shall transfer fifty  
6 million dollars from the Cash Reserve Fund to the General Fund.

7 (11) From the effective date of an endowment agreement  
8 as defined in subdivision (3)(c) of section 79-1101 until June  
9 30, 2007, forty million dollars of the Cash Reserve Fund shall be  
10 deemed to constitute the Early Childhood Education Endowment Fund.  
11 Such funds shall remain part of the Cash Reserve Fund for all  
12 purposes, except that the interest earned on such forty million



13 dollars shall accrue as provided in section 84-613.

14 (12) The State Treasurer, at the direction of the budget  
15 administrator, shall transfer such amounts, as certified by the  
16 Director of Administrative Services, for employee health insurance  
17 claims and expenses, not to exceed twelve million dollars in total  
18 from the Cash Reserve Fund to the State Employees Insurance Fund  
19 between May 1, 2007, and June 30, 2011.

20 (13) On July 9, 2007, the State Treasurer shall transfer  
21 twelve million dollars from the Cash Reserve Fund to the Nebraska  
22 Capital Construction Fund.

23 (14) On July 9, 2007, the State Treasurer shall transfer  
24 five million dollars from the Cash Reserve Fund to the Job Training  
25 Cash Fund. The State Treasurer shall transfer from the Job Training  
26 Cash Fund to the Cash Reserve Fund such amounts as directed in  
27 section 81-1201.21.

1 (15) On July 7, 2008, the State Treasurer shall transfer  
2 five million dollars from the Cash Reserve Fund to the Job Training  
3 Cash Fund. The State Treasurer shall transfer from the Job Training  
4 Cash Fund to the Cash Reserve Fund such amounts as directed in  
5 section 81-1201.21.

6 (16) On or before August 1, 2007, the State Treasurer,  
7 at the direction of the budget administrator, shall transfer  
8 seventy-five million dollars from the Cash Reserve Fund to the  
9 Nebraska Capital Construction Fund.

10 (17) On or before June 30, 2009, the State Treasurer  
11 shall transfer nine million five hundred ninety thousand dollars  
12 from the Cash Reserve Fund to the Nebraska Capital Construction  
13 Fund.

14 (18) The State Treasurer, at the direction of the budget  
15 administrator, shall transfer an amount equal to the total amount  
16 transferred pursuant to subsection (12) of this section from  
17 the appropriate health insurance accounts of the State Employees  
18 Insurance Fund in such amounts as certified by the Director of  
19 Administrative Services to the Cash Reserve Fund on or before June  
20 30, 2011.

21 (19) On July 9, 2007, the State Treasurer shall  
22 transfer one million dollars from the Cash Reserve Fund to the  
23 Microenterprise Development Cash Fund.

24 (20) On July 9, 2007, the State Treasurer shall transfer  
25 two hundred fifty thousand dollars from the Cash Reserve Fund to  
26 the Building Entrepreneurial Communities Cash Fund.

27 (21) On July 7, 2008, the State Treasurer shall  
1 transfer one million dollars from the Cash Reserve Fund to the  
2 Microenterprise Development Cash Fund.

3 (22) On July 7, 2008, the State Treasurer shall transfer  
4 two hundred fifty thousand dollars from the Cash Reserve Fund to  
5 the Building Entrepreneurial Communities Cash Fund.

6 (23) Within seven days after the effective date of this  
7 act, the State Treasurer shall transfer nine million dollars from

8 the Cash Reserve Fund to the Water Contingency Cash Fund.  
 9 Sec. 9. Original sections 2-3225, 2-3226.01, 2-3226.05,  
 10 and 84-612, Revised Statutes Supplement, 2007, are repealed.  
 11 Sec. 10. Since an emergency exists, this act takes effect  
 12 when passed and approved according to law.

Senator McDonald filed the following amendment to LB1058:  
 AM2122

(Amendments to Standing Committee amendments, AM1866)

- 1 1. On page 1, line 15; and page 3, line 20, strike "and
- 2 Addiction Services" and show as stricken.
- 3 2. On page 2, line 11, after "(b)" insert "the review
- 4 and use of evaluation data, (c)"; and in line 13 strike "(c)" and
- 5 insert "(d)".

Senator Chambers filed the following amendment to LB878:  
 FA195

Amend AM2041

In lines 5, 8, 11, 13 strike "dishonesty or false statement" and insert "moral turpitude".

## COMMITTEE REPORT

### Enrollment and Review

**LEGISLATIVE BILL 844.** Placed on Select File with amendment.  
 ER8180

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-416, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 28-416 (1) Except as authorized by the Uniform Controlled
- 6 Substances Act, it shall be unlawful for any person knowingly or
- 7 intentionally: (a) To manufacture, distribute, deliver, dispense,
- 8 or possess with intent to manufacture, distribute, deliver, or
- 9 dispense a controlled substance; or (b) to create, distribute,
- 10 or possess with intent to distribute a counterfeit controlled
- 11 substance.
- 12 (2) Except as provided in subsections (4), (5), (7), (8),
- 13 (9), and (10) of this section, any person who violates subsection
- 14 (1) of this section with respect to: (a) A controlled substance
- 15 classified in Schedule I, II, or III of section 28-405 which is an
- 16 exceptionally hazardous drug shall be guilty of a Class II felony;
- 17 (b) any other controlled substance classified in Schedule I, II, or
- 18 III of section 28-405 shall be guilty of a Class III felony; or (c)
- 19 a controlled substance classified in Schedule IV or V of section
- 20 28-405 shall be guilty of a Class IIIA felony.
- 21 (3) A person knowingly or intentionally possessing a
- 22 controlled substance, except marijuana, unless such substance was
- 23 obtained directly or pursuant to a medical order issued by a

1 practitioner authorized to prescribe while acting in the course of  
2 his or her professional practice, or except as otherwise authorized  
3 by the act, shall be guilty of a Class IV felony.

4 (4)(a) Except as authorized by the Uniform Controlled  
5 Substances Act, any person eighteen years of age or older who  
6 knowingly or intentionally manufactures, distributes, delivers,  
7 dispenses, or possesses with intent to manufacture, distribute,  
8 deliver, or dispense a controlled substance or a counterfeit  
9 controlled substance (i) to a person under the age of eighteen  
10 years, (ii) in, on, or within one thousand feet of the real  
11 property comprising a public or private elementary, vocational, or  
12 secondary school, a community college, a public or private college,  
13 junior college, or university, or a playground, or (iii) within one  
14 hundred feet of a public or private youth center, public swimming  
15 pool, or video arcade facility shall be punished by the next higher  
16 penalty classification than the penalty prescribed in subsection  
17 (2), (7), (8), (9), or (10) of this section, depending upon the  
18 controlled substance involved, for the first violation and for a  
19 second or subsequent violation shall be punished by the next higher  
20 penalty classification than that prescribed for a first violation  
21 of this subsection, but in no event shall such person be punished  
22 by a penalty greater than a Class IB felony.

23 (b) For purposes of this subsection:

24 (i) Playground shall mean any outdoor facility, including  
25 any parking lot appurtenant to the facility, intended for  
26 recreation, open to the public, and with any portion containing  
27 three or more apparatus intended for the recreation of children,  
1 including sliding boards, swingsets, and teeterboards;

2 (ii) Video arcade facility shall mean any facility  
3 legally accessible to persons under eighteen years of age, intended  
4 primarily for the use of pinball and video machines for amusement,  
5 and containing a minimum of ten pinball or video machines; and

6 (iii) Youth center shall mean any recreational facility  
7 or gymnasium, including any parking lot appurtenant to the facility  
8 or gymnasium, intended primarily for use by persons under eighteen  
9 years of age which regularly provides athletic, civic, or cultural  
10 activities.

11 (5)(a) Except as authorized by the Uniform Controlled  
12 Substances Act, it shall be unlawful for any person eighteen  
13 years of age or older to knowingly and intentionally employ, hire,  
14 use, cause, persuade, coax, induce, entice, seduce, or coerce any  
15 person under the age of eighteen years to manufacture, transport,  
16 distribute, carry, deliver, dispense, prepare for delivery, offer  
17 for delivery, or possess with intent to do the same a controlled  
18 substance or a counterfeit controlled substance.

19 (b) Except as authorized by the Uniform Controlled  
20 Substances Act, it shall be unlawful for any person eighteen years  
21 of age or older to knowingly and intentionally employ, hire, use,  
22 cause, persuade, coax, induce, entice, seduce, or coerce any person

23 under the age of eighteen years to aid and abet any person in  
24 the manufacture, transportation, distribution, carrying, delivery,  
25 dispensing, preparation for delivery, offering for delivery, or  
26 possession with intent to do the same of a controlled substance or  
27 a counterfeit controlled substance.

1 (c) Any person who violates subdivision (a) or (b) of  
2 this subsection shall be punished by the next higher penalty  
3 classification than the penalty prescribed in subsection (2), (7),  
4 (8), (9), or (10) of this section, depending upon the controlled  
5 substance involved, for the first violation and for a second or  
6 subsequent violation shall be punished by the next higher penalty  
7 classification than that prescribed for a first violation of this  
8 subsection, but in no event shall such person be punished by a  
9 penalty greater than a Class IB felony.

10 (6) It shall not be a defense to prosecution for  
11 violation of subsection (4) or (5) of this section that the  
12 defendant did not know the age of the person through whom the  
13 defendant violated such subsection.

14 (7) Any person who violates subsection (1) of this  
15 section with respect to cocaine or any mixture or substance  
16 containing a detectable amount of cocaine in a quantity of:

17 (a) One hundred forty grams or more shall be guilty of a  
18 Class IB felony;

19 (b) At least twenty-eight grams but less than one hundred  
20 forty grams shall be guilty of a Class IC felony; or

21 (c) At least ten grams but less than twenty-eight grams  
22 shall be guilty of a Class ID felony.

23 (8) Any person who violates subsection (1) of this  
24 section with respect to base cocaine (crack) or any mixture or  
25 substance containing a detectable amount of base cocaine in a  
26 quantity of:

27 (a) One hundred forty grams or more shall be guilty of a  
1 Class IB felony;

2 (b) At least twenty-eight grams but less than one hundred  
3 forty grams shall be guilty of a Class IC felony; or

4 (c) At least ten grams but less than twenty-eight grams  
5 shall be guilty of a Class ID felony.

6 (9) Any person who violates subsection (1) of this  
7 section with respect to heroin or any mixture or substance  
8 containing a detectable amount of heroin in a quantity of:

9 (a) One hundred forty grams or more shall be guilty of a  
10 Class IB felony;

11 (b) At least twenty-eight grams but less than one hundred  
12 forty grams shall be guilty of a Class IC felony; or

13 (c) At least ten grams but less than twenty-eight grams  
14 shall be guilty of a Class ID felony.

15 (10) Any person who violates subsection (1) of this  
16 section with respect to amphetamine, its salts, optical isomers,  
17 and salts of its isomers, or with respect to methamphetamine, its

18 salts, optical isomers, and salts of its isomers, in a quantity of:

19 (a) One hundred forty grams or more shall be guilty of a  
20 Class IB felony;

21 (b) At least twenty-eight grams but less than one hundred  
22 forty grams shall be guilty of a Class IC felony; or

23 (c) At least ten grams but less than twenty-eight grams  
24 shall be guilty of a Class ID felony.

25 (11) Any person knowingly or intentionally possessing  
26 marijuana weighing more than one ounce but not more than one pound  
27 shall be guilty of a Class ~~III~~III misdemeanor.

1 (12) Any person knowingly or intentionally possessing  
2 marijuana weighing more than one pound shall be guilty of a Class  
3 IV felony.

4 (13) Any person knowingly or intentionally possessing  
5 marijuana weighing one ounce or less shall:

6 (a) For the first offense, be guilty of an infraction,  
7 receive a citation, be fined ~~one~~three hundred dollars, and be  
8 assigned to attend a course as prescribed in section 29-433 if the  
9 judge determines that attending such course is in the best interest  
10 of the individual defendant;

11 (b) For the second offense, be guilty of a Class IV  
12 misdemeanor, receive a citation, and be fined ~~two~~four hundred  
13 dollars and may be imprisoned not to exceed five days; and

14 (c) For the third and all subsequent offenses, be guilty  
15 of a Class IIIA misdemeanor, receive a citation, be fined ~~three~~  
16 five hundred dollars, and be imprisoned not to exceed seven days.

17 (14) Any person convicted of violating this section,  
18 if placed on probation, shall, as a condition of probation,  
19 satisfactorily attend and complete appropriate treatment and  
20 counseling on drug abuse provided by a program authorized under  
21 the Nebraska Behavioral Health Services Act or other licensed drug  
22 treatment facility.

23 (15) Any person convicted of violating this section, if  
24 sentenced to the Department of Correctional Services, shall attend  
25 appropriate treatment and counseling on drug abuse.

26 (16) Any person knowingly or intentionally possessing a  
27 firearm while in violation of subsection (1) of this section shall  
1 be punished by the next higher penalty classification than the  
2 penalty prescribed in subsection (2), (7), (8), (9), or (10) of  
3 this section, but in no event shall such person be punished by a  
4 penalty greater than a Class IB felony.

5 (17) A person knowingly or intentionally in possession  
6 of money used or intended to be used to facilitate a violation  
7 of subsection (1) of this section shall be guilty of a Class IV  
8 felony.

9 Sec. 2. Section 29-433, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 29-433 A person cited for an infraction pursuant to  
12 section 28-416 or convicted of a misdemeanor pursuant to sections

13 53-180.01 to 53-180.03 shall be assigned to attend a course of  
 14 instruction relating to the effects of the misuse of drugs,  
 15 including alcohol and controlled substances. Such instruction shall  
 16 include counseling on the legal, medical, psychological, and social  
 17 effects of drug use and abuse. Such course shall consist of a  
 18 minimum of five hours and a maximum of ten hours of instruction and  
 19 counseling. Upon completion of the assigned course, the instructor  
 20 shall notify the court in writing of such completion and the  
 21 notification shall be made a part of the record of the citation.  
 22 Any person failing to complete such course within thirty days after  
 23 the assignment shall be guilty of an infraction.

24 Sec. 3. Original section 29-433, Reissue Revised Statutes  
 25 of Nebraska, and section 28-416, Revised Statutes Cumulative  
 26 Supplement, 2006, are repealed.

27 2. On page 1, strike beginning with "sections" in line 1  
 1 through line 7 and insert "section 29-433, Reissue Revised Statutes  
 2 of Nebraska, and section 28-416, Revised Statutes Cumulative  
 3 Supplement, 2006; to change penalty provisions for marijuana  
 4 possession; to require a course of instruction for violating  
 5 certain provisions relating to minors in possession of alcohol; and  
 6 to repeal the original sections."

(Signed) Amanda McGill, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 1014.** ER8172, found on page 738, was adopted.

Senator Erdman withdrew his motion, MO136, found on page 737, to bracket until April 1, 2008.

Senator Ashford renewed his amendment, AM2196, found on page 812.

The Ashford amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Ashford withdrew his amendment, AM2154, found on page 812.

Senator Ashford renewed his amendment, AM2175, found on page 814.

The Ashford amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Ashford renewed his amendment, AM2107, found on page 815.

The Ashford amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator McGill asked unanimous consent to withdraw her amendment,

AM2218, found on page 833, and replace it with her substitute amendment, AM2231. No objections. So ordered.  
AM2231

(Amendments to AM2006)

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), the court shall provide written or oral notification to  
5 the defendant that it may be a violation of federal law for the  
6 individual: To ship or transport in interstate or foreign commerce,  
7 or possess in or affecting commerce, any firearm or ammunition;  
8 or to receive any firearm or ammunition which has been shipped or  
9 transported in interstate or foreign commerce.

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

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

16 42-925 ~~Any~~ (1) An order issued under subsection (1)  
17 of section 42-924 may be issued ex parte to the respondent if  
18 it reasonably appears from the specific facts included in the  
19 affidavit that the petitioner will be in immediate danger of abuse  
20 before the matter can be heard on notice. If an order is issued ex  
21 parte, the court shall immediately schedule an evidentiary hearing  
22 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) The court may by rule or order refer or assign all  
14 matters regarding orders issued under subsection (1) of section  
15 42-924 to a referee for findings and recommendations.

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

22 (5) The court shall also cause the notice created under  
23 section 24 of this act to be served upon the respondent notifying

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

24 2. On page 54, line 22, after "support" insert "and  
 25 orders issued under subsection (1) of section 42-924".

26 3. On page 56, line 5, strike the last "and" and show  
 27 as stricken and insert an underscored comma; and in line 6 after  
 1 "matters" insert ", and orders issued under subsection (1) of  
 2 section 42-924".

3 4. Amend the operative date and repealer so that the  
 4 sections added by this amendment become operative three calendar  
 5 months after adjournment of this legislative session.

6 5. Renumber the remaining sections and correct the  
 7 internal references accordingly.

The McGill amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Synowiecki offered the following amendment:  
 AM2212

(Amendments to Standing Committee amendments, AM2006)

1 1. Insert the following new section:

2 Sec. 24. Section 29-2246, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:

4 29-2246 For purposes of the Nebraska Probation



- 5 Administration Act and sections 43-2,123.01 and 83-1,102 to  
6 83-1,104, unless the context otherwise requires:
- 7 (1) Association means the Nebraska District Court Judges  
8 Association;
- 9 (2) Court means a district court, county court, or  
10 juvenile court as defined in section 43-245;
- 11 (3) Office means the Office of Probation Administration;
- 12 (4) Probation means a sentence under which a person found  
13 guilty of a crime upon verdict or plea or adjudicated delinquent or  
14 in need of special supervision is released by a court subject to  
15 conditions imposed by the court and subject to supervision;
- 16 (5) Probationer means a person sentenced to probation;
- 17 (6) Probation officer means an employee of the system who  
18 supervises probationers and conducts presentence, predisposition,  
19 or other investigations as may be required by law or directed by a  
20 court in which he or she is serving or performs such other duties  
21 as authorized pursuant to section 29-2258, except unpaid volunteers  
22 from the community;
- 1 (7) Juvenile probation officer means any probation  
2 officer who supervises probationers of a separate juvenile court;
- 3 (8) Juvenile intake probation officer means an employee  
4 of the system who is called upon by a law enforcement officer in  
5 accordance with section 43-250 to make a decision regarding the  
6 furtherance of a juvenile's detention;
- 7 (9) Chief probation officer means the probation officer  
8 in charge of a probation district;
- 9 (10) System means the Nebraska Probation System;
- 10 (11) Administrator means the probation administrator; and
- 11 (12) Non-probation-based program or service means a  
12 program or service established within the district, county, or  
13 juvenile courts and provided to individuals not sentenced to  
14 probation who have been charged with or convicted of a crime  
15 for the purpose of diverting the individual from incarceration  
16 or to provide treatment for issues related to the individual's  
17 criminogenic needs. Non-probation-based programs or services  
18 include, but are not limited to, drug court programs and problem  
19 solving court programs established pursuant to section 24-1302  
20 and the treatment of problems relating to substance abuse, mental  
21 health, sex offenses, or domestic violence.
- 22 2. Renumber the remaining sections and correct internal  
23 references accordingly.
- 24 3. Correct the operative date and repealer sections so  
25 that the section added by this amendment becomes operative three  
26 calendar months after the adjournment of this legislative session.

The Synowiecki amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Pirsch offered the following amendment:

FA196

Amend AM2175

Page 2, line 3 after "support" insert ", or (iii) the incarceration is a result of a conviction for a crime in which the child who is the subject of the child support order was victimized; or"

Senator Pirsch moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Pirsch requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Carlson	Hansen	Janssen	Lautenbaugh	Pirsch
Erdman	Harms	Johnson	Louden	Wallman
Fischer	Heidemann	Karpisek	Nelson	White
Friend	Howard	Kopplin	Pankonin	Wightman
Gay	Hudkins	Kruse	Pedersen	

Voting in the negative, 3:

Ashford	Avery	Cornett
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Present and not voting, 20:

Adams	Dierks	Langemeier	Nantkes	Rogert
Aguiar	Dubas	Lathrop	Pahls	Schimek
Burling	Flood	McDonald	Preister	Stuthman
Chambers	Fulton	McGill	Raikes	Synowiecki

Excused and not voting, 2:

Christensen	Engel
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The Pirsch amendment lost with 24 ayes, 3 nays, 20 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Ashford offered the following amendment:

FA197

Amend AM2231

Line 4 after the first comma, insert "as such section existed on the operative date of this section."

The Ashford amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1096.** ER8171, found on page 740, was adopted.

Senator Friend renewed his amendment, AM2147, found on page 791.

### SENATOR ERDMAN PRESIDING

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

Senator Karpisek offered the following amendment:

AM2236

(Amendments to E & R amendments, ER8171)

1 1. Insert the following new sections:

2 Sec. 5. Sections 5 to 12 of this act shall be known and  
3 may be cited as the Volunteer Emergency Responders Job Protection  
4 Act.

5 Sec. 6. No employer shall terminate or take any other  
6 disciplinary action against any employee who is a volunteer  
7 emergency responder if such employee, when acting as a volunteer  
8 emergency responder, is absent from or reports late to his or  
9 her place of employment in order to respond to an emergency prior  
10 to the time such employee is to report to his or her place of  
11 employment.

12 Sec. 7. An employer may subtract from an employee's  
13 earned wages any time such employee, acting as a volunteer  
14 emergency responder, is away from his or her place of employment  
15 because of such employee's response to an emergency.

16 Sec. 8. An employee acting as a volunteer emergency  
17 responder shall make a reasonable effort to notify his or her  
18 employer that he or she may be absent from or report late to his or  
19 her place of employment in order to respond to an emergency.

20 Sec. 9. At an employer's request, an employee, acting  
21 as a volunteer emergency responder, who is absent from or reports  
22 late to his or her place of employment in order to respond to  
1 an emergency shall provide his or her employer, within seven days  
2 of such request, a written statement signed by the individual in  
3 charge of the volunteer department or another individual authorized  
4 to act for such individual that includes the following: The fact  
5 that the employee responded to an emergency; the date and time of  
6 the emergency; and the date and time such employee completed his or  
7 her volunteer emergency activities.

8 Sec. 10. Prior to seeking protection pursuant to the  
9 Volunteer Emergency Responders Job Protection Act, an employee  
10 acting as a volunteer emergency responder shall provide his or  
11 her employer with a written statement signed by the individual in  
12 charge of the volunteer department or another individual authorized  
13 to act for such individual notifying such employer that the

14 employee serves as a volunteer emergency responder. An employee  
 15 who is or who has served as a volunteer emergency responder  
 16 shall notify his or her employer when such employee's status as  
 17 a volunteer emergency responder changes, including termination of  
 18 such status.

19 Sec. 11. An employee who is terminated or against whom  
 20 any disciplinary action is taken in violation of the Volunteer  
 21 Emergency Responders Job Protection Act shall be immediately  
 22 reinstated to his or her former position, if wrongfully terminated,  
 23 without reduction of wages, seniority, or other benefits and shall  
 24 receive any lost wages or other benefits, if applicable, during  
 25 any period for which such termination or other disciplinary action  
 26 was in effect. An action to enforce the act may be brought by the  
 27 employee to recover any lost wages or other benefits, including  
 1 court costs and reasonable attorney's fees. An action to enforce  
 2 the act shall be commenced within one year after the date of  
 3 violation and shall be brought in the district court of the county  
 4 in which the place of employment is located.

5 Sec. 12. For purposes of the Volunteer Emergency  
 6 Responders Job Protection Act:

7 (1) Employee does not include a career firefighter or  
 8 law enforcement officer who is acting as a volunteer emergency  
 9 responder;

10 (2) Employer means any person employing ten or more  
 11 employees; and

12 (3) Volunteer emergency responder means a person who  
 13 has been approved by a governing body in Nebraska to serve  
 14 any volunteer fire department or volunteer first-aid, rescue,  
 15 ambulance, or emergency squad, or volunteer fire company,  
 16 association, or organization serving any city, village, or rural  
 17 or suburban fire protection district by providing fire protection  
 18 or emergency response services for the purpose of protecting life,  
 19 health, or property.

20 2. Renumber the remaining section accordingly.

The Karpisek amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 822.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 766.** ER8166, found on page 708, was adopted.

Senator Cornett offered the following amendment:

AM2009

(Amendments to Standing Committee amendments, AM1865)

- 1 1. On page 1, strike lines 4 through 8; in line 9 strike  
 2 "(2)" and insert "(1)"; in line 10 strike "and" and insert "or";  
 3 in line 12 strike "(3)" and insert "(2)"; strike beginning with  
 4 line 15 through the comma in line 16 and insert "regulated metals  
 5 property"; in line 16 strike "have" and insert "has" and strike  
 6 "their" and insert "its"; and strike beginning with "nonferrous" in  
 7 line 19 through the last comma in line 20 and insert "regulated  
 8 metals property".
- 9 2. On page 2, line 24; page 3, line 1; and page 4, line  
 10 10, before "operator's" insert "motor vehicle".
- 11 3. On page 4, line 2, strike "with the same seller" and  
 12 insert "from the same person"; and in line 20 after "metals" insert  
 13 "property".

The Cornett amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Cornett offered the following amendment:  
 AM2243

- 1 1. Insert the following new section:  
 2 Sec. 10. This act becomes operative on September 1, 2008.  
 3 2. On page 3, line 9, after "A" insert "date and  
 4 time-stamped" and after "or" insert "a date and".

The Cornett amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Stuthman withdrew his amendment, AM2167, found on page 827.

Senator Stuthman offered the following amendment:  
 AM2245

(Amendments to Standing Committee amendments, AM1865)

- 1 1. On page 1, line 9, after "means" insert "catalytic  
 2 converters," and strike the last comma.  
 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.".

## SENATOR SCHIMEK PRESIDING

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 912.** Senator Avery renewed his amendment, AM2059, found on page 734.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 606.** ER8170, found on page 740, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 606A.** Advanced to Enrollment and Review for Engrossment.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 689A.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 689, One Hundredth Legislature, Second Session, 2008.

### AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB916:  
AM2241

(Amendments to Standing Committee amendments, AM1932)

- 1 1. On page 14, strike beginning with "products" in line
- 2 17 through "include" in line 20; and in line 21 after "books"
- 3 insert "delivered electronically if the products are taxable when
- 4 delivered on tangible storage media".
- 5 2. On page 18, lines 9 and 10, strike "to another person
- 6 or persons" and insert "for use in a place where an admission is
- 7 charged that is subject to sales tax under the Nebraska Revenue Act
- 8 of 1967".
- 9 3. On page 40, strike lines 5 through 8, show
- 10 the old matter as stricken, and insert "means any tangible
- 11 personal property incorporated into the manufacture, installation,
- 12 construction, repair, or replacement of a device, such as a wind
- 13 charger, windmill, or wind turbine, which is used to convert wind
- 14 energy to electrical energy or for the transmission of electricity
- 15 to the purchaser; and".
- 16 4. On page 41, line 12, strike "purchase power" and
- 17 insert "power purchase"; in line 25 strike "prepared by a court

18 reporter"; and in line 26 before the period insert "prepared and  
19 sold by a court reporter".

Senator Ashford filed the following amendment to LB958:  
AM2235

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) The Nebraska Commission on Law Enforcement
- 4 and Criminal Justice shall examine firearm-related violence in
- 5 Nebraska. The examination shall include, but not be limited to, the
- 6 following issues:
- 7 (a) Firearm-related injuries and deaths;
- 8 (b) Illegal firearm sales;
- 9 (c) Illegal firearm trafficking;
- 10 (d) The types of firearms used during the commission of
- 11 violent crimes;
- 12 (e) Providing access to a person's mental health records,
- 13 if any, pursuant to section 69-2409.01;
- 14 (f) Firearm safety;
- 15 (g) Firearm training;
- 16 (h) Obstacles related to the sharing of information by
- 17 local, state, and federal agencies about violent offenses involving
- 18 firearms;
- 19 (i) Enforcement of firearm laws;
- 20 (j) Sentencing for felonies committed with a firearm; and
- 21 (k) Referral of felonies committed with a firearm to
- 22 federal authorities for prosecution.
- 23 (2) Based upon its examination, the commission shall
- 1 issue a written report to the Legislature recommending specific
- 2 administrative, enforcement, and statutory changes designed to
- 3 reduce firearm-related violence, firearm-related injuries, and
- 4 illegal firearm trafficking and sales and whether there is also any
- 5 need to address the types of firearms used during the commission
- 6 of crime. The commission shall issue the written report to the
- 7 Legislature no later than January 1, 2009, and an updated written
- 8 report every two years thereafter.
- 9 Sec. 2. The Nebraska State Patrol shall implement a
- 10 telephone hotline for individuals to report the loss or theft of
- 11 a firearm. An individual reporting the loss or theft of a firearm
- 12 that was not registered or that was improperly registered shall
- 13 not, as a result of such reporting, be charged with a crime
- 14 involving not registering or improperly registering the firearm.
- 15 Sec. 3. Section 28-608, Revised Statutes Cumulative
- 16 Supplement, 2006, is amended to read:
- 17 28-608 (1) A person commits the crime of criminal
- 18 impersonation if he or she:
- 19 (a) Assumes a false identity and does an act in his or
- 20 her assumed character with intent to gain a pecuniary benefit for
- 21 himself, herself, or another or to deceive or harm another;

22 (b) Pretends to be a representative of some person or  
23 organization and does an act in his or her pretended capacity with  
24 the intent to gain a pecuniary benefit for himself, herself, or  
25 another and to deceive or harm another;

26 (c) Carries on any profession, business, or any other  
27 occupation without a license, certificate, or other authorization  
1 required by law; or

2 (d) Without the authorization or permission of another  
3 and with the intent to deceive or harm another:

4 (i) Obtains or records personal identification documents  
5 or personal identifying information; and

6 (ii) Accesses or attempts to access the financial  
7 resources of another through the use of a personal identification  
8 document or personal identifying information for the purpose of  
9 obtaining credit, money, goods, services, or any other thing of  
10 value.

11 (2)(a) Criminal impersonation is a Class III felony if  
12 the credit, money, goods, services, or other thing of value that  
13 was gained or was attempted to be gained was one thousand five  
14 hundred dollars or more.

15 (b) Criminal impersonation is a Class IV felony if the  
16 credit, money, goods, services, or other thing of value that was  
17 gained or was attempted to be gained was five hundred dollars or  
18 more but less than one thousand five hundred dollars.

19 (c) Criminal impersonation is a Class I misdemeanor if  
20 the credit, money, goods, services, or other thing of value that  
21 was gained or was attempted to be gained was two hundred dollars or  
22 more but less than five hundred dollars. Any second or subsequent  
23 conviction under this subdivision is a Class IV felony.

24 (d) Criminal impersonation is a Class II misdemeanor if  
25 no credit, money, goods, services, or other thing of value was  
26 gained or was attempted to be gained, or if the credit, money,  
27 goods, services, or other thing of value that was gained or was  
1 attempted to be gained was less than two hundred dollars. Any  
2 second conviction under this subdivision is a Class I misdemeanor,  
3 and any third or subsequent conviction under this subdivision is a  
4 Class IV felony.

5 (e) A person found guilty of violating this section may,  
6 in addition to the penalties under this subsection, be ordered to  
7 make restitution pursuant to sections 29-2280 to 29-2289.

8 (3) Criminal impersonation does not mean:

9 (a) The lawful obtaining of credit information in the  
10 course of a bona fide consumer or commercial transaction;

11 (b) The lawful, good faith exercise of a security  
12 interest or a right of setoff by a creditor or a financial  
13 institution; or

14 (c) The lawful, good faith compliance by any person  
15 when required by any warrant, levy, garnishment, attachment, court  
16 order, or other judicial or administrative order, decree, or



17 directive.

18 (4) For purposes of this section:

19 (a) Personal identification document means a birth  
20 certificate, motor vehicle operator's license, state identification  
21 card, public, government, or private employment identification  
22 card, social security card, visa work permit, firearm owner's  
23 identification card, ~~certificate issued under section 69-2404,~~ or  
24 passport or any document made or altered in a manner that it  
25 purports to have been made on behalf of or issued to another person  
26 or by the authority of a person who did not give that authority.

27 Personal identification document does not include a financial  
1 transaction device as defined in section 28-618;

2 (b) Personal identifying information means any name or  
3 number that may be used, alone or in conjunction with any other  
4 information, to identify a specific person including a person's:  
5 (i) Name; (ii) date of birth; (iii) address; (iv) motor vehicle  
6 operator's license number or state identification card number  
7 as assigned by the State of Nebraska or another state; (v)  
8 social security number or visa work permit number; (vi) public,  
9 private, or government employer, place of employment, or employment  
10 identification number; (vii) maiden name of a person's mother;  
11 (viii) number assigned to a person's credit card, charge card, or  
12 debit card, whether issued by a financial institution, corporation,  
13 or other business entity; (ix) number assigned to a person's  
14 depository account, savings account, or brokerage account; (x)  
15 personal identification number as defined in section 8-157.01; (xi)  
16 electronic identification number, address, or routing code used  
17 to access financial information; (xii) digital signature; (xiii)  
18 telecommunications identifying information or access device; (xiv)  
19 unique biometric data, such as fingerprint, voice print, retina  
20 or iris image, or other unique physical representation; and (xv)  
21 other number or information which can be used to access a person's  
22 financial resources; and

23 (c) Telecommunications identifying information or access  
24 device means a card, plate, code, account number, mobile  
25 identification number, or other telecommunications service,  
26 equipment, or instrument identifier or means of account access that  
27 alone or in conjunction with other telecommunications identifying  
1 information or another telecommunications access device may be  
2 used to: (i) Obtain money, goods, services, or any other thing of  
3 value; or (ii) initiate a transfer of funds other than a transfer  
4 originated solely by a paper instrument.

5 Sec. 4. Section 69-2409.01, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 ~~69-2409.01 (1) For purposes of sections 69-2401 to~~  
8 ~~69-2425, the~~ The Nebraska State Patrol shall be furnished upon  
9 the patrol's request with ~~only~~ such information as may be necessary  
10 for the sole purpose of determining whether an individual is  
11 disqualified from purchasing or possessing a handgun pursuant to

12 state or federal law. Such information shall be furnished by  
 13 the Department of Health and Human Services. The clerks of the  
 14 various courts shall furnish to the Department of Health and  
 15 Human Services, within thirty days after the order of commitment  
 16 or finding and the discharge, all information necessary to set  
 17 up and maintain the data base required by this section. This  
 18 information shall include (a) information regarding those persons  
 19 who are currently receiving mental health treatment pursuant to  
 20 a commitment order of a mental health board or who have been  
 21 discharged and (b) information regarding those persons who have  
 22 been committed to treatment pursuant to section 29-3702. The  
 23 Department of Health and Human Services shall also maintain in  
 24 the data base a listing of persons committed to treatment pursuant  
 25 to section 29-3702. Information regarding mental health board  
 26 commitments and commitments pursuant to section 29-3702 shall  
 27 not be retained in the data base maintained by the department  
 1 on persons who have been discharged from those commitments more  
 2 than ~~five-ten~~ years previously. Any such information maintained  
 3 or disclosed under this subsection shall remain privileged and  
 4 confidential and shall not be redisclosed or utilized for any  
 5 other purpose. The procedures for furnishing such information shall  
 6 guarantee that no information is released beyond what is necessary  
 7 for purposes of this section.

8 ~~(2) In order to comply with sections 69-2401 and 69-2403~~  
 9 ~~to 69-2408 and this section, the Nebraska State Patrol shall~~  
 10 ~~provide to the chief of police or sheriff of an applicant's place~~  
 11 ~~of residence or a licensee in the process of a criminal history~~  
 12 ~~record check pursuant to section 69-2411 only the information~~  
 13 ~~regarding whether or not the applicant is disqualified from~~  
 14 ~~purchasing or possessing a handgun.~~

15 ~~(3)-(2)~~ Any person, agency, or mental health board  
 16 participating in good faith in the reporting or disclosure of  
 17 records and communications under this section is immune from any  
 18 liability, civil, criminal, or otherwise, that might result by  
 19 reason of the action.

20 ~~(4) Any person who intentionally causes the Nebraska~~  
 21 ~~State Patrol to request information pursuant to this section~~  
 22 ~~without reasonable belief that the named individual has submitted~~  
 23 ~~a written application under section 69-2404 or has completed a~~  
 24 ~~consent form under section 69-2410 shall be guilty of a Class II~~  
 25 ~~misdemeanor in addition to other civil or criminal liability under~~  
 26 ~~state or federal law.~~

27 Sec. 5. Original section 69-2409.01, Reissue Revised  
 1 Statutes of Nebraska, and section 28-608, Revised Statutes  
 2 Cumulative Supplement, 2006, are repealed.

3 Sec. 6. The following sections are outright repealed:  
 4 Sections 69-2401, 69-2403, 69-2407, 69-2708, 69-2409, 69-2412,  
 5 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2420, 69-2421,  
 6 69-2422, 69-2423, 69-2424, and 69-2425, Reissue Revised Statutes

7 of Nebraska, and sections 69-2402, 69-2404, 69-2405, 69-2406,  
8 69-2410, 69-2411, 69-2418, and 69-2419, Revised Statutes Cumulative  
9 Supplement, 2006.

Senator White filed the following amendment to LB1001:  
AM2244

(Amendments to Standing Committee amendments, AM2001)

1 1. Strike section 14 and insert the following new  
2 section:

3 Sec. 14. Sections 1 to 8 and 14 of this act become  
4 operative on October 1, 2008. The other sections of this act become  
5 operative on January 1, 2009.

6 2. On page 7, strike lines 22 through 27 and insert  
7 "(3)(a) Every contractor who is maintaining an office  
8 or transacting business within this state and making a payment  
9 or payments related to such business in excess of six hundred  
10 dollars, and such payment or payments are for construction services  
11 performed within this state, to any contractor or any person that  
12 is not an employee shall deduct and withhold five percent of such  
13 payments.

14 (b) The withholding required by this subsection shall  
15 not apply to any payment made to (i) a person that provides the  
16 payor with a statement that the income earned is not subject to  
17 tax because of a treaty obligation of the United States or (ii)  
18 a contractor when the payor contractor determines that the payee  
19 contractor is in the database required by this subsection.

20 (c) The Department of Revenue shall create a database of  
21 contractors who are licensed, granted a permit, or registered under  
22 the Nebraska Revenue Act of 1967 or under section 77-3102. The  
1 database shall be accessible on the website of the department.

2 (d) Any contractor who determines that a contractor is  
3 in the database is relieved from liability for withholding under  
4 either this subsection or section 77-3106 for any future payments  
5 on a contract in existence at the time the determination is made.

6 (e) Withholding required by this subsection shall be  
7 considered to be withholding of income tax for the purposes of the  
8 Nebraska Revenue Act of 1967.

9 (f) For purposes of this subsection:

10 (i) Construction services means services that are  
11 provided as a contractor; and

12 (ii) Contractor has the same meaning as in section  
13 77-3101."

14 3. On page 8, strike lines 1 through 12.

15 4. On page 12, lines 22 and 23, strike the new matter  
16 and insert "or to obtain a clearance from the Department of Revenue  
17 prior to releasing such withholding to the subcontractor".

18 5. On page 13, strike lines 4 through 9 and insert the  
19 following new subsection:

20 "(2) The withholding required by this section shall not

21 apply to any payment made to (a) a person that provides the payor  
 22 with a statement that the income earned is not subject to income  
 23 tax because of a treaty obligation of the United States, (b) a  
 24 contractor when the payor contractor determines that the payee  
 25 contractor is in the database required by subsection (3) of section  
 26 77-2753, or (c) a contractor when the payor contractor has withheld  
 27 from the payment under subsection (3) of section 77-2753."

## RESOLUTION

**LEGISLATIVE RESOLUTION 266.** Introduced by Flood, 19.

WHEREAS, Justin Schroeder of Battle Creek, 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, Justin 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 Justin earned 24 merit badges. He is also required to complete a community service project approved by the troop and the scout council. Justin's Eagle Scout project consisted of obtaining and painting irrigation tires to set around water fountains to control mud and water puddles in Battle Creek City Park, and he also built a stairway and handrails to make the Straka home in Heritage Park more accessible; and

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

WHEREAS, Justin Schroeder 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 Justin Schroeder on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Justin Schroeder.

Laid over.

**VISITORS**

Visitors to the Chamber were Will Nelson from Columbus and Vicar Brian McQuiggin from Platte Center; Senator Johnson's granddaughters, daughter, and son-in-law, Jacki, Sarah, Beth, and Dave Westesen, from Kearney; Stan and Brian Sparks from Louisville; Senator Burling's granddaughter, Trina Knight, from Hastings; 75 fourth-grade students from Fairview Elementary, Bellevue; Doris Cook from Lincoln; members of the Attorney General's Youth Advisory Council from across the state; Judy Glassburner and Bill Donovan from Geneva; Justin Pribyl from Wilbur; Joni Kaylor from Malcolm, Kate Burianek from Pleasant Dale, and Rachel Johnson from Raymond; and Dennis Sturek, Bill Yates, Chris Miller, Mike Becker, and Carla Becker from Hartington and Barbara Burbach from Lincoln.

The Doctor of the Day was Dr. Audrey Paulman from Omaha.

**ADJOURNMENT**

At 1:14 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, March 10, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-EIGHTH DAY - MARCH 10, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 10, 2008

**PRAYER**

The prayer was offered by Pastor Jack Sample, Wood River.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Ashford, Cornett, Heidemann, Janssen, McDonald, Nantkes, Pedersen, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-seventh day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 973.** Placed on Select File with amendment.  
ER8182

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 85-2205, Revised Statutes Supplement,
- 4 2007, is amended to read:
- 5 85-2205 Base growth factor means
- 6 (1) For the calculation of aid for fiscal year 2008-09,
- 7 the base limitation described in section 77-3446 minus one-half
- 8 percent; and
- 9 (2) For the calculation of aid for fiscal year 2009-10
- 10 and each fiscal year thereafter, the base limitation described in
- 11 section 77-3446 ~~minus~~ plus one-half percent.
- 12 Sec. 2. Section 85-2212, Revised Statutes Supplement,
- 13 2007, is amended to read:
- 14 85-2212 Prior year revenue means (1) the lesser of (a)
- 15 the total of general fund property taxes, ~~state aid, and levied~~

16 in the fiscal year immediately preceding the fiscal year for which  
 17 aid is being calculated or (b) the local effort rate calculated  
 18 pursuant to section 85-2224 multiplied by the property valuation  
 19 for each community college area divided by one hundred plus (2)  
 20 state aid, tuition, and fees collected in reported on the accrual  
 21 basis of accounting in the fiscal year immediately preceding the  
 22 fiscal year for which aid is being calculated.

23 Sec. 3. Section 85-2221, Revised Statutes Supplement,  
 1 2007, is amended to read:

2 ~~85-2221 The Coordinating Commission for Postsecondary~~  
 3 ~~Education shall annually collect data from each community college~~  
 4 ~~area and maintain~~ Each community college area shall annually  
 5 report such data as necessary to carry out the Community College  
 6 Foundation and Equalization Aid Act to the Coordinating Commission  
 7 for Postsecondary Education. Each community college area shall  
 8 ~~annually report data necessary to the commission to carry out~~  
 9 ~~the act. provide the commission with a reconciliation of the data~~  
 10 necessary to carry out the act with audited financial statement  
 11 information.

12 Sec. 4. Section 85-2223, Revised Statutes Supplement,  
 13 2007, is amended to read:

14 85-2223 (1) The Department of Revenue shall annually  
 15 calculate the base revenue need for each community college area as  
 16 follows:

17 (a) For fiscal ~~years 2007-08 and year 2008-09~~, base  
 18 revenue need for each community college area shall equal one ~~plus~~  
 19 ~~the base growth factor~~ plus the greater of zero or the average  
 20 annual percentage growth in full-time equivalent enrollments  
 21 attributable to each community college area for the most recent  
 22 three fiscal years times the sum of (i) system foundation need  
 23 plus (ii) reimbursable educational unit need plus (iii) the average  
 24 need adjustment plus (iv) the revenue remainder allowance for each  
 25 community college area. The average annual percentage growth shall  
 26 be calculated by taking the difference between the three-year  
 27 full-time equivalent enrollment average for the current funding  
 1 year and the three-year full-time equivalent enrollment average for  
 2 the prior funding year and dividing by the three-year full-time  
 3 equivalent enrollment average from the prior funding year; and

4 (b) For fiscal year 2009-10 and each fiscal year  
 5 thereafter, base revenue need for each community college area  
 6 shall equal the greater of ninety-eight percent of the base  
 7 revenue need calculated in the prior year or one plus the greater  
 8 of zero or the average annual percentage growth in full-time  
 9 equivalent enrollments attributable to each community college  
 10 area times the sum of (i) system foundation need plus (ii)  
 11 reimbursable educational unit need plus (iii) the average revenue  
 12 remainder allowance. The average annual percentage growth shall  
 13 be calculated by taking the difference between the three-year  
 14 full-time equivalent enrollment average for the current funding



15 year and the three-year full-time equivalent enrollment average for  
 16 the prior funding year and dividing by the three-year full-time  
 17 equivalent enrollment average from the prior funding year.

18 (2) For purposes of the calculation required pursuant to  
 19 this section:

20 (a) Average need adjustment shall be calculated for  
 21 fiscal year 2007-08 aid distribution as follows: Average need  
 22 adjustment shall equal the sum of average adjusted revenue  
 23 per full-time equivalent student minus the adjusted revenue  
 24 per full-time equivalent student times the number of full-time  
 25 equivalent students attributable to each community college area  
 26 up to the number of full-time equivalent students attributable to  
 27 the community college area with the fewest number of full-time  
 1 equivalent students, except that the amount shall not be less than  
 2 negative seven hundred fifty thousand or greater than seven hundred  
 3 fifty thousand. For purposes of the average need adjustment, (i)  
 4 adjusted revenue per full-time equivalent student equals the sum  
 5 of the prior year revenue for each community college area minus  
 6 the system foundation need divided by the number of full-time  
 7 equivalent students for each community college area and (ii)  
 8 average adjusted revenue per full-time equivalent student equals  
 9 the sum of the prior year revenue for all community college areas  
 10 minus the system foundation need for all areas divided by the  
 11 number of full-time equivalent students for all areas;

12 (b) Average revenue remainder allowance shall equal  
 13 the average revenue remainder per ~~full-time equivalent student~~  
 14 reimbursable educational unit times the average number of ~~full-time~~  
 15 ~~equivalent students~~ reimbursable educational units for each  
 16 community college area for the most recent three fiscal years;

17 (c) Average revenue remainder per ~~full-time equivalent~~  
 18 ~~student~~ reimbursable educational unit equals the revenue remainder  
 19 allowance for all community college areas divided by the ~~total~~  
 20 average number of full-time equivalent students reimbursable  
 21 educational units in all community college areas for the most  
 22 recent three fiscal years;

23 (d) Reimbursable educational unit need for each community  
 24 college area equals the product of the state foundation amount  
 25 times forty percent divided by the total reimbursable educational  
 26 units of all community college areas times the number of  
 27 reimbursable educational units attributable to each community  
 1 college area;

2 (e) Revenue remainder allowance equals the formula base  
 3 revenue attributable to each community college area minus the sum  
 4 of system foundation need plus reimbursable educational unit need;

5 (f) State foundation amount equals formula base revenue  
 6 times the state foundation percentage; ~~and~~

7 (g) System foundation need for each community college  
 8 area equals the product of the state foundation amount times sixty  
 9 percent divided by the number of community college areas;:-

10 (h) Funding year, for purposes of calculating average  
 11 annual percentage growth, means the fiscal year for which aid is  
 12 being calculated; and

13 (i) Three-year full-time equivalent enrollment average  
 14 for any given funding year equals the sum of the audited full-time  
 15 equivalent enrollment for the three years preceding the funding  
 16 year divided by three.

17 Sec. 5. Section 85-2224, Revised Statutes Supplement,  
 18 2007, is amended to read:

19 85-2224 (1) The Department of Revenue shall calculate  
 20 local effort rate by dividing the sum of (a) the total of base  
 21 revenue need for all community college areas minus (b) the amount  
 22 appropriated by the Legislature pursuant to the Community College  
 23 Foundation and Equalization Aid Act minus (c) the total formula  
 24 tuition and fees for all community college areas by the total  
 25 valuation of all community college areas times one hundred.

26 (2) The department shall calculate the formula resources  
 27 available to each community college area by adding ~~(a) the yield~~  
 1 from local effort rate plus ~~(b) local formula tuition and fees,~~  
 2 plus ~~(c) system foundation aid plus (d) reimbursable educational~~  
 3 ~~unit aid.~~

4 (3) For purposes of the calculation required pursuant to  
 5 this section:

6 (a) The yield from local effort rate for each community  
 7 college area equals the local effort rate times the ~~property~~  
 8 ~~taxable valuation attributable certified to each community college~~  
 9 ~~area pursuant to section 13-509~~ divided by one hundred; and

10 (b) Local formula tuition and fees equals tuition and  
 11 fees attributable to each community college area that were  
 12 ~~collected reported on the accrual basis of accounting in the~~  
 13 ~~fiscal year prior to the fiscal year for which aid is to be~~  
 14 ~~calculated;~~

15 ~~(e) Reimbursable educational unit aid equals reimbursable~~  
 16 ~~educational unit need calculated pursuant to section 85-2223; and~~

17 ~~(d) System foundation aid equals system foundation need~~  
 18 ~~calculated pursuant to section 85-2223.~~

19 Sec. 6. Section 85-2225, Revised Statutes Supplement,  
 20 2007, is amended to read:

21 85-2225 Equalization aid for each community college area  
 22 shall equal base revenue need attributable to the community college  
 23 area minus formula resources attributable to the community college  
 24 area, except that such amount shall not be less than zero.

25 Sec. 7. Section 85-2227, Revised Statutes Supplement,  
 26 2007, is amended to read:

27 85-2227 The maximum levy for each community college area  
 1 shall be certified by the Department of Revenue annually and  
 2 shall equal one hundred ~~fifteen-twenty~~ percent of the local effort  
 3 rate calculated pursuant to section 85-2224 plus amounts allowed  
 4 pursuant to subsection (2) of section 85-1517.

5 Sec. 8. Section 85-2228, Revised Statutes Supplement,  
 6 2007, is amended to read:  
 7 85-2228 For fiscal year 2008-09 and for each fiscal  
 8 year thereafter, a minimum levy aid reduction shall apply to any  
 9 community college area that does not levy at least eighty percent  
 10 of the local effort rate calculated pursuant to section 85-2224 for  
 11 the fiscal year immediately preceding the fiscal year for which aid  
 12 is being calculated.

13 The minimum levy aid reduction shall equal the difference  
 14 between the amount of revenue collected by the community college  
 15 area as a result of its levy and the amount of revenue that would  
 16 have been collected using eighty percent of the local effort rate  
 17 in the prior fiscal year. The Department of Revenue shall reduce  
 18 the amount of aid ~~calculated pursuant to section 85-2226~~ by an  
 19 amount equal to the minimum levy aid reduction.

20 Sec. 9. Original sections 85-2205, 85-2212, 85-2221,  
 21 85-2223, 85-2224, 85-2225, 85-2227, and 85-2228, Revised Statutes  
 22 Supplement, 2007, are repealed.

23 Sec. 10. The following sections are outright repealed:  
 24 Sections 85-2214, 85-2219, and 85-2226, Revised Statutes  
 25 Supplement, 2007.

26 2. On page 1, line 2, after "sections" insert "85-2205,";  
 27 and in line 3 after the third comma insert "85-2227,".

**LEGISLATIVE RESOLUTION 4CA.** Placed on Select File with amendment.

ER8181

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

**LEGISLATIVE BILL 1055.** Placed on Select File with amendment.

ER8183

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

3 Section 1. Section 54-607, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 54-607 ~~Whoever, being the~~ The owner of any dog, shall  
 6 ~~permit the same to run~~ running at large for ten days, without ~~such~~  
 7 ~~a collar as hereinbefore described being securely placed upon the~~  
 8 ~~neck of such dog, required in section 54-605 shall be fined in any~~  
 9 ~~sum not exceeding an amount not to exceed~~ twenty-five dollars.

10 Sec. 2. Section 54-608, Reissue Revised Statutes of  
 11 Nebraska, is amended to read:

12 54-608 In counties having a population of eighty thousand  
 13 or more inhabitants and cities of the first class contained in such  
 14 counties, it shall be unlawful for any person, firm, partnership,  
 15 limited liability company, or corporation to have any dog which  
 16 is owned, kept, harbored, or allowed to be habitually in or upon  
 17 premises occupied by him, ~~or her, or it~~ or under his, ~~or her, or~~  
 18 its control to be at large, and go in or upon public property or

19 ~~the private premises of others or upon the streets or highways.~~

20 Sec. 3. Section 54-610, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 54-610 In counties having a population of eighty thousand  
23 or more inhabitants and cities of the first class contained in such  
1 counties, whenever complaints are made to the poundmaster or the  
2 person or corporation performing the duties of poundmaster that a  
3 dog is at large, ~~or doing damage to public or private property,~~  
4 it shall be the duty of such poundmaster, person, or corporation  
5 to investigate such complaint. If upon such investigation it  
6 appears that the complaint is founded upon facts, it shall be  
7 the duty of such poundmaster, person, or corporation to take such  
8 dog into custody and ~~he, she, or it may~~ file or cause to be  
9 filed a complaint in the county court against such person, firm,  
10 partnership, limited liability company, or corporation owning,  
11 keeping, or harboring such dog charging a violation of ~~sections~~  
12 section 54-601 and or 54-608, to 54-611.

13 Sec. 4. Section 54-611, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 54-611 In counties having a population of eighty thousand  
16 or more inhabitants and cities of the first class contained in  
17 such counties, if upon final hearing the defendant is adjudged  
18 guilty of any violation of ~~sections section 54-601 and or 54-608,~~  
19 ~~to 54-610,~~ the court may, in addition to the penalty provided in  
20 section 54-613, order such disposition of the offending dog as  
21 may seem reasonable and proper. Disposition includes sterilization,  
22 seizure, permanent assignment of the dog to a court-approved animal  
23 shelter as defined in section 28-1018, or destruction of the dog  
24 in an expeditious and humane manner. Reasonable costs for such  
25 disposition are the responsibility of the defendant.

26 Sec. 5. Section 54-613, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 54-613 ~~In counties having a population of eighty thousand~~  
2 ~~or more inhabitants and cities of the first class contained in such~~  
3 ~~counties, any~~ Any person in violation of ~~sections section 54-601~~  
4 ~~and or 54-608 to 54-611~~ shall be deemed guilty of a Class ~~V-IV~~  
5 misdemeanor.

6 Sec. 6. Section 54-614, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 54-614 (1) ~~A Any county having a population in excess of~~  
9 ~~fifteen thousand inhabitants according to the most recent federal~~  
10 ~~decennial census~~ may collect a license tax in an amount which  
11 shall be determined by the appropriate governing body from the  
12 owners and harborers of dogs; ~~and may enforce the same such tax by~~  
13 appropriate penalties. ~~A county may impound any dog if, and cause~~  
14 ~~the destruction of any dog for which~~ the owner or harborer shall  
15 refuse or neglect to pay such license tax. Any licensing provision  
16 shall comply with subsection (2) of section 54-603 for dog guides,  
17 hearing ~~aid~~ dogs, and service dogs.

18 (2) ~~A Such~~ county may regulate, ~~license~~, or prohibit the  
 19 running at large of dogs, adopt regulations to ~~and~~ guard against  
 20 injuries or annoyances therefrom, and authorize the destruction,  
 21 adoption, or other disposition of ~~the same such dogs~~ when running  
 22 at large contrary to the provisions of this subsection or any  
 23 regulations adopted in accordance with this subsection. A county  
 24 adopting regulations in accordance with this subsection shall  
 25 provide for an appeal process with respect to such regulations.

26 Sec. 7. Section 54-615, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 54-615 ~~Such A~~ county ~~shall have power to regulate the~~  
 2 ~~running at large of dogs, and to cause such as may be running at~~  
 3 ~~large to be impounded and sold to discharge the~~ may impound any dog  
 4 deemed to be running at large. The owner of such dog shall pay the  
 5 reasonable cost and penalties provided for the violation of such  
 6 prohibitions, prohibition, including the expense of impounding and  
 7 keeping the same, and the expense of such sale, dog.

8 Sec. 8. Section 54-616, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 54-616 ~~Such A~~ county ~~may shall have power to provide for~~  
 11 the erection of ~~all needful pounds~~ any pounds needed within the  
 12 county, ~~to~~ appoint and compensate keepers thereof, and ~~to~~ establish  
 13 and enforce rules governing ~~the same.~~ such pounds.

14 Sec. 9. Section 54-617, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 54-617 For purposes of sections 54-617 to 54-624 and  
 17 section 15 of this act

18 (1) Animal control authority ~~shall mean~~ means an entity  
 19 authorized to enforce the animal control laws of a county, city, or  
 20 village or this state and includes any local law enforcement agency  
 21 or other agency designated by a county, city, or village to enforce  
 22 the animal control laws of such county, city, or village;

23 (2) Animal control officer ~~shall mean~~ means any  
 24 individual employed, appointed, or authorized by an animal control  
 25 authority for the purpose of aiding in the enforcement of sections  
 26 54-617 to 54-624 and section 15 of this act or any other law or  
 27 ordinance relating to the licensure of animals, control of animals,  
 1 or seizure and impoundment of animals and ~~shall include~~ includes  
 2 any state or local law enforcement officer or other employee whose  
 3 duties in whole or in part include assignments that involve the  
 4 seizure and impoundment of any animal;

5 (3) Dangerous dog ~~shall mean~~ any means a dog that,  
 6 according to the records of an animal control authority: (a) Has  
 7 killed or inflicted ~~severe~~ injury on a human being; ~~on public~~  
 8 ~~or private property;~~ (b) has killed a domestic animal without  
 9 provocation; ~~while the dog was off the owner's property;~~ or (c) has  
 10 been previously determined to be a potentially dangerous dog by an  
 11 animal control authority and the owner has received notice of such  
 12 determination and such dog again ~~aggressively~~ bites, attacks, or

13 endangers the safety of humans or domestic animals. A dog shall not  
 14 be defined as a dangerous dog if the threat, ~~any injury that is not~~  
 15 ~~a severe injury~~, or the damage was sustained by a person who, at  
 16 the time, was committing a willful trespass as defined in section  
 17 20-203, 28-520, or 28-521 or any other tort upon the property of  
 18 the owner of the dog, who was tormenting, abusing, or assaulting  
 19 the dog, who has, in the past, been observed or reported to have  
 20 tormented, abused, or assaulted the dog, or who was committing or  
 21 attempting to commit a crime;

22 (4) Domestic animal ~~shall mean~~ means a cat, a dog, or  
 23 livestock. Livestock includes buffalo, deer, antelope, fowl, and  
 24 any other animal in any zoo, wildlife park, refuge, wildlife area,  
 25 or nature center intended to be on exhibit;

26 (5) Owner ~~shall mean~~ means any person, firm, corporation,  
 27 organization, political subdivision, or department possessing,  
 1 harboring, keeping, or having control or custody of a dog; and

2 (6) Potentially dangerous dog ~~shall mean~~ means (a) any  
 3 dog that when unprovoked (i) ~~inflicts a nonsevere injury on a human~~  
 4 ~~or injures a domestic animal either on public or private property~~  
 5 or (ii) chases or approaches a person ~~upon streets, sidewalks, or~~  
 6 ~~any public grounds~~ in a menacing fashion or apparent attitude of  
 7 attack or (b) any specific dog with a known propensity, tendency,  
 8 or disposition to attack when unprovoked, to cause injury, or to  
 9 threaten the safety of humans or domestic animals; ~~and~~

10 (7) ~~Severe injury shall mean any physical injury that~~  
 11 ~~results in disfiguring lacerations requiring multiple sutures or~~  
 12 ~~cosmetic surgery or one or more broken bones or that creates a~~  
 13 ~~potential danger to the life or health of the victim.~~

14 Sec. 10. Section 54-618, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 54-618 (1) A dangerous dog that has been declared as  
 17 such shall be spayed or neutered and implanted with a microchip  
 18 identification number by a licensed veterinarian within thirty  
 19 days after such declaration. The cost of both procedures is the  
 20 responsibility of the owner of the dangerous dog. Written proof of  
 21 both procedures and the microchip identification number shall be  
 22 provided to the animal control authority after the procedures are  
 23 completed.

24 (2) No owner of a dangerous dog shall permit the dog to  
 25 go beyond the property of the owner unless the dog is restrained  
 26 securely by a chain or leash.

27 (3) Except as provided in subsection (4) of this section  
 1 or for a reasonable veterinary purpose, no owner of a dangerous dog  
 2 shall transport such dog or permit such dog to be transported to  
 3 another county, city, or village in this state.

4 (4) An owner of a dangerous dog may transport such dog  
 5 or permit such dog to be transported to another county, city, or  
 6 village in this state for the purpose of permanent relocation of  
 7 the owner if the owner has obtained written permission prior to

8 such relocation from the animal control authority of the county,  
9 city, or village in which the owner resides and from the county,  
10 city, or village in which the owner will reside. Each animal  
11 control authority may grant such permission based upon a reasonable  
12 evaluation of both the owner and the dog, including if the owner  
13 has complied with the laws of this state and of the county, city,  
14 or village in which he or she resides with regard to dangerous dogs  
15 after the dog was declared dangerous. An animal control authority  
16 shall not grant permission under this subsection if the county,  
17 city, or village has an ordinance or resolution prohibiting the  
18 relocation of dangerous dogs. After the permanent relocation, the  
19 animal control authority of the county, city, or village in which  
20 the owner resides shall monitor the owner and such dog for a period  
21 of at least thirty days but not to exceed ninety days to ensure  
22 the owner's compliance with the laws of this state and of such  
23 county, city, or village with regard to dangerous dogs. Nothing in  
24 this subsection shall permit the rescindment of the declaration of  
25 dangerous dog.

26 Sec. 11. Section 54-619, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 54-619 (1) No person, firm, partnership, limited  
2 liability company, or corporation shall own, keep, or harbor or  
3 allow to be in or on any premises occupied by him, her, or it or  
4 under his, her, or its charge or control any dangerous dog without  
5 such dog being confined so as to protect the public from injury.

6 (2) While unattended on the owner's property, a dangerous  
7 dog shall be securely confined, in a humane manner, indoors or in  
8 a securely enclosed and locked pen or structure suitably designed  
9 to prevent the entry of young children and to prevent the dog  
10 from escaping. Such pen or structure shall meet the requirements  
11 of subdivision (6) of section 54-640. The pen or structure shall  
12 have secure sides and a secure top. If the pen or structure has no  
13 bottom secured to the sides, the sides shall be embedded into the  
14 ground at a depth of at least one foot. The pen or structure shall  
15 also protect the dog from the elements. The pen or structure shall  
16 be at least ten feet from any property line of the owner. The owner  
17 of a dangerous dog shall post ~~a~~ warning sign ~~signs~~ on the property  
18 where the dog is kept that ~~is~~ ~~are~~ clearly visible from all areas  
19 of public access and that ~~informs~~ ~~inform~~ persons that a dangerous  
20 dog is on the property. Each warning sign shall be no less than  
21 ten inches by twelve inches and shall contain the words warning and  
22 dangerous animal in high-contrast lettering at least three inches  
23 high on a black background.

24 Sec. 12. Section 54-620, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 54-620 Any dangerous dog may be immediately confiscated  
27 by an animal control officer if the owner is in violation of  
1 sections 54-617 to 54-624 and section 15 of this act. The  
2 owner shall be responsible for the reasonable costs incurred

3 by the animal control authority for the care of a dangerous dog  
 4 confiscated by an animal control officer or for the destruction of  
 5 any dangerous dog if the action by the animal control authority is  
 6 pursuant to law and if the owner violated sections 54-617 to 54-624  
 7 and section 15 of this act.

8 Sec. 13. Section 54-623, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 54-623 (1) Any person convicted of a violation of  
 11 sections 54-617 to 54-624 and section 15 of this act shall  
 12 not own a dangerous dog within ten years after such conviction. Any  
 13 person violating this subsection shall be guilty of a Class IIIA  
 14 misdemeanor, and the dog shall be treated as provided in subsection  
 15 (2) of this section.

16 (2) If a dangerous dog of an owner with a prior  
 17 conviction under sections 54-617 to 54-624 and section 15 of  
 18 this act attacks or bites a ~~person-human being~~ or ~~another~~ domestic  
 19 animal, the owner shall be guilty of a Class ~~IV-III~~A misdemeanor.  
 20 In addition, the dangerous dog shall be immediately confiscated by  
 21 an animal control authority, placed in quarantine for the proper  
 22 length of time, and thereafter destroyed in an expeditious and  
 23 humane manner.

24 Sec. 14. Section 54-624, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 54-624 Nothing in sections 54-617 to 54-623 and section  
 27 15 of this act shall be construed to restrict or prohibit any  
 1 governing board of any county, city, or village from establishing  
 2 and enforcing laws or ordinances at least as stringent as the  
 3 provisions of sections 54-617 to 54-623 and section 15 of this act.

4 Sec. 15. Each county shall designate an animal control  
 5 authority that shall be responsible for enforcing sections 54-617  
 6 to 54-624 and the laws of such county regarding dangerous dogs.

7 Sec. 16. Original sections 54-607, 54-608, 54-610,  
 8 54-611, 54-613, 54-614, 54-615, 54-616, 54-617, 54-618, 54-619,  
 9 54-620, 54-623, and 54-624, Reissue Revised Statutes of Nebraska,  
 10 are repealed.

11 Sec. 17. The following section is outright repealed:  
 12 Section 54-609, Reissue Revised Statutes of Nebraska.

13 Sec. 18. Since an emergency exists, this act takes effect  
 14 when passed and approved according to law.

15 2. On page 1, line 1, after "sections" insert "54-607,";  
 16 in line 6 before "penalties" insert "and change" and strike "to  
 17 counties" and insert "for certain political subdivisions"; and in  
 18 line 8 strike "sections 54-607 and" and insert "section".

(Signed) Amanda McGill, Chairperson



**MESSAGE FROM THE GOVERNOR**

March 10, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 123, 268, 279, 386, 500, 586e, 620, 623, 624, 668, 715, 744, 747, 750e, 752, 782e, 790, 791, 823, 856, 857, 896e, 915, and 925 were received in my office on March 4, 2008.

I signed these bills and delivered them to the Secretary of State on March 10, 2008.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

**MOTIONS - Approve Appointments**

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 791:

State Board of Health  
 Dale Michels

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Ashford      McGill

Excused and not voting, 1:

Cornett

The appointment was confirmed with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 791:

Commission for the Blind and Visually Impaired

Julie Johnson

Wesley Majerus

Voting in the affirmative, 38:

Aguilar	Erdman	Howard	Nantkes	Rogert
Ashford	Fischer	Janssen	Nelson	Schimek
Carlson	Friend	Johnson	Pahls	Stuthman
Chambers	Fulton	Karpisek	Pankonin	Wallman
Christensen	Gay	Kopplin	Pedersen	White
Dierks	Hansen	Kruse	Pirsch	Wightman
Dubas	Harms	Louden	Preister	
Engel	Heidemann	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Burling	Hudkins	Lathrop	McGill
Avery	Flood	Langemeier	Lautenbaugh	Synowiecki

Excused and not voting, 1:

Cornett

The appointments were confirmed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 791:

Child Abuse Prevention Fund Board

Patricia Madsen

Tawanna Black

Rebecca Brown

Sandra Markley

Parrish McDonald

Voting in the affirmative, 33:

Aguilar	Friend	Johnson	Nantkes	Rogert
Avery	Fulton	Karpisek	Nelson	Schimek
Carlson	Gay	Kopplin	Pahls	Stuthman
Christensen	Hansen	Langemeier	Pedersen	Wallman
Dubas	Harms	Lautenbaugh	Pirsch	Wightman
Engel	Heidemann	Louden	Preister	
Erdman	Howard	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 15:

Adams	Chambers	Flood	Kruse	Pankonin
Ashford	Dierks	Hudkins	Lathrop	Synowiecki
Burling	Fischer	Janssen	McGill	White

Excused and not voting, 1:

Cornett

The appointments were confirmed with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 822:

Coordinating Commission for Postsecondary Education

Timothy Hodges

Richard Uhing

Mary Lauritzen

Voting in the affirmative, 35:

Adams	Dubas	Heidemann	Louden	Preister
Aguilar	Engel	Howard	McGill	Raikes
Avery	Erdman	Hudkins	Nantkes	Rogert
Burling	Friend	Karpisek	Nelson	Synowiecki
Carlson	Gay	Kopplin	Pahls	Wallman
Christensen	Hansen	Lathrop	Pedersen	White
Dierks	Harms	Lautenbaugh	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 13:

Ashford	Flood	Johnson	McDonald	Stuthman
Chambers	Fulton	Kruse	Pankonin	
Fischer	Janssen	Langemeier	Schimek	

Excused and not voting, 1:

Cornett

The appointments were confirmed with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 823:

Board of Trustees of the Nebraska State Colleges  
Michelle Suarez

Voting in the affirmative, 35:

Adams	Erdman	Karpisek	Nantkes	Raikes
Avery	Friend	Kopplin	Nelson	Rogert
Carlson	Hansen	Langemeier	Pahls	Schimek
Christensen	Harms	Lathrop	Pankonin	Synowiecki
Dierks	Heidemann	Lautenbaugh	Pedersen	Wallman
Dubas	Howard	Louden	Pirsch	White
Engel	Hudkins	McGill	Preister	Wightman

Voting in the negative, 0.

Present and not voting, 13:

Aguilar	Chambers	Fulton	Johnson	Stuthman
Ashford	Fischer	Gay	Kruse	
Burling	Flood	Janssen	McDonald	

Excused and not voting, 1:

Cornett

The appointment was confirmed with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

## COMMITTEE REPORTS

### Revenue

**LEGISLATIVE BILL 784.** Placed on General File with amendment.  
AM2256

- 1 1. On page 6, line 16; and page 7, lines 1, 5 through 9,
- 2 and 24, strike the new matter and reinstate the stricken matter.
- 3 2. On page 8, after line 14 insert the following new
- 4 subsection:
- 5 "(4) In the case of a taxpayer who has knowingly violated
- 6 the federal immigration law by employing aliens unauthorized to
- 7 work in the United States at any time after application for

8 benefits and before the end of the entitlement period, all future  
 9 incentives shall be disallowed and one hundred percent of all  
 10 incentives that have been received shall be recaptured."

**LEGISLATIVE BILL 758.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 267.** Introduced by Howard, 9.

WHEREAS, since 1998, volunteers have been trained by the Nebraska State Patrol to assist and aid motorists stranded along the heaviest traveled sections of our interstate and state highway systems; and

WHEREAS, unlike other states that employ paid staff, the Nebraska program has always been operated by dedicated and trained volunteers; and

WHEREAS, in order to be a member of this team each volunteer must successfully complete training which includes defensive driving, minor mechanical repair, first aid, and CPR; and

WHEREAS, on average the volunteers of the Omaha Metro Area, Lincoln, and Grand Island/Kearney Motorists Assist Programs respond to 700 assists each month; and

WHEREAS, the presence of these volunteers gives motorists an improved sense of safety and peace of mind on the road; and

WHEREAS, these volunteers exemplify the spirit of citizenry which makes this state great; and

WHEREAS, the thousands of motorists and families they have aided would agree, these kind and generous individuals keep us safe and out of harms way when traumatic, unexpected vehicle breakdowns occur.

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

1. That the Legislature honors the service of Nebraska's Motorists Assist volunteers.

2. That the Clerk of the Legislature send a copy of this resolution to the Omaha Metro Area, Lincoln, and Grand Island/Kearney Motorists Assist Programs.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 1014A.** Title read. Considered.

Senator Ashford offered the following amendment:

AM2216

1 1. Insert the following new section:

2 Sec. 3. There is hereby appropriated (1) \$6,000 from the

- 3 Commission on Public Advocacy Operations Cash Fund for FY2008-09  
 4 and (2) \$1,000 from the Commission on Public Advocacy Operations  
 5 Cash Fund for FY2009-10 to the Commission on Public Advocacy, for  
 6 Program 425, to aid in carrying out the provisions of Legislative  
 7 Bill 1014, One Hundredth Legislature, Second Session, 2008.  
 8 No expenditures for permanent and temporary salaries and  
 9 per diems for state employees shall be made from funds appropriated  
 10 in this section.  
 11 2. Renumber the remaining section accordingly.

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

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, and 22 present and not voting.

**LEGISLATIVE BILL 853.** Title read. Considered.

Committee AM1780, found on page 530, was considered.

Pending.

## COMMITTEE REPORT

Business and Labor

**LEGISLATIVE BILL 1082.** Placed on General File with amendment. AM2252

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. (1) Personal injury includes mental injuries  
 4 and mental illness unaccompanied by physical injury for an employee  
 5 who, in the scope and course of his or her employment, is a victim  
 6 of or witness to a violent criminal act and for an employee who is  
 7 a first responder if the employee:  
 8 (a) Establishes, by a preponderance of the evidence, that  
 9 the employee's employment conditions causing the mental injury or  
 10 mental illness were extraordinary and unusual in comparison to the  
 11 normal conditions of the particular employment; and  
 12 (b) Establishes, by a preponderance of the evidence, the  
 13 medical causation between the mental injury or mental illness and  
 14 the employment conditions by medical evidence.  
 15 (2) For purposes of this section, mental injuries and  
 16 mental illness arising out of and in the course of employment  
 17 unaccompanied by physical injury are not considered compensable if  
 18 they result from any event or series of events which are incidental  
 19 to normal employer and employee relations, including, but not  
 20 limited to, personnel actions by the employer such as disciplinary  
 21 actions, work evaluations, transfers, promotions, demotions, salary  
 22 reviews, or terminations.

23 (3) For purposes of this section, first responder means a  
1 firefighter, a law enforcement officer, a crime scene investigator,  
2 a paramedic, or an emergency medical technician.

3 Sec. 2. Section 48-151, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 48-151 Throughout the Nebraska Workers' Compensation Act,  
6 the following words and phrases shall be considered to have  
7 the following meaning, respectively, unless the context clearly  
8 indicates a different meaning in the construction used:

9 (1) Physician means any person licensed to practice  
10 medicine and surgery, osteopathic medicine, chiropractic, podiatry,  
11 or dentistry in the State of Nebraska or in the state in which the  
12 physician is practicing;

13 (2) Accident means an unexpected or unforeseen injury  
14 happening suddenly and violently, with or without human fault, and  
15 producing at the time objective symptoms of an injury. The claimant  
16 has the burden of proof to establish by a preponderance of the  
17 evidence that such unexpected or unforeseen injury was in fact  
18 caused by the employment. There is no presumption from the mere  
19 occurrence of such unexpected or unforeseen injury that the injury  
20 was in fact caused by the employment;

21 (3) Occupational disease means only a disease which is  
22 due to causes and conditions which are characteristic of and  
23 peculiar to a particular trade, occupation, process, or employment  
24 and excludes all ordinary diseases of life to which the general  
25 public is exposed;

26 (4) Injury and personal injuries mean only violence to  
27 the physical structure of the body and such disease or infection as  
1 naturally results therefrom and injuries described in section 1 of  
2 this act. The terms include disablement resulting from occupational  
3 disease arising out of and in the course of the employment in  
4 which the employee was engaged and which was contracted in such  
5 employment. The terms include an aggravation of a preexisting  
6 occupational disease, the employer being liable only for the degree  
7 of aggravation of the preexisting occupational disease. The terms  
8 do not include disability or death due to natural causes but  
9 occurring while the employee is at work and do not include an  
10 injury, disability, or death that is the result of a natural  
11 progression of any preexisting condition;

12 (5) Death, when mentioned as a basis for the right to  
13 compensation, means only death resulting from such violence and its  
14 resultant effects or from occupational disease;

15 (6) Without otherwise affecting either the meaning or the  
16 interpretation of the abridged clause, personal injuries arising  
17 out of and in the course of employment, it is hereby declared  
18 not to cover workers except while engaged in, on, or about the  
19 premises where their duties are being performed or where their  
20 service requires their presence as a part of such service at the  
21 time of the injury and during the hours of service as such workers,

22 and not to cover workers who on their own initiative leave their  
 23 line of duty or hours of employment for purposes of their own.  
 24 Property maintained by an employer is considered the premises of  
 25 such employer for purposes of determining whether the injury arose  
 26 out of employment;

27 (7) Willful negligence consists of (a) a deliberate act,  
 1 (b) such conduct as evidences reckless indifference to safety, or  
 2 (c) intoxication at the time of the injury, such intoxication being  
 3 without the consent, knowledge, or acquiescence of the employer or  
 4 the employer's agent;

5 (8) Intoxication includes, but is not limited to, being  
 6 under the influence of a controlled substance not prescribed by a  
 7 physician;

8 (9) Prospective loss costs means prospective loss costs  
 9 as defined in section 44-7504 and prepared, filed, or distributed  
 10 by an advisory organization which has been issued a certificate of  
 11 authority pursuant to section 44-7518; and

12 (10) Whenever in the Nebraska Workers' Compensation Act  
 13 the singular is used, the plural is considered included; when the  
 14 masculine gender is used, the feminine is considered included.

15 Sec. 3. Section 48-1,110, Revised Statutes Supplement,  
 16 2007, is amended to read:

17 48-1,110 Sections 48-101 to 48-1,117 and section 1 of  
 18 this act shall be known and may be cited as the Nebraska Workers'  
 19 Compensation Act.

20 Sec. 4. Original section 48-151, Reissue Revised Statutes  
 21 of Nebraska, and section 48-1,110, Revised Statutes Supplement,  
 22 2007, are repealed.

(Signed) Abbie Cornett, Chairperson

### VISITORS

Visitors to the Chamber were Tanya and Shane Wegner from Kearney; 22 twelfth-grade students and teacher from Wilcox-Hildreth, Wilcox; Kathleen Hansen from Bartley; 39 fifth-grade students, teachers, and sponsors from Milliken Park Elementary, Fremont; a group of Wal-Mart store managers from across the state; members of Kappa Gamma Sorority; and Mary Kay Green from Omaha.

### RECESS

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

### AFTER RECESS

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



**ROLL CALL**

The roll was called and all members were present except Senators Ashford, Cornett, Dierks, Heidemann, Lautenbaugh, Loudon, McDonald, Nantkes, and Schimek who were excused until they arrive.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 768.** Placed on Final Reading.  
**LEGISLATIVE BILL 914.** Placed on Final Reading.  
**LEGISLATIVE BILL 939.** Placed on Final Reading.  
**LEGISLATIVE BILL 962.** Placed on Final Reading.  
**LEGISLATIVE BILL 1056.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 268.** Introduced by Burling, 33.

WHEREAS, the Hastings St. Cecilia Bluehawks won the 2008 Class C-1 Boys' State Basketball Championship; and

WHEREAS, the Bluehawks defeated the Bennington Badgers 50-43 in the final game; and

WHEREAS, the Bluehawks previously won championships in 1958 and 1969; 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 Hastings St. Cecilia Bluehawks on winning the 2008 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bluehawks and their coaches, Rob Kober and Mike Allsman.

Laid over.

**LEGISLATIVE RESOLUTION 269.** Introduced by Wallman, 30.

WHEREAS, the Beatrice Orangemen won the 2008 Class B Boys' State Basketball Championship; and

WHEREAS, the Orangemen defeated the Elkhorn Antlers 39-36 in the final game; and

WHEREAS, the Orangemen have won three state championships under head coach Jim Weeks and seven state championships overall; 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 Beatrice Orangemen on winning the 2008 Class B Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Orangemen and their head coach, Jim Weeks.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 853.** Committee AM1780, found on page 530 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following motion:

MO141

Indefinitely postpone.

Senator Chambers withdrew his motion.

Advanced to Enrollment and Review Initial with 28 ayes, 2 nays, 16 present and not voting, and 3 excused and not voting.

### RESOLUTION

**LEGISLATIVE RESOLUTION 270.** Introduced by Synowiecki, 7.

WHEREAS, the Omaha Central Eagles won the 2008 Class A Boys' State Basketball Championship; and

WHEREAS, the Eagles defeated Bellevue East 59-58 in the final game; and

WHEREAS, this is the Eagles' third consecutive basketball championship; and

WHEREAS, Omaha Central is the first Omaha school to win three consecutive basketball championships and only the eighth team in the 98-year history of the boys' state basketball tournament to win more than two consecutive championships; 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 Omaha Central Eagles on winning the 2008 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Eagles and their head coach, Eric Behrens.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 878.** Title read. Considered.

Committee AM2041, found on page 707, was considered.

Senator Chambers renewed his amendment, FA195, found on page 850, to the committee amendment.

### SENATOR ERDMAN PRESIDING

### SPEAKER FLOOD PRESIDING

Senator Chambers withdrew his amendment.

Pending.

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 252, 253, and 254 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 252, 253, and 254.

### GENERAL FILE

**LEGISLATIVE BILL 878.** Committee AM2041, found on page 707 and considered in this day's Journal, was renewed.

Senator Engel moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

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

Voting in the affirmative, 28:

Adams	Fischer	Janssen	McGill	Rogert
Aguilar	Flood	Johnson	Nantkes	Schimek
Avery	Fulton	Karpisek	Nelson	White
Burling	Gay	Kruse	Pankonin	Wightman
Carlson	Hansen	Lathrop	Pedersen	
Engel	Harms	Lautenbaugh	Raikes	

Voting in the negative, 5:

Chambers      Howard      Louden      Stuthman      Wallman

Present and not voting, 13:

Ashford      Dierks      Hudkins      McDonald      Synowiecki  
 Christensen      Dubas      Kopplin      Pahls  
 Cornett      Erdman      Langemeier      Pirsch

Excused and not voting, 3:

Friend      Heidemann      Preister

The committee amendment was adopted with 28 ayes, 5 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

### AMENDMENTS - Print in Journal

Senator Christensen filed the following amendment to LB1094:

FA198

Amend AM2234

Pg. 5 line 6 after surrendered add "for the specified contract period".

Senator Karpisek filed the following amendment to LB1092:

AM2260

(Amendments to Standing Committee amendments, AM1974)

- 1 1. On page 1, line 5, after "public" insert "or private".
- 2 2. On page 3, line 24; and page 4, line 3, after
- 3 "district" insert "or the governing authority of any private,
- 4 denominational, or parochial school".

Senator Chambers filed the following amendment to LB878:

FA199

On pages 6, 7 strike subsection (4).

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 988A.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 321, section 49; to change appropriations to aid in carrying out the

provisions of Legislative Bill 988, One Hundredth Legislature, Second Session, 2008; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1157A.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to increase salary limits for the State Department of Education to aid in carrying out the provisions of Legislative Bill 1157, One Hundredth Legislature, Second Session, 2008.

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Wallman asked unanimous consent to add his name as cointroducer to LB920. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were Marvin and Dixie Lorentz from McCook and Kathy Lorentz from Omaha.

The Doctor of the Day was Dr. Stuart Embury from Holdrege.

#### **ADJOURNMENT**

At 5:03 p.m., on a motion by Senator Avery, the Legislature adjourned until 9:00 a.m., Tuesday, March 11, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-NINTH DAY - MARCH 11, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 11, 2008

**PRAYER**

The prayer was offered by Father Rick Moon, Christ Episcopal Church, Beatrice.

**ROLL CALL**

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

The roll was called and all members were present except Senator Karpisek who was excused; and Senators Cornett, Dubas, Fulton, Heidemann, Lautenbaugh, Nantkes, Synowiecki, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-eighth day was approved.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 271.** Introduced by McGill, 26.

WHEREAS, Joba Chamberlain, a 2003 graduate of Lincoln Northeast High School, became an All-American baseball player at the University of Nebraska and pitched his team to its only College World Series victory; and

WHEREAS, Joba was a first-round draft pick of the New York Yankees and was called up to the major leagues in August of 2007; and

WHEREAS, Joba quickly became an overnight sensation and the feel-good baseball story of the year by striking out 34 batters in 24 innings and allowing only two runs. ESPN Magazine predicted he would become the next young superstar; and

WHEREAS, Joba and his father, Harlan, through their loving father-son relationship and their affiliation with the Winnebago Tribe of Nebraska, have become powerful role models for the youth of this state, especially the Native American youth.

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

1. That March 31, 2008, be designated as Joba Chamberlain day in Nebraska.

Laid over.

### **MOTIONS - Approve Appointments**

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 798:

Nebraska Rural Health Advisory Commission

Sharon Vandegrift

Douglas A. Dilly

Martin L. Fattig

Steven Dokken

Kathy Boswell

Voting in the affirmative, 28:

Adams	Dierks	Hansen	Louden	Rogert
Aguilar	Engel	Howard	Pahls	Schimek
Ashford	Erdman	Hudkins	Pankonin	Stuthman
Carlson	Fischer	Johnson	Pedersen	Wightman
Chambers	Friend	Kopplin	Pirsch	
Christensen	Gay	Langemeier	Raikes	

Voting in the negative, 0.

Present and not voting, 12:

Avery	Harms	Lathrop	Nelson
Burling	Janssen	McDonald	Preister
Flood	Kruse	McGill	Wallman

Excused and not voting, 9:

Cornett	Fulton	Karpisek	Nantkes	White
Dubas	Heidemann	Lautenbaugh	Synowiecki	

The appointments were confirmed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 798:

Board of Emergency Medical Services



Michael Buscher  
 Robert Dunn  
 Shawn Baumgartner  
 Leon Sykes  
 Ann Fiala

Voting in the affirmative, 32:

Adams	Fischer	Howard	Louden	Rogert
Ashford	Flood	Hudkins	McGill	Schimek
Carlson	Friend	Janssen	Pahls	Wallman
Christensen	Gay	Johnson	Pankonin	Wightman
Dierks	Hansen	Kopplin	Pedersen	
Engel	Harms	Kruse	Pirsch	
Erdman	Heidemann	Langemeier	Raikes	

Voting in the negative, 0.

Present and not voting, 11:

Aguilar	Chambers	McDonald	Preister
Avery	Fulton	Nantkes	Stuthman
Burling	Lathrop	Nelson	

Excused and not voting, 6:

Cornett	Karpisek	Synowiecki
Dubas	Lautenbaugh	White

The appointments were confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 798:

Foster Care Review Board  
 Larry Brown  
 Dave Schroeder

Voting in the affirmative, 36:

Adams	Fischer	Hudkins	McDonald	Schimek
Aguilar	Flood	Janssen	McGill	Wallman
Carlson	Friend	Johnson	Pahls	White
Chambers	Gay	Kopplin	Pankonin	Wightman
Christensen	Hansen	Kruse	Pedersen	
Dierks	Harms	Langemeier	Pirsch	
Engel	Heidemann	Lathrop	Raikes	
Erdman	Howard	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Burling	Nantkes	Preister
Avery	Fulton	Nelson	Stuthman

Excused and not voting, 5:

Cornett	Dubas	Karpisek	Lautenbaugh	Synowiecki
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The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 1157A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 878.** Senator Chambers renewed his amendment, FA199, found on page 892.

### SENATOR ERDMAN PRESIDING

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Ashford	Cornett	Harms	Kopplin	Pankonin
Avery	Dubas	Howard	Langemeier	Preister
Carlson	Erdman	Hudkins	Louden	Synowiecki
Chambers	Hansen	Janssen	McDonald	Wallman

Voting in the negative, 17:

Adams	Fulton	Nantkes	Raikes	Wightman
Aguilar	Kruse	Nelson	Rogert	
Burling	Lathrop	Pedersen	Schimek	
Engel	Lautenbaugh	Pirsch	White	

Present and not voting, 9:

Christensen	Fischer	Gay	Johnson	Stuthman
Dierks	Friend	Heidemann	McGill	

Excused and not voting, 3:

Flood	Karpisek	Pahls
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The Chambers amendment lost with 20 ayes, 17 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA200

P. 7, line 3 after "office" insert "and render a decision within five days".

### **SENATOR LANGEMEIER PRESIDING**

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

The Chambers amendment was adopted with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Lathrop offered the following amendment:

FA201

Strike "or involving an act through false statements" on lines 4-5, 7-8, 10-11 and 12-13 of AM2041 and in the place of the stricken language insert "evincing moral turpitude"

Senator Chambers requested a record vote on the Lathrop amendment.

Voting in the affirmative, 28:

Adams	Flood	Johnson	Nantkes	Schimek
Aguiar	Fulton	Langemeier	Nelson	Wallman
Burling	Hansen	Lathrop	Pedersen	White
Cornett	Harms	Lautenbaugh	Pirsch	Wightman
Engel	Hudkins	McDonald	Raikes	
Fischer	Janssen	McGill	Rogert	

Voting in the negative, 5:

Avery	Carlson	Chambers	Howard	Pankonin
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Present and not voting, 13:

Ashford	Dubas	Gay	Kruse	Synowiecki
Christensen	Erdman	Heidemann	Preister	
Dierks	Friend	Kopplin	Stuthman	

Excused and not voting, 3:

Karpisek	Louden	Pahls
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The Lathrop amendment was adopted with 28 ayes, 5 nays, 13 present and not voting, and 3 excused and not voting.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 272.** Introduced by Pankonin, 2.

WHEREAS, the Elmwood-Murdock Knights won the 2008 Class C-2 Boys' State Basketball Championship; and

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

WHEREAS, the Knights have finally achieved their first victory ever in a championship game at the boys' state basketball tournament by defeating Grand Island Central Catholic; and

WHEREAS, the Knights have brought great pride to their school, their school district, their communities, their friends, and their families as they demonstrated discipline, efficiency, and tenacity throughout the season.

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

1. That the Legislature congratulates the Elmwood-Murdock Knights and head coach Terry Warner in winning the 2008 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the members of the Elmwood-Murdock boys' basketball team and to Coach Warner.

Laid over.

## COMMITTEE REPORT

### Agriculture

The Agriculture 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.

Tamas Allan - State Fair Board

Aye: 5 Senators Dierks, Dubas, Erdman, Karpisek, McDonald. Nay: 2 Senators Preister, Wallman. Absent: 1 Senator Chambers.

(Signed) Philip Erdman, Chairperson

**MESSAGE FROM THE GOVERNOR**

March 11, 2008

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission of Industrial Relations:

Bernard J. McGinn, 4140 South 58th Street, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. A copy of the appointment certificate is included for your review. Background information will be provided in the very near future.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

McGinn, Bernard J. - Commission of Industrial Relations - Business and Labor

(Signed) Pat Engel, Chairperson  
Legislative Council, Executive Board

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 755.** Placed on Final Reading.

**LEGISLATIVE BILL 851.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB878:

FA203

P. 4, line 13 strike "in concise language"; on page 6, line 17 strike and show as stricken "in concise language".

**VISITORS**

Visitors to the Chamber were Mike Roccaforte from Omaha; two groups of fourth-grade students, teachers, and sponsors from Crete; Dr. David Kassmeier from Norfolk and Dr. Jeremiah Rethwisch from Omaha; and members of Leadership Nebraska City from Nebraska City.

**RECESS**

At 12:01 p.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Cornett and Karpisek who were excused; and Senators Ashford, Dierks, Heidemann, and Johnson who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 1092.** Title read. Considered.

Committee AM1974, found on page 702, was considered.

Senator Avery renewed the Karpisek amendment, AM2260, found on page 892, to the committee amendment.

Pending.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 784A.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 784, One Hundredth Legislature, Second Session, 2008.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 273.** Introduced by Nelson, 6.

WHEREAS, the Omaha Central High School Eagles won the 2008 Class A Boys' State Basketball Championship; and

WHEREAS, Omaha Central has won three consecutive state championships and six state championships overall in boys' state basketball; and

WHEREAS, Omaha Central finished the 2008 season with twenty-five wins and three losses.

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

1. That Omaha Central High School be congratulated for their achievement in winning the 2008 Class A Boys' State Basketball Championship.

2. That the following individual players be recognized and congratulated by the Legislature: Donald Jones; Chris Griffin; Ronnell Grixby; Paul Simms; Ted Lampkin; Lorenzo Wilson; Rashad Middleton; Josh Jones; Daryle Hawkins; Deverell Biggs; Jason Felici; Denzell Cook; and Doug Knickrehm.

3. That head coach Eric Behrens and assistant coaches Charles Williams, Chad Burns, Herb Welling, Jay Landstrom, Matt Hamill, and Deron Larson be recognized and congratulated by the Legislature.

4. That a copy of this resolution be sent to Coach Eric Behrens and Omaha Central Principal Greg Emmel.

Laid over.

**SENATOR FRIEND PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 1092.** The Karpisek amendment, AM2260, found on page 892 and considered in this day's Journal, to the committee amendment, was renewed.

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

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

Senator Avery requested a roll call vote on the Karpisek amendment.

Voting in the affirmative, 23:

Avery	Fischer	Kruse	Pahls	Rogert
Chambers	Flood	Lathrop	Pankonin	Schimek
Christensen	Harms	Louden	Pedersen	White
Dierks	Howard	McGill	Preister	
Engel	Johnson	Nantkes	Raikes	

Voting in the negative, 21:

Adams	Friend	Hudkins	Nelson	Wightman
Aguilar	Fulton	Kopplin	Pirsch	
Burling	Gay	Langemeier	Stuthman	
Carlson	Hansen	Lautenbaugh	Synowiecki	
Erdman	Heidemann	McDonald	Wallman	

Excused and not voting, 5:

Ashford	Cornett	Dubas	Janssen	Karpisek
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The Karpisek amendment lost with 23 ayes, 21 nays, and 5 excused and not voting.

The Chair declared the call raised.

Committee AM1974, found on page 702 and considered in this day's Journal, was renewed.

Pending.

### AMENDMENTS - Print in Journal

Senator Pedersen filed the following amendment to LB880:  
AM2101

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Insert the following new section:
- 2 Sec. 7. Section 18-1755, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 18-1755 A city of the metropolitan, primary, first, or
- 5 second class or village acquiring an interest in real property by
- 6 purchase or eminent domain shall do so only after the governing
- 7 body has authorized the acquisition by action taken in a public
- 8 meeting after notice and public hearing. The city or village shall
- 9 provide to the public a right of access for recreational use to
- 10 the real property acquired for public recreational purposes. Such
- 11 access shall be at designated access points and shall ~~be equal to~~
- 12 meet or exceed the right of access for recreational use held by
- 13 adjacent landowners. ~~The right of access granted to the public for~~
- 14 ~~recreational use shall meet or exceed such right held by a private~~
- 15 ~~landowner adjacent to the real property.~~



- 16 2. On page 2, line 20, strike "twenty", show as stricken,  
 17 and insert "five".  
 18 3. On page 3, line 4, strike "and 2-3290.01" and insert  
 19 ", 2-3290.01, and 18-1755".  
 20 4. Renumber the remaining sections and correct internal  
 21 references accordingly.

Senator Erdman filed the following amendment to LB1049:  
 AM2296

(Amendments to E & R amendments, 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)-(1)(a)~~ The Game and Parks Commission shall  
 6 consist of ~~eight~~nine members, one from each of the eight districts  
 7 provided for by section 37-102 and one at-large member, and shall  
 8 be appointed by the Governor with the consent of a majority of all  
 9 members of the Legislature.  
 10 (b) Members of the commission shall be legal residents  
 11 and citizens of Nebraska and shall be well informed on wildlife  
 12 conservation and restoration. Until January 1, 2006, at least two  
 13 members of the commission shall be actually engaged in agricultural  
 14 pursuits and shall reside on a farm or ranch. On and after January  
 15 1, 2006, at and interested in matters under the jurisdiction of the  
 16 commission.  
 17 (c) At least three members of the commission shall be  
 18 actually engaged in agricultural pursuits, and at least two of such  
 19 members shall reside on a farm or ranch.  
 20 (d) Not more than fourfive of the members of the  
 21 commission shall be affiliated with the same political party. The  
 22 political party affiliation of each prospective member shall be  
 1 determined as of the statewide general election prior to his or her  
 2 appointment.  
 3 (e) Members of the commission representing districts  
 4 provided for by section 37-102 shall be bona fide residents of the  
 5 district from which they are appointed.  
 6 (f) When a member ceases to be a member of the political  
 7 party determined under subdivision (d) of this subsection, ceases  
 8 to be a bona fide resident of the district, or ceases to be  
 9 actually engaged in agricultural pursuits if required to meet the  
 10 qualifications for his or her appointment, the office shall be  
 11 immediately vacated.  
 12 (2)-(2)(a) When the term of anya member of the  
 13 commission representing a district provided for by section 37-102  
 14 expires, a successor shall be appointed as provided in subsection  
 15 (1) of this section for a term of five years from the same district  
 16 as the member whose term has expired. The terms of the members  
 17 -serving district numbers 4, 6, and 8 on the operative date of

18 this act shall be extended to January 15 of the year following  
 19 the expiration of their current terms. Members appointed for terms  
 20 expiring prior to January 1, 2012, shall be appointed for five-year  
 21 terms. Members appointed for terms expiring on or after January  
 22 1, 2012, shall be appointed for four-year terms. The terms of all  
 23 members shall begin on January 15, and the term of the at-large  
 24 member shall begin January 15, 2009. Beginning with appointments  
 25 made for terms beginning after January 1, 2008, in districts which  
 26 contain more than one county, the Governor shall not appoint a  
 27 person from the same county as his or her predecessor.

1 (b) Each member shall serve until the appointment and  
 2 qualification of his or her successor. In case of a vacancy  
 3 occurring prior to the expiration of the term of a member, the  
 4 appointment shall be made only for the remainder of the term.  
 5 An appointment made for the remainder of the term shall not be  
 6 considered a full term.

7 (c) No person who has served two full terms shall be  
 8 eligible for reappointment as a member of the commission.

9 (3) ~~All members of the commission shall be citizens and~~  
 10 ~~bona fide residents of the district from which they are appointed.~~  
 11 ~~When a member ceases to be a bona fide resident of the district,~~  
 12 ~~from which he or she was appointed, the office shall be immediately~~  
 13 ~~vacated.~~

14 (4) ~~(3)~~ If the Legislature is not in session when members  
 15 of the commission are appointed by the Governor, they shall take  
 16 office and act as recess appointees until the Legislature next  
 17 thereafter convenes.

18 (5) ~~(4)~~ Members may be removed by the Governor for  
 19 inefficiency, neglect of duty, or misconduct in office, but only  
 20 after delivering to the member a copy of the charges and affording  
 21 an opportunity of being publicly heard in person or by counsel in  
 22 his or her own defense, upon not less than ten days' notice. Such  
 23 hearing shall be held before the Governor. ~~(6)~~ If such member is  
 24 removed, the Governor shall file in the office of the Secretary of  
 25 State a complete statement of all charges made against such member  
 26 and his or her findings thereon, together with a complete record  
 27 of the proceedings. ~~No person who has served a full five year term~~  
 1 ~~shall be eligible for reappointment as a member of the commission~~  
 2 ~~until at least five years have elapsed between any previous term~~  
 3 ~~which he or she might have served and the effective date of his or~~  
 4 ~~her new appointment.~~

5 Sec. 2. This act becomes operative on January 1, 2009.

6 Sec. 3. Original section 37-101, Reissue Revised Statutes  
 7 of Nebraska, is repealed.

**RESOLUTION****LEGISLATIVE RESOLUTION 274.** Introduced by Pirsch, 4.

WHEREAS, the Academic Decathlon competition is a strenuous mental competition that many teams enter but in which few prevail; and

WHEREAS, the Academic Decathlon is a scholastic competition for teams of high school students; and

WHEREAS, the Harry A. Burke High School team from Omaha, Nebraska, entered and won the Nebraska Academic Decathlon with the highest score ever recorded in the history of the state competition; and

WHEREAS, the Burke High School Academic Decathlon team qualified for the national tournament scheduled for April 30 through May 3 in Garden Grove, California; and

WHEREAS, team members Robb Dooling, Emma Evans, Elizabeth Hattig, Erika Goergen, Eugene Kim, Ope Omojola, Mark Trost, Sarah Schmoker, Sara Schweneker, Claire Seger, and Kyle Sloup deserve special recognition for their teamwork and diverse knowledge which has contributed to the team's success; and

WHEREAS, the academic, athletic, and artistic accomplishments of the youth of this state should be recognized by the Nebraska Legislature.

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

1. That the Legislature recognizes and congratulates the members of the Burke High School Academic Decathlon team and their coach, Judy Kennedy.

2. That a copy of this resolution be sent to the Burke High School Academic Decathlon team and their coach, Judy Kennedy.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 1092.** Senator Stuthman offered the following amendment to the committee amendment:

FA204

Amend AM1974

On page 2, after line 26, add sub-section 4: "The cost to implement this bill be funded by the general appropriation of state funds by the legislature."

Senator Stuthman moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Stuthman amendment lost with 8 ayes, 23 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The committee amendment, AM1974, was adopted with 32 ayes, 4 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 4 nays, 6 present and not voting, and 6 excused and not voting.

## COMMITTEE REPORTS

### Urban Affairs

**LEGISLATIVE BILL 1095.** Placed on General File with amendment. AM2220

- 1 1. On page 2, lines 13 and 14, strike the new matter and  
 2 insert the following new subsections:  
 3 "(3) The prohibition in subsection (1) of this section  
 4 shall not apply to the extension by a jurisdictional utility of  
 5 a transmission line connecting to distribution facilities owned or  
 6 operated by a jurisdictional utility, a city, or a metropolitan  
 7 utilities district.  
 8 (4)(a) The prohibition in subsection (1) of this section  
 9 shall not apply to the extension by a metropolitan utilities  
 10 district of a transmission line connecting to distribution  
 11 facilities owned or operated by such metropolitan utilities  
 12 district.  
 13 (b) The extension by a metropolitan utilities district  
 14 of a transmission line connecting to distribution facilities owned  
 15 or operated by such metropolitan utilities district shall not  
 16 constitute an enlargement or expansion of its natural gas service  
 17 area and shall not be considered part of its natural gas service  
 18 area.  
 19 (c) The extension of a transmission line by a  
 20 jurisdictional utility as provided in subsection (3) of this  
 21 section shall not constitute an enlargement or expansion of the  
 22 jurisdictional utility's natural gas service area and shall not be  
 23 considered part of its natural gas service area if the transmission  
 1 line makes its connection to distribution facilities in a county in  
 2 which the natural gas service area or a portion of the natural gas  
 3 service area of a metropolitan utilities district is located.  
 4 (5) The prohibition in subsection (1) of this section  
 5 shall not apply to the extension by a city that owns or operates a  
 6 natural gas utility of a transmission line that connects to its own  
 7 distribution facilities.  
 8 (6) For purposes of this section, a transmission line  
 9 means a pipeline other than a gathering pipeline, distribution  
 10 pipeline, or service line that transports natural gas.  
 11 (7) Nothing in this section shall be construed to  
 12 authorize a jurisdictional utility to extend a transmission line to  
 13 a high-volume ratepayer with an existing source and adequate  
 14 supply of natural gas that is located outside the area in

15 which that jurisdictional utility has existing natural gas utility  
 16 infrastructure."

(Signed) Mike Friend, Chairperson

Education

**LEGISLATIVE BILL 1125.** Placed on General File with amendment.  
 AM2298

1 1. On page 6, line 10, strike "fifteen" and insert "ten".

(Signed) Ron Raikes, Chairperson

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 1014A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 777.** Title read. Considered.

Committee AM2002, found on page 680, was considered.

Senator Janssen renewed his amendment, AM2170, found on page 812, to the committee amendment.

The Janssen amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Janssen moved for a call of the house. The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

Senator Janssen requested a roll call vote on the committee amendment, as amended.

Senator Hudkins requested the roll call vote be taken in reverse order.

Voting in the affirmative, 28:

Adams	Erdman	Janssen	Louden	Raikes
Aguilar	Fischer	Johnson	McDonald	Rogert
Ashford	Flood	Kopplin	McGill	Synowiecki
Avery	Friend	Langemeier	Nantkes	Wightman
Burling	Fulton	Lathrop	Pirsch	
Christensen	Harms	Lautenbaugh	Preister	

Voting in the negative, 7:

Carlson	Hudkins	Pedersen	Wallman
Hansen	Kruse	Stuthman	

Present and not voting, 8:

Dierks	Gay	Howard	Pankonin
Dubas	Heidemann	Nelson	Schimek

Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Cornett	Engel	Karpisek	Pahls	White
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The committee amendment, as amended, was adopted with 28 ayes, 7 nays, 8 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 756.** Placed on Final Reading.

**LEGISLATIVE BILL 855.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

### AMENDMENT - Print in Journal

Senator Gay filed the following amendment to LB1113:  
AM2249

- 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.

### **VISITORS**

Visitors to the Chamber were 105 fourth-grade students, teachers, and sponsors from Gomez Heritage, Omaha.

The Doctor of the Day was Dr. Roger Meyer from Utica.

### **ADJOURNMENT**

At 5:07 p.m., on a motion by Senator Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, March 12, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature





**FORTIETH DAY - MARCH 12, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 12, 2008

**PRAYER**

The prayer was offered by Pastor Dale Marples, Jubilee Church, Omaha.

**ROLL CALL**

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

The roll was called and all members were present except Senator Adams who was excused; and Senators Cornett, Dierks, Dubas, Friend, Heidemann, Hudkins, and Nantkes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-ninth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 878.** Senator Engel offered the following motion:  
MO142

Unanimous consent to bracket until April 1, 2008.

Senator Chambers objected.

Senator Engel offered the following motion:

MO143

Bracket until April 1, 2008.

The Engel motion to bracket prevailed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1001.** Title read. Considered.

Committee AM2001, found on page 681, was considered.

Senator White renewed his amendment, AM2244, found on page 867, to the

committee amendment.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 275.** Introduced by Flood, 19; Engel, 17.

**PURPOSE:** The purpose of this resolution is to study the process of creating legislative task forces, committees, and commissions. In recent years, there has been a proliferation of legislative task forces, committees, and commissions placed in statute. Several issues have been raised regarding composition, function, and constitutionality of some of these entities as an extension of the legislative branch of government.

This study shall examine the advantages and disadvantages of creating task forces, committees, and commissions by legislation rather than by legislative resolution. The entities to be studied shall include task forces, committees, and commissions that have legislative members serving on them and task forces, committees, and commissions which serve a legislative role or function. The study shall examine, but not be limited to, the following:

1. The role of legislative task forces, committees, and commissions;
2. Unconstitutional delegation of legislative authority;
3. The relationship between task forces, committees, and commissions to standing committee subject matter jurisdiction; and
4. Separation of powers concerns in terms of duties, membership, staffing, and funding.

This study shall also examine drafting requirements needed to make a legislative task force, committee, or commission operate effectively, including, but not limited to, the following:

1. Funding, including identification of necessary costs, the approval process for spending funds, and determination as to whether a specific appropriation is required, even if only for travel expenses;
2. The appointment process, including whether non-legislators should be included, identification of appropriate appointing authority, effective dates, reporting requirements, and study of gender and regional balance;
3. Leadership and staffing, including the identification of the appropriate chairperson and how the chairperson will be selected, who will call the first meeting, and how staffing decisions will be determined; and
4. Final report requirements and the duration of a task force, committee, or commission.

This study shall also address how the Legislature would implement the findings of this study, including drafting recommended rule changes if determined necessary.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### AMENDMENT - Print in Journal

Senator Friend filed the following amendment to LB1072:  
AM2275

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 66-1852, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 66-1852 (1) Except as otherwise expressly authorized in
- 5 the State Natural Gas Regulation Act, no person, public or private,
- 6 shall extend duplicative or redundant natural gas mains or other
- 7 natural gas services into any area which has existing natural gas
- 8 utility infrastructure or where a contract has been entered into
- 9 for the placement of natural gas utility infrastructure.
- 10 (2) The prohibition in subsection (1) of this section
- 11 shall not apply in any area in which two or more jurisdictional
- 12 utilities share authority to provide natural gas within the same
- 13 territory under franchises issued by the same city.
- 14 (3) The prohibition in subsection (1) of this section
- 15 shall not apply to the extension by a jurisdictional utility of
- 16 a transmission line connecting to distribution facilities owned or
- 17 operated by a jurisdictional utility, a city, or a metropolitan
- 18 utilities district.
- 19 (4)(a) The prohibition in subsection (1) of this section
- 20 shall not apply to the extension by a metropolitan utilities
- 21 district of a transmission line connecting to distribution
- 22 facilities owned or operated by such metropolitan utilities
- 23 district.
- 1 (b) The extension by a metropolitan utilities district
- 2 of a transmission line connecting to distribution facilities owned
- 3 or operated by such metropolitan utilities district shall not
- 4 constitute an enlargement or expansion of its natural gas service
- 5 area and shall not be considered part of its natural gas service
- 6 area.
- 7 (c) The extension of a transmission line by a
- 8 jurisdictional utility as provided in subsection (3) of this
- 9 section shall not constitute an enlargement or expansion of the
- 10 jurisdictional utility's natural gas service area and shall not be
- 11 considered part of its natural gas service area if the transmission
- 12 line makes its connection to distribution facilities in a county in
- 13 which the natural gas service area or a portion of the natural gas
- 14 service area of a metropolitan utilities district is located.
- 15 (5) The prohibition in subsection (1) of this section
- 16 shall not apply to the extension by a city that owns or operates a

17 natural gas utility of a transmission line that connects to its own  
 18 distribution facilities.

19 (6) For purposes of this section, a transmission line  
 20 means a pipeline, other than a gathering pipeline, distribution  
 21 pipeline, or service line, that transports natural gas.

22 (7) Nothing in this section shall be construed to  
 23 authorize a jurisdictional utility to extend a transmission line to  
 24 a high-volume ratepayer with an existing source and adequate  
 25 supply of natural gas that is located outside the area in  
 26 which that jurisdictional utility has existing natural gas utility  
 27 infrastructure.

1 2. Correct the repealer and renumber the remaining  
 2 sections accordingly.

### NOTICE OF COMMITTEE HEARING

Business and Labor

Room 2102

Thursday, March 27, 2008 12:00 p.m.

McGinn, Bernard J. - Commission of Industrial Relations

(Signed) Abbie Cornett, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 1001.** The White amendment, AM2244, found on page 867 and considered in this day's Journal, to the committee amendment, was renewed.

### SENATOR FISCHER PRESIDING

### SENATOR LANGEMEIER PRESIDING

The White amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

The committee amendment, AM2001, as amended, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 1001A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**COMMITTEE REPORTS**

Appropriations

**LEGISLATIVE BILL 249.** Placed on General File with amendment. AM2209 is available in the Bill Room.

**LEGISLATIVE BILL 959.** Placed on General File with amendment. AM2145 is available in the Bill Room.

**LEGISLATIVE BILL 960.** Placed on General File with amendment. AM2138

1 1. Purpose: To change the appropriation for FY2008-09 to  
 2 reflect full funding of the increased health insurance premium cost  
 3 of the Director of Policy Research in making the Energy Office a  
 4 separate agency, Agency 71, Nebraska Energy Office.

5 Amendment:

6 1. On page 7, line 19, strike "2,112" and insert "2,195";  
 7 and in line 20 strike "2,112" and insert "2,195".

8 2. Purpose: To transfer an appropriation from Agency 7 -  
 9 Governor, Program 106 - Energy Office Administration, and Program  
 10 107 - School Weatherization, to Agency 71 - Nebraska Energy Office,  
 11 Program 106 - Energy Office Administration, and Program 107 -  
 12 School Weatherization.

13 Amendment:

14 1. On page 8, line 6, strike "9,378" and insert "-0-"; in  
 15 line 7 strike "12,620" and insert "-0-"; in line 8 strike "21,998"  
 16 and insert "-0-"; in line 9 strike "14,516" and insert "-0-"; in  
 17 line 13 strike "749" and insert "-0-"; in line 14 strike "749" and  
 18 insert "-0-"; and in line 15 strike "489" and insert "-0-".

19 3. Purpose: To provide for an appropriation transferred  
 20 to Agency 71 - Nebraska Energy Office, Program 106 - Energy Office  
 21 Administration, and Program 107 - School Weatherization, from  
 22 Agency 7 - Governor, Program 106 - Energy Office Administration,  
 23 and Program 107 - School Weatherization.

1 Amendment:

2 1. Insert the following new sections:

3 Sec. 140. AGENCY NO. 71 - NEBRASKA ENERGY OFFICE  
 4 Program No. 106 - Energy Office Administration

	<u>FY2007-08</u>	<u>FY2008-09</u>
5 <u>CASH FUND</u>	<u>-0-</u>	<u>9,378</u>
6 <u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>12,620</u>
7 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>21,998</u>
8 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>14,516</u>

9 Sec. 141. AGENCY NO. 71 - NEBRASKA ENERGY OFFICE  
 10 Program No. 107 - School Weatherization

	<u>FY2007-08</u>	<u>FY2008-09</u>
11 <u>CASH FUND</u>	<u>-0-</u>	<u>749</u>
12 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>749</u>
13 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>489</u>

16 2. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 961.** Placed on General File with amendment. AM2139 is available in the Bill Room.

(Signed) Lavon Heidemann, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 249A.** Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 321, section 49; to change appropriations to aid in carrying out the provisions of Legislative Bill 249, One Hundredth Legislature, Second Session, 2008; to repeal the original section; and to declare an emergency.

### **COMMITTEE REPORTS**

#### Enrollment and Review

**LEGISLATIVE BILL 853.** Placed on Select File with amendment. ER8184

- 1 1. On page 1, strike beginning with "44-349" in line 1
- 2 through line 13 and insert "44-1101, 44-1103, 44-1105, 44-1106,
- 3 44-1107, 44-1108, 44-1109, 44-1110, 44-1111, 44-1112, 44-1113,
- 4 44-1114, and 44-1115, Reissue Revised Statutes of Nebraska, and
- 5 sections 44-1102 and 44-1104, Revised Statutes Supplement, 2007; to
- 6 change provisions relating to the Viatical Settlements Act; and to
- 7 repeal the original sections."
- 8 2. On page 2, strike lines 1 through 8.
- 9 3. On page 6, lines 19 and 20, strike "13 and 16" and
- 10 insert "9 and 12".
- 11 4. On page 11, line 15; and page 16, line 1, strike "act"
- 12 and insert "Viatical Settlements Act".
- 13 5. On page 13, line 3, strike "purposes" and insert
- 14 "purpose".
- 15 6. On page 14, line 15, strike the semicolon and
- 16 reinstate the period.
- 17 7. On page 39, line 7, strike "(d)", show as stricken,
- 18 and insert "(e)".
- 19 8. On page 44, lines 14 and 15, strike "this act" and
- 20 insert "the Viatical Settlements Act".
- 21 9. On page 50, line 3, strike "Commissioners" and insert
- 22 "Commissioners'".

**LEGISLATIVE BILL 1157A.** Placed on Select File.

**LEGISLATIVE BILL 1092.** Placed on Select File with amendment.

ER8185

- 1 1. On page 1, strike beginning with "motor" in line
- 2 1 through line 6 and insert "school buses; to amend sections
- 3 79-601 and 79-609, Reissue Revised Statutes of Nebraska; to require
- 4 certain school buses to be equipped with lap-shoulder belts; to
- 5 require the use of certain belts and instruction on such use; to
- 6 state intent regarding liability;".

**LEGISLATIVE BILL 777.** Placed on Select File with amendment.

ER8186

- 1 1. On page 1, strike beginning with "sections" in line
- 2 1 through line 7 and insert "section 77-1359, Revised Statutes
- 3 Cumulative Supplement, 2006; to redefine agricultural land and
- 4 horticultural land; to provide an operative date; and to repeal the
- 5 original section.".

(Signed) Amanda McGill, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 1094.** Title read. Considered.

### **SPEAKER FLOOD PRESIDING**

### **SENATOR LANGEMEIER PRESIDING**

Committee AM2036, found on page 688, lost with 0 ayes, 28 nays, 19 present and not voting, and 2 excused and not voting.

Senator Carlson withdrew his amendment, AM1808, found on page 571.

Senator Carlson renewed his amendment, AM2234, found on page 843.

Senator Christensen renewed his amendment, FA198, found on page 892, to the Carlson amendment.

The Christensen amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

The Carlson amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

### **SPEAKER FLOOD PRESIDING**

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 255, 256, 257, 258, 259, and 260 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 255, 256, 257, 258, 259, and 260.

**GENERAL FILE**

**LEGISLATIVE BILL 1094A.** Title read. Considered.

**SENATOR LANGEMEIER PRESIDING**

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORT**

Agriculture

**LEGISLATIVE BILL 1172.** Placed on General File with amendment. AM2305

- 1 1. Strike original section 9.
- 2 2. On page 2, line 21, after "applicants" insert "up to".
- 3 3. On page 3, line 6, strike "Contract" and insert "Enter
- 4 into a contract with the department"; in line 7 after "services"
- 5 insert "as a food supply animal veterinarian in a food supply
- 6 animal veterinary practice or"; strike lines 13 through 18 and
- 7 insert
- 8 "(2) The department shall give preference for approving
- 9 communities for purposes of subdivision (1)(c) of this section
- 10 to communities located in areas designated by the department as
- 11 shortage areas for food supply animal veterinary medical services.
- 12 In designating such areas, the department may initially utilize
- 13 shortage areas as designated by the American Veterinary Medical
- 14 Association on the effective date of this act and may revise
- 15 designations as necessary and appropriate to achieve the purposes
- 16 of the program."; and in line 19 strike "Program" and insert "To
- 17 the extent that funds are available, program".
- 18 4. On page 4, line 9, before the comma insert "or if
- 19 sufficient funds are not available to provide the full dollar
- 20 amount of incentive in a year"; and strike lines 21 through 23 and
- 21 insert
- 22 "(2)(a) A veterinarian shall be released from further
- 23 performance of veterinary services under the program contract if
- 1 he or she is unable to perform his or her contractual obligations
- 2 to provide veterinary services due to the suspension or revocation



3 of his or her federal accreditation or denial, refusal of renewal,  
 4 limitation, suspension, revocation, or other disciplinary measure  
 5 taken against his or her license to practice in Nebraska pursuant  
 6 to section 71-1,163 until December 1, 2008, and section 38-3324 on  
 7 and after December 1, 2008.

8 (b) If a veterinarian is released from his or her  
 9 contract pursuant to subdivision (a) of this subsection, the  
 10 department may recover a portion of or all of the payments made  
 11 to such veterinarian under section 5 of this act. The department  
 12 shall remit any such funds to the State Treasurer for credit to the  
 13 Food Supply Animal Veterinary Incentive Fund. The department may  
 14 use appropriate remedies available to enforce this subdivision.".

15 5. On page 5, line 5, after the period insert "The fund  
 16 may be used to carry out the purposes of the Food Supply Animal  
 17 Veterinary Incentive Program Act. The State Treasurer shall credit  
 18 to the fund any money appropriated to the fund by the Legislature  
 19 and any money received as gifts or grants or other private or  
 20 public funds received under the act.".

(Signed) Philip Erdman, Chairperson

### **AMENDMENT - Print in Journal**

Senator Pankonin filed the following amendment to LB902:  
 AM2179

- 1 1. Insert the following new sections:
- 2 Sec. 3. Sections 2 and 4 of this act become operative on
- 3 January 1, 2009. The other sections of this act become operative on
- 4 their effective date.
- 5 Sec. 4. Original section 28-410, Revised Statutes
- 6 Cumulative Supplement, 2006, is repealed.
- 7 2. On page 31, strike beginning with "section" in line 9
- 8 through "and" in line 10; and in line 11 strike "are" and insert
- 9 "is".
- 10 3. Renumber the remaining section accordingly.

### **VISITORS**

Visitors to the Chamber were 28 eighth-grade students, teacher, and sponsors from Southwest Middle School, Bartley; 21 twelfth-grade students and teacher from Bertrand; members of Junior Pork Producers from across the state; 66 fifth-grade students and teachers from Bell Field Elementary, Fremont; members of Nebraska Propane Gas Association from Lincoln; and Zak Hookstra from Norfolk.

### **RECESS**

At 11:56 a.m., on a motion by Senator Lautenbaugh, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senator Adams who was excused; and Senators Ashford, Dierks, Heidemann, Lathrop, Lautenbaugh, Loudon, Raikes, and White who were excused until they arrive.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 1022.** Placed on General File with amendment. AM2085

- 1 1. Strike sections 16 and 18 and insert the following new  
 2 sections:  
 3 Sec. 16. To enable the establishment of veterinary drug  
 4 distribution in this state, the department may issue a provisional  
 5 license on or before July 1, 2009, to any applicant who meets the  
 6 following conditions:  
 7 (1) The applicant has not been found to have committed  
 8 any of the acts or offenses described in section 18 of this act;  
 9 (2) The applicant has established written policies and  
 10 procedures as required by section 15 of this act; and  
 11 (3) The applicant has paid a fee of five hundred dollars.  
 12 Sec. 18. (1) A veterinary drug distributor license may  
 13 be denied, refused renewal, suspended, limited, or revoked by the  
 14 Director of Public Health if he or she finds that the applicant  
 15 or licensee; the designated representative; the owner if a sole  
 16 proprietorship; or any person having an interest in the applicant  
 17 or licensee of more than ten percent has been found to have  
 18 committed any of the following acts or offenses:  
 19 (a) Violation of the Veterinary Drug Distribution  
 20 Licensing Act or the rules and regulations adopted and promulgated  
 21 under the act;  
 22 (b) Conviction of a misdemeanor or felony under state  
 23 law, federal law, or the law of another jurisdiction which, if  
 1 committed within this state, would have constituted a misdemeanor  
 2 or felony under state law and which has a rational connection with  
 3 the person's capacity to distribute veterinary legend drugs;  
 4 (c) Unprofessional conduct under the Uniform  
 5 Credentialing Act;  
 6 (d) Active addiction as defined in section 38-106;  
 7 (e) Permitting, aiding, or abetting veterinary drug  
 8 distribution or the performance of activities requiring a license  
 9 under the Veterinary Drug Distribution Licensing Act by a person

10 not licensed under the Veterinary Drug Distribution Licensing Act;

11 (f) Having had his or her credential denied, refused  
 12 renewal, limited, suspended, or revoked or having had such  
 13 credential disciplined in any other manner by another jurisdiction  
 14 relating to the performance of veterinary drug distribution;

15 (g) Performing veterinary drug distribution without a  
 16 valid license or in contravention of any limitation placed upon the  
 17 license; or

18 (h) Fraud, forgery, or misrepresentation of material  
 19 facts in procuring or attempting to procure a license under the  
 20 Veterinary Drug Distribution Licensing Act.

21 (2) The department shall issue or renew a license to any  
 22 applicant that satisfies the requirements for licensure or license  
 23 renewal under the Veterinary Drug Distribution Licensing Act.

24 2. On page 2, line 9, strike "13" and insert "12".

25 3. On page 4, line 19, after "Act" insert ", except  
 26 that a veterinarian licensed under the Veterinary Medicine and  
 27 Surgery Practice Act acting within the scope of practice of his  
 1 or her profession shall not be required to be licensed under the  
 2 Veterinary Drug Distribution Licensing Act.".

3 4. On page 6, line 9, strike "Distributor" and insert  
 4 "Distribution".

5 5. On page 8, line 10, after the first comma insert "or".

6 6. On page 10, line 1, strike "Each" and insert "Except  
 7 as otherwise provided in section 16 of this act, each".

8 7. On page 15, line 9, strike beginning with "and"  
 9 through "notice".

**LEGISLATIVE BILL 1173.** Placed on General File with amendment.  
 AM2194

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

3 Section 1. Section 38-101, Revised Statutes Supplement,  
 4 2007, is amended to read:

5 38-101 Sections 38-101 to 38-1,139 and section 2 of this  
 6 act and the following practice acts shall be known and may be cited  
 7 as the Uniform Credentialing Act:

8 (1) The Advanced Practice Registered Nurse Practice Act;

9 (2) The Alcohol and Drug Counseling Practice Act;

10 (3) The Athletic Training Practice Act;

11 (4) The Audiology and Speech-Language Pathology Practice  
 12 Act;

13 (5) The Certified Nurse Midwifery Practice Act;

14 (6) The Certified Registered Nurse Anesthetist Practice  
 15 Act;

16 (7) The Chiropractic Practice Act;

17 (8) The Clinical Nurse Specialist Practice Act;

18 (9) The Cosmetology, Electrology, Esthetics, Nail  
 19 Technology, and Body Art Practice Act;

- 20 (10) The Dentistry Practice Act;  
 21 (11) The Emergency Medical Services Practice Act;  
 22 (12) The Environmental Health Specialists Practice Act;  
 23 (13) The Funeral Directing and Embalming Practice Act;  
 1 (14) The Hearing Aid Instrument Dispensers and Fitters  
 2 Practice Act;  
 3 (15) The Licensed Practical Nurse-Certified Practice Act;  
 4 (16) The Massage Therapy Practice Act;  
 5 (17) The Medical Nutrition Therapy Practice Act;  
 6 (18) The Medical Radiography Practice Act;  
 7 (19) The Medicine and Surgery Practice Act;  
 8 (20) The Mental Health Practice Act;  
 9 (21) The Nurse Practice Act;  
 10 (22) The Nurse Practitioner Practice Act;  
 11 (23) The Nursing Home Administrator Practice Act;  
 12 (24) The Occupational Therapy Practice Act;  
 13 (25) The Optometry Practice Act;  
 14 (26) The Perfusion Practice Act;  
 15 (27) The Pharmacy Practice Act;  
 16 (28) The Physical Therapy Practice Act;  
 17 (29) The Podiatry Practice Act;  
 18 (30) The Psychology Practice Act;  
 19 (31) The Respiratory Care Practice Act;  
 20 (32) The Veterinary Medicine and Surgery Practice Act;  
 21 and  
 22 (33) The Water Well Standards and Contractors' Practice  
 23 Act.

24 If there is any conflict between any provision of  
 25 sections 38-101 to 38-1,139 and any provision of a practice  
 26 act, the provision of the practice act shall prevail.

27 The Revisor of Statutes shall assign the Uniform  
 1 Credentialing Act, including the practice acts enumerated in  
 2 subdivisions (1) through (32) of this section, to consecutive  
 3 articles within Chapter 38.

4 Sec. 2. Any person who holds a valid credential in  
 5 the State of Nebraska in a health care profession or occupation  
 6 regulated under the Uniform Credentialing Act may consult with a  
 7 licensed veterinarian employed by an accredited zoological park or  
 8 garden or perform collaborative animal health care tasks on an  
 9 animal under the care of such veterinarian if all such tasks are  
 10 performed under the immediate supervision of such veterinarian.  
 11 Engaging in such conduct is hereby authorized and shall not be  
 12 considered a part of the credentialed person's scope of practice or  
 13 a violation of the credentialed person's scope of practice.

14 Sec. 3. Section 38-3321, Revised Statutes Supplement,  
 15 2007, is amended to read:

16 38-3321 No person may practice veterinary medicine and  
 17 surgery in the state who is not a licensed veterinarian. The  
 18 Veterinary Medicine and Surgery Practice Act shall not be construed

19 to prohibit:

20 (1) An employee of the federal, state, or local

21 government from performing his or her official duties;

22 (2) A person who is a student in a veterinary school from

23 performing duties or actions assigned by his or her instructors

24 or from working under the direct supervision of a licensed

25 veterinarian;

26 (3) A person who is a student in an approved veterinary

27 technician program from performing duties or actions assigned by

1 his or her instructors or from working under the direct supervision

2 of a licensed veterinarian or a licensed veterinary technician;

3 (4) Any merchant or manufacturer from selling feed or

4 feeds whether medicated or nonmedicated;

5 (5) A veterinarian regularly licensed in another state

6 from consulting with a licensed veterinarian in this state;

7 (6) Any merchant or manufacturer from selling from his or

8 her established place of business medicines, appliances, or other

9 products used in the prevention or treatment of animal diseases

10 or any merchant or manufacturer's representative from conducting

11 educational meetings to explain the use of his or her products or

12 from investigating and advising on problems developing from the use

13 of his or her products;

14 (7) An owner of livestock or a bona fide farm or ranch

15 employee from performing any act of vaccination, surgery, pregnancy

16 testing, or the administration of drugs in the treatment of

17 domestic animals under his or her custody or ownership nor the

18 exchange of services between persons or bona fide employees who are

19 principally farm or ranch operators or employees in the performance

20 of these acts;

21 (8) A member of the faculty of a veterinary school

22 or veterinary science department from performing his or her

23 regular functions, or a person lecturing or giving instructions

24 or demonstrations at a veterinary school or veterinary science

25 department or in connection with a continuing competency activity;

26 (9) Any person from selling or applying any pesticide,

27 insecticide, or herbicide;

1 (10) Any person from engaging in bona fide scientific

2 research which reasonably requires experimentation involving

3 animals;

4 (11) Any person from treating or in any manner caring for

5 domestic chickens, turkeys, or waterfowl, which are specifically

6 exempted from the Veterinary Medicine and Surgery Practice Act; ~~or~~

7 (12) Any person from performing dehorning or castrating

8 livestock, not to include equidae. For purposes of the Veterinary

9 Medicine and Surgery Practice Act, castration shall be limited to

10 the removal or destruction of male testes; ~~or-~~

11 (13) Any person who holds a valid credential in the State

12 of Nebraska in a health care profession or occupation regulated

13 under the Uniform Credentialing Act from consulting with a licensed

14 veterinarian employed by an accredited zoological park or garden  
 15 or performing collaborative animal health care tasks on an animal  
 16 under the care of such veterinarian if all such tasks are performed  
 17 under the immediate supervision of such veterinarian.

18 Sec. 4. This act becomes operative on December 1, 2008.

19 Sec. 5. Original sections 38-101 and 38-3321, Revised  
 20 Statutes Supplement, 2007, are repealed.

(Signed) Joel Johnson, Chairperson

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 606.** Placed on Final Reading.

**LEGISLATIVE BILL 606A.** Placed on Final Reading.

**LEGISLATIVE BILL 766.** Placed on Final Reading.

ST9072

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

1. In the Cornett amendment, AM2009, on page 1, line 2, "the second" has been inserted after "strike".

2. In the Standing Committee amendments, AM1865, on page 1, line 20, "are" has been struck and "is" inserted.

3. On page 1, line 2, "and" has been struck; and in line 3 "; and to provide an operative date" has been inserted after "penalty".

**LEGISLATIVE BILL 797.** Placed on Final Reading.

ST9070

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

1. In the Johnson amendment, AM2143, section 2 has been renumbered as section 5.

2. In the Johnson-Stuthman amendment, AM2133:

a. Section 34 has been struck; and

b. Sections 12 and 36 have been renumbered as sections 13 and 34, respectively.

3. Original sections 16 and 17 and all amendments thereto have been struck and the following new sections inserted:

Sec. 31. Sections 12, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, and 35 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 32. Original sections 60-1301, 71-1557, 71-1558, 71-1559, 71-1563, 71-1564, 71-1567, 71-4603, 71-4604, 71-4623, and 71-4631, Reissue Revised Statutes of Nebraska, sections 60-107, 60-1401.02, 71-409, 71-4604.01, and 71-4608, Revised Statutes Cumulative Supplement, 2006, and section 68-906, Revised Statutes Supplement, 2007, are repealed.

4. On page 1, line 2, "71-1901" has been struck and "60-1301, 71-1557, 71-1558, 71-1559, 71-1563, 71-1564, 71-1567, 71-1901, 71-4603, 71-4604, 71-4623, 71-4631" inserted; in line 3 "60-107, 60-1401.02, 71-409, 71-4604.01, 71-4608," has been inserted after "sections"; in line 5 "68-1017," has been struck; in line 7 "to redefine terms;" has been inserted after the semicolon; and in line 8 "to change provisions relating to the Nebraska Uniform Standards for Modular Housing Units Act, the Uniform Standard Code for Manufactured Homes and Recreational Vehicles, and the Uniform Standard Code for Mobile Home Parks; to provide for civil penalties and administrative fines;" has been inserted after the semicolon.

5. On page 2, line 5, "71-4628," has been inserted after the first comma.

**LEGISLATIVE BILL 822.** Placed on Final Reading.

**LEGISLATIVE BILL 912.** Placed on Final Reading.

**LEGISLATIVE BILL 1014.** Placed on Final Reading.

ST9073

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

1. In the Ashford amendment, FA197, on page 1, line 1, "on page 1" has been inserted after "4"; and in line 2 the period has been struck and an underscored comma inserted.

2. In the Synowiecki amendment, AM2212, section 24 has been renumbered as section 18.

3. In the McGill amendment, AM2231:

a. Sections 24 and 32 have been renumbered as sections 17 and 36, respectively; and

b. On page 2, line 23, "24" has been struck and "17" inserted.

4. In the Ashford amendment, AM2107:

a. Sections 24 to 33 have been renumbered as sections 19 to 28, respectively;

b. On page 1, line 2, "24 to 32" has been struck and "19 to 27" inserted; and in lines 21 and 22 "are" has been struck;

c. On page 3, line 21 "commission" has been struck and "Commission on Public Advocacy" inserted; and in line 25 an underscored comma has been inserted after the first "commission"; and

d. On page 4, line 3, "commission" has been struck and "Commission on Public Advocacy" inserted; and in line 13 "31" has been struck and "26" inserted.

5. In the Ashford amendment, AM2175, sections 38 and 74 have been renumbered as sections 43 and 77 respectively.

6. The Ashford amendment, AM2196, has been incorporated into the Standing Committee amendments, AM2006; and in AM2196, on page 1, line 7, an underscored comma has been inserted after "cases".

7. In the E & R amendments, ER8172:

a. On page 2, lines 14 through 19 have been struck;

b. On page 3, line 1, "24-809.04," has been struck; in line 2 "24-1205," has been struck and "42-925," has been inserted after "42-357,."; in line 5 "24-1204, 24-1206," has been struck; in line 6 "29-2246, 29-3927," has been

inserted after "25-2740,"; in line 8 "24-301.02, 24-503," has been struck; in line 9 "43-2,119" has been struck and "43-512.15" inserted; in lines 12 and 13 "judgeships, judicial vacancies," has been struck; in lines 14 and 15 "the Judicial Resources Commission" has been struck and "protection orders" inserted; and in line 24 "state intent" has been struck and "require notice of federal law in domestic violence cases; to adopt the Legal Education for Public Service Loan Repayment Act" inserted.

8. In the Standing Committee amendments, AM2006:

a. Section 68 and all amendments thereto have been struck and the following new section inserted:

Sec. 74. Sections 1, 2, 4, 5, 10, 11, 12, 13, 14, 15, 48, 49, 50, 51, 52, 53, 76, and 80 of this act become operative on January 1, 2009. Sections 3, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 36, 37, 38, 39, 40, 41, 42, 44, 45, 54, 67, 68, 69, 70, 79, and 82 of this act become operative three calendar months after the adjournment of this legislative session. Sections 43 and 77 of this act become operative on July 1, 2008. The other sections of this act become operative on their effective date.;

b. On page 49, line 4, "35" has been struck and "41" inserted; and in line 19 "or 43-261" has been struck;

c. On page 50, lines 12 and 13, "32 and 35" has been struck and "38 and 41" inserted;

d. On page 99, line 3, "22" has been struck and "15" inserted; in line 4 "35" and all amendments thereto have been struck and "33" inserted; in lines 5 and 7 "41" has been struck and "47" inserted; in line 7 "65" has been struck and "71" inserted; in line 8 "66" has been struck and "72" inserted; in line 21 "24-809.04," has been struck; in line 22 "24-1205," has been struck; in line 23 "and" has been inserted after the last comma; in line 24 "24-1204, 24-1206," has been struck; and the matter beginning with "and" in line 25 through line 26 has been struck; and

e. On page 100, line 6, "42-925," has been inserted after the last comma; and in line 8 "29-2246, 29-3927," has been inserted after the third comma.

**LEGISLATIVE BILL 1096.** Placed on Final Reading.  
ST9071

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

1. On page 1, line 6, "to adopt the Volunteer Emergency Responders Job Protection Act;" has been inserted after the semicolon.

(Signed) Amanda McGill, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 765.** Title read. Considered.

Committee AM1755, found on page 515, was considered.

**SENATOR ERDMAN PRESIDING**



**SENATOR LANGEMEIER PRESIDING****SENATOR FISCHER PRESIDING****SENATOR LANGEMEIER PRESIDING**

The committee amendment was adopted with 33 ayes, 2 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 3 nays, 14 present and not voting, and 1 excused and not voting.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 276.** Introduced by Pirsch, 4.

**PURPOSE:** To examine the standards and oversight of death investigations in Nebraska.

The duty of a coroner is to determine cause of death, decide whether a death involved foul play, and determine whether the circumstances of a death require an autopsy.

Since 1917, Nebraska has utilized its county attorneys to serve as coroners. Nebraska remains the only state in the nation using county attorneys as coroners.

Nebraska's county attorneys are not required by law to obtain training in the performance of coroner responsibilities.

The issues addressed by this interim study shall include, but are not limited to:

- (1) Present-day autopsy rates in Nebraska;
- (2) Existing levels of coroner training;
- (3) Apparent quality of death investigations;
- (4) Existing state standards and oversight;
- (5) County rates of solved and unsolved death cases;
- (6) Current variance and effectiveness of death investigations in Nebraska's ninety-three counties;
- (7) Death investigation practices utilized in other states;
- (8) Identifying qualified physicians willing to assist with death investigations;
- (9) Proposed policies to improve Nebraska's medical examiner system; and
- (10) Other related matters.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 277.** Introduced by Fulton, 29.

WHEREAS, Lincoln Southeast High School student Justin Tolston won the Poetry Out Loud: National Recitation Contest state championship on March 8, 2008; and

WHEREAS, students representing eighteen high schools spanning the breadth of Nebraska exhibited great academic rigor in competing in Poetry Out Loud; and

WHEREAS, Mr. Tolston exhibited tremendous competence in the arts through his recitation of "Writ on the Steps of Puerto Rican Harlem" by Gregory Corso, "A Black Man Talks of Reaping" by Arna Bontemps, and "Annabel Lee" by Edgar Allen Poe; and

WHEREAS, by virtue of his outstanding performance, Mr. Tolston will compete in the Poetry Out Loud national championship to be held April 28 and April 29, 2008, in Washington, D.C.; and

WHEREAS, the State of Nebraska recognizes the efforts of the Nebraska Arts Council and encourages the advancement of the Poetry Out Loud: National Recitation Contest.

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

1. That the Legislature congratulates Justin Tolston on his achievement and bestows its encouragement to him in his future endeavors.
2. That a copy of this resolution be delivered to Justin Tolston and Lincoln Southeast High School.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 889.** Title read. Considered.

Committee AM2043, found on page 707, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 958.** Title read. Considered.

Committee AM1964, found on page 649, lost with 0 ayes, 31 nays, 16 present and not voting, and 2 excused and not voting.

Senator Ashford renewed his amendment, AM2235, found on page 863.

Senator Erdman offered the following amendment to the Ashford

amendment:

FA205

Amend AM2235

Strike the new language on page 2 lines 1-8 and insert:

issue a written report to the Legislature with its findings. The commission shall issue the written report to the Legislature no later than January 1, 2009, and an updated written report every two years thereafter.

The Erdman amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

The Ashford amendment, as amended, was adopted with 26 ayes, 5 nays, 15 present and not voting, and 3 excused and not voting.

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

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

Voting in the affirmative, 25:

Aguilar	Chambers	Friend	Langemeier	Preister
Ashford	Christensen	Fulton	Lathrop	Raikes
Avery	Engel	Howard	McGill	Schimek
Burling	Erdman	Johnson	Nantkes	Synowiecki
Carlson	Flood	Kruse	Nelson	Wightman

Voting in the negative, 13:

Dierks	Hansen	Kopplin	Pahls	Wallman
Dubas	Hudkins	Lautenbaugh	Pirsch	
Fischer	Karpisek	Louden	Stuthman	

Present and not voting, 3:

Harms	Rogert	White
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Absent and not voting, 2:

Cornett	Pedersen
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Excused and not voting, 6:

Adams	Heidemann	McDonald
Gay	Janssen	Pankonin

Advanced to Enrollment and Review Initial with 25 ayes, 13 nays, 3 present and not voting, 2 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB280A:  
AM2300

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. Any sustained disciplinary action which  
4 involves a specific act, event, occurrence, agency policy, rule,  
5 or state law pertaining to physical or sexual abuse by: A town  
6 marshal; a chief of police or a local police officer; a sheriff or  
7 a deputy sheriff; a deputy state sheriff; a special deputy sheriff;  
8 the Superintendent of Law Enforcement and Public Safety; an officer  
9 of the Nebraska State Patrol; a carrier enforcement officer; a game  
10 and Parks Commission conservation officer; or any other person with  
11 similar authority to make arrests under authority granted by this  
12 state or by any of its political subdivisions, shall be considered  
13 a public record.

14 Sec. 2. Section 79-8,109, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 79-8,109 (1) Any teacher, administrator, or full-time  
17 employee of any public school district shall, upon his or her  
18 request, have access to his or her personnel file maintained by the  
19 district and shall have the right to attach a written response to  
20 any item in such file. Such teacher, administrator, or employee may  
21 in writing authorize any other person to have access to such file,  
22 which authorization shall be honored by the district. Such access  
23 and right to attach a written response shall not be granted with  
1 respect to any letters of recommendation solicited by the employer  
2 which appear in the personnel file.

3 (2) ~~Except as set forth in this subsection, no~~  
4 other person except school officials while engaged in their  
5 professional duties shall be granted access to ~~such a teacher's,~~  
6 administrator's, or full-time employee's personnel file, and the  
7 contents thereof shall not be divulged in any manner to any  
8 unauthorized person. This subsection shall not apply to specific  
9 documents in the personnel file which record disciplinary action  
10 taken by the employing district's administration involving a  
11 teacher, administrator, or full-time employee which involves any  
12 specific event, occurrence, or act which was deemed to be in  
13 violation of or contrary to school district policy, rule, or state  
14 law.

15 Sec. 3. Original section 79-8,109, Reissue Revised  
16 Statutes of Nebraska, is repealed.

Senator Kopplin filed the following amendment to LB880:  
AM2288

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Strike amendments 1 and 2 and insert the following new  
2 amendments:
- 3 "1. Insert the following new sections:
- 4 Sec. 5. Section 2-3234, Revised Statutes Cumulative  
5 Supplement, 2006, is amended to read:
- 6 2-3234 ~~Each~~ Except as provided in section 2 of this  
7 act, each district shall have the power and authority to exercise  
8 the power of eminent domain when necessary to carry out its  
9 authorized purposes within the limits of the district or outside  
10 its boundaries. Exercise of eminent domain shall be governed by the  
11 provisions of sections 76-704 to 76-724, except that whenever any  
12 district seeks to acquire the right to interfere with the use of  
13 any water being used for power purposes in accordance with sections  
14 46-204, 70-668, 70-669, and 70-672 and is unable to agree with  
15 the user of such water upon the compensation to be paid for such  
16 interference, the procedure to condemn property shall be followed  
17 in the manner set forth in sections 76-704 to 76-724 and no other  
18 property shall be included in such condemnation. No district shall  
19 contract for delivery of water to persons within the corporate  
20 limits of any village, city, or metropolitan utilities district,  
21 nor in competition therewith outside such corporate limits, except  
22 by consent of and written agreement with the governing body of such  
1 political subdivision. A village, city, or metropolitan utilities  
2 district may negotiate and, if necessary, exercise the power of  
3 eminent domain for the acquisition of water supply facilities of  
4 the district which are within its boundaries.
- 5 Sec. 6. Section 2-3290.01, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:
- 7 2-3290.01 (1) A district shall permit public use of  
8 those portions of a water project located on lands owned by  
9 the district and on land over which the district has a lease  
10 or an easement permitting use thereof for public recreational  
11 purposes. All recreational users of such portions of a water  
12 project shall abide by the applicable rules and regulations adopted  
13 and promulgated by the board.
- 14 (2) The district shall provide public access for  
15 recreational use at designated access points at any water  
16 project. Recreational users, whether public or private, shall  
17 abide by all applicable rules and regulations for use of the  
18 water project adopted and promulgated by the district or the  
19 political subdivision in which the water project is located. Public  
20 recreational users may only access the water project through such  
21 designated access points. Nothing in this subsection shall require  
22 public access when the portion of the project cost paid by the  
23 natural resources district with public funds does not exceed twenty  
24 percent of the total cost of the project.
- 25 (3) For purposes of this section water project means  
26 a project with cooperators or others, as authorized in section  
27 2-3235, that results in construction of a reservoir or other body

1 of water having a permanent pool suitable for recreational purposes  
 2 greater than one hundred fifty surface acres, the construction  
 3 of which commenced after July 14, 2006. Water project shall  
 4 not mean soil conservation projects, wetlands projects, projects  
 5 described in section 2 of this act, or other district projects with  
 6 cooperators or others that do not have a recreational purpose.

7 (4) For projects funded under section 2 of this act that  
 8 result in a reservoir or other body of water having a permanent  
 9 pool suitable for recreational purposes greater than twenty surface  
 10 acres, the district shall provide public access for recreational  
 11 use at designated access points and shall include access to the  
 12 land area a minimum of one hundred feet above the permanent pool.  
 13 Recreational users, whether public or private, shall abide by all  
 14 applicable rules, regulations, ordinances, or resolutions for use  
 15 of the project adopted by the district or the political subdivision  
 16 in which the project is located. Public recreational users may only  
 17 access the project through such designated access points.

18 Sec. 8. Original sections 2-3234 and 2-3290.01, Revised  
 19 Statutes Cumulative Supplement, 2006, are repealed.

20 2. On page 2, line 10, before "The" insert "(1)"; and in  
 21 line 15 after the period insert: "For purposes of this section,  
 22 flood control and water quality projects and practices include,  
 23 but are not limited to, low-impact development best management  
 24 measures, flood plain buyout, dams, reservoir basins, and levees.  
 25 No such project shall include a reservoir or water quality basin  
 26 having a permanent pool greater than four hundred surface acres.  
 27 Any project having a permanent pool greater than twenty surface  
 1 acres shall provide for public access.

2 (2)(a) Bond proceeds shall not be expended for projects  
 3 and practices unless the political subdivision encompassing the  
 4 project area has adopted into its comprehensive plan, zoning  
 5 ordinances, or stormwater management policy a requirement that  
 6 low-impact development measures and techniques are to be employed  
 7 to control at a minimum the first one-half inch of rainwater runoff  
 8 from any new development; and

9 (b) Bond proceeds shall not be expended for projects  
 10 and practices that are prohibited under a political subdivision's  
 11 comprehensive plan, zoning ordinances, or stormwater management  
 12 policy.

13 (3) A district shall not acquire real property for a  
 14 project described in subsection (1) of this section by eminent  
 15 domain proceedings pursuant to sections 76-704 to 76-724 if the  
 16 real property is to be conveyed to a private entity or private  
 17 enterprise after such acquisition."

18 3. Renumber the remaining section accordingly."

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1048A.** Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1048, One Hundredth Legislature, Second Session, 2008.

**VISITORS**

Visitors to the Chamber were 51 fourth-grade students, teachers, and sponsors from Morton Elementary, Lexington; Carrie Mae Jones, Dale Carter, Gil Penney, Ralph Monte, and Casey Petersen from Omaha; Terri Kuehneman; and 16 fourth-grade students, teacher, and sponsors from Omaha Christian Academy, Omaha.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

**ADJOURNMENT**

At 5:04 p.m., on a motion by Senator Fulton, the Legislature adjourned until 9:00 a.m., Thursday, March 13, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature





**FORTY-FIRST DAY - MARCH 13, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 13, 2008

**PRAYER**

The prayer was offered by Pastor Robert Snell, Southern Heights Presbyterian Church, Lincoln.

**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 Ashford who was excused; and Senators Heidemann, Lautenbaugh, Pedersen, Synowiecki, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fortieth day was approved.

**COMMITTEE REPORTS**

## Revenue

**LEGISLATIVE BILL 605.** Placed on General File with amendment.  
AM2254

- 1 1. Strike sections 3 through 5 and insert the following
- 2 new sections:
- 3 Sec. 2. Section 79-1202, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-1202 The official name of each educational service
- 6 unit shall be Educational Service Unit No. ... of the State
- 7 of Nebraska, and the individual number of each unit shall be
- 8 determined by the State Board of Education. ~~School District 55-001~~
- 9 ~~of Lancaster County shall remain Educational Service Unit No. 18.~~
- 10 ~~School District 28-001 of Douglas County shall remain Educational~~
- 11 ~~Service Unit No. 19.~~ For educational service units existing on
- 12 January 1, 1998, the number of the unit shall remain the same.
- 13 For educational service units created by merger, the number of the
- 14 unit shall be the number of one of the educational service units

15 dissolving into the new educational service unit. For all other  
 16 newly created educational service units, the number shall be any  
 17 number not otherwise assigned to an existing educational service  
 18 unit.

19 Sec. 4. Original sections 79-1202 and 79-1225, Reissue  
 20 Revised Statutes of Nebraska, and section 77-3442, Revised Statutes  
 21 Cumulative Supplement, 2006, are repealed.

22 2. On page 10, line 23, strike "2010-11" and insert  
 23 "2013-14".

1 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 983.** Placed on General File with amendment.  
 AM2320

1 1. On page 5, lines 5 and 17, after the period insert  
 2 "The resident individual shall apply for the credit pursuant to  
 3 section 9 of this act.".

4 2. On page 6, line 8, after the period insert "The entity  
 5 shall apply for the credit pursuant to section 9 of this act.".

6 3. On page 7, line 3, after the period insert "The  
 7 corporation shall apply for the credit pursuant to section 9 of  
 8 this act."; and in line 18 after the period insert "The estate or  
 9 trust shall apply for the credit pursuant to section 9 of this  
 10 act.".

11 4. On page 8, line 3, strike "may" and insert "shall";  
 12 in line 7 strike "reserve" and insert "approve"; in line 9 strike  
 13 "reserved" and insert "approved"; in lines 12, 13 and 14, and  
 14 23 strike "five million" and insert "three million five hundred  
 15 thousand"; and strike lines 24 and 25.

(Signed) Ray Janssen, Chairperson

### **NOTICE OF COMMITTEE HEARING**

Transportation and Telecommunications

Room 1113

Wednesday, March 26, 2008 8:45 a.m.

Holzfastner, Ralph - Nebraska Railway Council

(Signed) Deb Fischer, Chairperson

### **AMENDMENT - Print in Journal**

Senator Loudon filed the following amendment to LB1094:  
 AM2318

(Amendments to AM2234)

1 1. Insert the following new section:

2 Sec. 9. The Revisor of Statutes shall assign sections 5,

3 6, and 7 of this act within Chapter 2, article 32.

4 2. Renumber the remaining sections accordingly.

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 12, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Festersen, Pete

Omaha Chamber of Commerce, Greater (Withdrawn 03/10/2008)

O'Hara, Lindsay & Associates, Inc.

Institutional Life Services, LLC

### **REPORT**

The following report was received by the Legislature:

#### **Health and Human Services, Department of**

Waiver of Training Requirements for Relative Foster Care Annual Report

### **SELECT FILE**

**LEGISLATIVE BILL 1014A.** Advanced to Enrollment and Review for Engrossment.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 619.**

A BILL FOR AN ACT relating to the State Treasurer; to amend section 84-617, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to bad debt charges; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Engel	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Schimek
Avery	Fischer	Janssen	Nantkes	Stuthman
Burling	Flood	Johnson	Nelson	Wallman
Carlson	Friend	Karpisek	Pahls	Wightman
Christensen	Fulton	Kopplin	Pankonin	
Cornett	Gay	Kruse	Pirsch	
Dierks	Hansen	Langemeier	Preister	
Dubas	Harms	Louden	Raikes	

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Lathrop

Excused and not voting, 6:

Ashford	Lautenbaugh	Synowiecki
Heidemann	Pedersen	White

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

### **LEGISLATIVE BILL 898.**

A BILL FOR AN ACT relating to the Unfair Cigarette Sales Act; to amend sections 59-1502 and 59-1505, Reissue Revised Statutes of Nebraska; to redefine a term; to change the presumed cost of doing business; 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, 42:

Adams	Engel	Howard	Louden	Raikes
Aguilar	Erdman	Hudkins	McDonald	Rogert
Avery	Fischer	Janssen	McGill	Schimek
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Karpisek	Nelson	Wallman
Christensen	Fulton	Kopplin	Pahls	Wightman
Cornett	Gay	Kruse	Pankonin	
Dierks	Hansen	Langemeier	Pirsch	
Dubas	Harms	Lathrop	Preister	

Voting in the negative, 1:

Chambers

Excused and not voting, 6:

Ashford	Lautenbaugh	Synowiecki
Heidemann	Pedersen	White

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB768 with 36 ayes, 2 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 768.**

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727, Reissue Revised Statutes of Nebraska, and section 31-740, Revised Statutes Supplement, 2007; to provide for the power to contract for library services; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB914 with 32 ayes, 3 nays, 10 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

#### LEGISLATIVE BILL 914.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-723, 77-1783.01, 77-2709, 77-2777, 77-2778, 77-2780, 77-2792, 77-2793, 77-2796, 77-27,100, 77-4104, 77-4928, 77-5405, 77-5534, and 79-1034, Reissue Revised Statutes of Nebraska, sections 21-2612, 66-720, 66-722, 66-1344, 77-2775, 77-5723, and 77-5726, Revised Statutes Cumulative Supplement, 2006, and sections 77-2711 and 77-27,187.02, Revised Statutes Supplement, 2007; to change provisions relating to limited liability companies, timeframes for certain filings and protests, interest and delinquent taxes, and a report; to eliminate funds; to create a fund; to provide operative dates; to repeal the original sections; and to outright repeal section 77-5732, Revised Statutes Cumulative Supplement, 2006.

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, 42:

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

Voting in the negative, 0.

Present and not voting, 3:

Dubas	Preister	Schimek
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Excused and not voting, 4:

Ashford	Lautenbaugh	Pedersen	White
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A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 939.**

A BILL FOR AN ACT relating to public lettings; to amend sections 13-824.01, 18-2442, and 70-637, Revised Statutes Supplement, 2007; to change bidding requirements; 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, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford      Pedersen

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

**LEGISLATIVE BILL 962.**

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1412, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to meetings of a public body; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Burling

Excused and not voting, 2:

Ashford      Pedersen

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

### **LEGISLATIVE BILL 1056.**

A BILL FOR AN ACT relating to cities of the first class; to adopt the First-Class City Merger Act.

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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:



White

Excused and not voting, 2:

Ashford            Pedersen

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB755 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 755.** With Emergency.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-111, 75-126, 75-1011, and 75-1012, Reissue Revised Statutes of Nebraska, sections 75-156, 86-127, 86-209, 86-437, and 86-465, Revised Statutes Cumulative Supplement, 2006, and section 86-459, Revised Statutes Supplement, 2007; to change provisions relating to commission powers and duties, common carrier practices, service surcharges and reports, and transfer and use of funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford            Pedersen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB756 with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 756.** With Emergency.

A BILL FOR AN ACT relating to transportation; to amend sections 37-1282, 60-6,288, 60-6,289, and 60-6,310, Reissue Revised Statutes of Nebraska, sections 60-141, 60-365, 60-376, 60-3,161, 60-3,198, 60-601, 60-605, 60-6,290, and 60-6,294, Revised Statutes Cumulative Supplement, 2006, and sections 60-164, 60-168.02, 60-301, 60-302, 60-311, 60-342, 60-3,196, 60-462.01, 60-4,147.02, 60-6,265, 60-6,267, 75-363, and 75-364, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to certificates of title; to change provisions of the Motor Vehicle Registration Act; to change provisions relating to registration of apportionable vehicles; to adopt the most recent International Registration Plan; to define and redefine terms; to adopt certain federal requirements relating to operators' licenses, occupant protection systems, and motor carriers; to provide an exception to vehicle weight limits for idle reduction technology; to allow certain self-propelled specialized mobile equipment to be transported on highways; to change moped operation requirements; to eliminate the prohibition on the use of parking lights; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 60-6,227, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford            Pedersen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB851 with 38 ayes, 2 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 851.** With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-224, 8-374, 8-2106, 25-202, and 64-214, Reissue Revised Statutes of Nebraska, sections 8-115.01, 8-116, 8-120, 8-122, 8-143.01, 8-157, 8-223, 8-234, 8-910, 8-1510, 8-2102, 45-703, 45-704, 45-907, 45-922, and 45-1006, Revised Statutes Cumulative Supplement, 2006, sections 8-1,140, 8-355, 21-17,115, 45-702, and 45-722, Revised Statutes Supplement, 2007, section 9-506, Uniform Commercial Code, Reissue Revised Statutes of Nebraska, and section 9-324, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to bank charters, undivided profits, and trust companies and trust departments; to change certain notice requirements with respect to bank charter and branching applications; to change provisions relating to loans to executive officers of banks; to change provisions relating to actions for the recovery of title or possession of real estate or foreclosure of mortgages; to provide for the foreclosure of deeds of trust; to allow bank employees and agents to perform acknowledgments of written instruments and administer oaths as prescribed; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to bank holding company ownership limitations, interstate mergers, and interstate

branching by merger; to change provisions relating to the Mortgage Bankers Registration and Licensing Act, the Delayed Deposit Services Licensing Act, and the Nebraska Installment Loan Act; to change provisions relating to priority of purchase-money security interests and the effect of errors and omissions in a financing statement; to eliminate provisions relating to the investment of funds by fiduciaries; to provide operative dates; to repeal the original sections; to outright repeal section 30-3206, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford      Pedersen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB855 with 36 ayes, 2 nays, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 855.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-349, 44-356, 44-789, 44-1521, 44-1601, 44-1603, 44-1604, 44-1605, 44-1606.01, 44-1607, 44-1607.01, 44-1613, 44-1614, 44-32,106, 44-3901, 44-3902, 44-3904, 44-3909, 44-3910, 44-3911, 44-4064, 44-6009, 44-6016, 44-6603,

44-6604, and 44-7613, Reissue Revised Statutes of Nebraska, sections 13-206, 28-631, 44-1602, and 44-7508.02, Revised Statutes Cumulative Supplement, 2006, and section 44-4521, Revised Statutes Supplement, 2007; to change provisions relating to rules and regulations, fraudulent insurance acts, assessment insurers, mandated coverage, unfair insurance trade practices, group life insurance, health maintenance organizations, continuing education, licensing of insurance producers, long-term care insurance, risk-based capital, policy forms, and filing requirements; to adopt the Discount Medical Plan Organization Act; to provide for supervision of financial conglomerates; to change and provide penalties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Ashford      Pedersen

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: LBs 619, 898, 768, 914, 939, 962, 1056, 755, 756, 851, and 855.

### **GENERAL FILE**

**LEGISLATIVE BILL 151.** Title read. Considered.

Committee AM539, found on page 1059, First Session, 2007, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not

voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 724.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 726.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 726A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 947.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 850.** Title read. Considered.

Committee AM1703, found on page 453, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 805.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1004.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 754.** Title read. Considered.

Committee AM1732, found on page 463, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present

and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 893.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 278.** Introduced by Heidemann, 1.

WHEREAS, Matt Goff of Troop 396, Falls City, 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, Matt 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, Matt Goff 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 Matt Goff on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Matt Goff.

Laid over.

**LEGISLATIVE RESOLUTION 279.** Introduced by Heidemann, 1.

WHEREAS, Mark Lucas of Troop 334, St. Mary, 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, Mark 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, Mark Lucas 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 Mark Lucas on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Mark Lucas.

Laid over.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 13, 2008, at 10:20 a.m. were the following: LBs 619, 898, 768, 914, 939, 962, 1056, 755e, 756e, 851e, and 855.

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

### **GENERAL FILE**

**LEGISLATIVE BILL 865.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 728.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 775.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 848.** Title read. Considered.



Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1011.** Title read. Considered.

Senator Langemeier renewed his amendment, AM1772, found on page 534.

The Langemeier amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 821.** Title read. Considered.

Committee AM1868, found on page 586, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

### **COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 736.** Placed on General File with amendment. AM2148 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

### **COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 1014A.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 845.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 904.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 798.** Title read. Considered.

Committee AM1894, found on page 639, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 764.** Title read. Considered.

Committee AM1592, found on page 644, was considered.

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

The committee amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 789.** Title read. Considered.

Committee AM1928, found on page 650, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 902.** Title read. Considered.

Senator Pankonin renewed his amendment, AM2179, found on page 921.

The Pankonin amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 1001.** Placed on Select File with amendment. ER8188 is available in the Bill Room.

**LEGISLATIVE BILL 1001A.** Placed on Select File.

**LEGISLATIVE BILL 1094.** Placed on Select File with amendment.  
ER8187

- 1 1. On page 1, strike beginning with "the" in line 1
- 2 through the semicolon in line 4 and insert "water management; to
- 3 amend sections 2-3225, 2-3226.01, 2-3226.05, and 84-612, Revised
- 4 Statutes Supplement, 2007; to provide for payment to certain water
- 5 rights holders pursuant to forbearance contracts; to create a
- 6 fund; to transfer funds and provide for repayment; to harmonize
- 7 provisions;".

**LEGISLATIVE BILL 1094A.** Placed on Select File.

**LEGISLATIVE BILL 765.** Placed on Select File.

**LEGISLATIVE BILL 889.** Placed on Select File with amendment.  
ER8189

- 1 1. On page 1, line 4, strike "79-2013, and 79-2015" and
- 2 insert "and 79-2013"; in line 7 after "to" insert "provide and";
- 3 and in line 9 strike "section 79-2014" and insert "sections 79-2014
- 4 and 79-2015".
- 5 2. On page 5, line 14, strike the reinstated "(12)", show
- 6 as stricken, and insert "(13)".

(Signed) Amanda McGill, Chairperson

### AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB848:  
AM1598 is available in the Bill Room.

Senator Fischer filed the following amendment to LB162:  
AM2240 is available in the Bill Room.

Senator Raikes filed the following amendment to LB846:  
AM2181

- 1 1. On page 21, line 4, strike "The" and insert "Except as
- 2 provided in subsection (4) of this section, the"; and after line 12
- 3 insert the following new subsection:
- 4 "(4) The allocation to the Highway Allocation Fund
- 5 provided in subdivisions (3)(b) and (c) of this section shall
- 6 be adjusted so that the amount allocated in any year pursuant to
- 7 this section and sections 66-489, 66-4,105, 66-4,145, 66-4,146,
- 8 66-6,107, and 66-6,109 shall not be less than fifty-five percent of
- 9 the amount appropriated by the Legislature to the Highway Cash Fund
- 10 in the same year."
- 11 2. On page 23, line 12, strike "The" and insert "Except
- 12 as provided in subsection (3) of this section, the"; and after line
- 13 20 insert the following new subsection:
- 14 "(3) The allocation to the Highway Allocation Fund
- 15 provided in subdivisions (2)(b) and (c) of this section shall

16 be adjusted so that the amount allocated in any year pursuant to  
 17 this section and sections 66-489, 66-4,105, 66-4,145, 66-4,146,  
 18 66-6,107, and 66-6,109 shall not be less than fifty-five percent of  
 19 the amount appropriated by the Legislature to the Highway Cash Fund  
 20 in the same year."

Senator Raikes filed the following amendment to LB846:  
 AM1967

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 60-6,301, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 60-6,301 When any motor vehicle, semitrailer, or trailer
- 5 is operated upon the highways of this state carrying a load in
- 6 excess of the maximum weight permitted by section 60-6,294, the
- 7 load shall be reduced or shifted to within such maximum tolerance
- 8 before being permitted to operate on any public highway of this
- 9 state, except that:
- 10 (1) If any motor vehicle, semitrailer, or trailer exceeds
- 11 the maximum load on only one axle, only one tandem axle, or only
- 12 one group of axles when (a) the distance between the first and last
- 13 axle of such group of axles is twelve feet or less, (b) the excess
- 14 axle load is no more than five percent in excess of the maximum
- 15 load for such axle, tandem axle, or group of axles permitted by
- 16 such section, while the vehicle or combination of vehicles is
- 17 within the maximum gross load, and (c) the load on such vehicle is
- 18 such that it can be shifted or the configuration of the vehicle can
- 19 be changed so that all axles, tandem axle, or groups of axles are
- 20 within the maximum permissible limit for such axle, tandem axle, or
- 21 group of axles, such shift or change of configuration may be made
- 22 without penalty;
- 23 (2) Any motor vehicle, semitrailer, or trailer carrying
- 1 only a load of livestock may exceed the maximum load as permitted
- 2 by such section on only one axle, only one tandem axle, or only one
- 3 group of axles when the distance between the first and last axle
- 4 of the group of axles is six feet or less if the excess load on
- 5 the axle, tandem axle, or group of axles is caused by a shifting
- 6 of the weight of the livestock by the livestock and if the vehicle
- 7 or combination of vehicles is within the maximum gross load as
- 8 permitted by such section;
- 9 (3) With a permit issued by the Department of Roads
- 10 or the Nebraska State Patrol, a truck with an enclosed body and
- 11 a compacting mechanism, designed and used exclusively for the
- 12 collection and transportation of garbage or refuse, may exceed the
- 13 maximum load as permitted by such section by no more than twenty
- 14 percent on only one axle, only one tandem axle, or only one group
- 15 of axles when the vehicle is laden with garbage or refuse if the
- 16 vehicle is within the maximum gross load as permitted by such
- 17 section. There shall be a permit fee of ten dollars per month or
- 18 one hundred dollars per year. The permit may be issued for one or

19 more months up to one year, and the term of applicability shall be  
20 stated on the permit; and

21 (4) Any motor vehicle, semitrailer, or trailer carrying  
22 any kind of a load, including livestock, which exceeds the legal  
23 maximum gross load by five percent or less may proceed on its  
24 itinerary and unload the cargo carried thereon to the maximum legal  
25 gross weight at the first unloading facility on the itinerary where  
26 the cargo can be properly protected. All material so unloaded shall  
27 be cared for by the owner or operator of such vehicle at the risk  
1 of such owner or operator; ~~and~~

2 (5) ~~Any motor vehicle, semitrailer, or trailer carrying~~  
3 ~~grain or other seasonally harvested products may operate from~~  
4 ~~the field where such grain or products are harvested to storage,~~  
5 ~~market, or stockpile in the field or from stockpile to market or~~  
6 ~~factory up to seventy miles with a load that exceeds the maximum~~  
7 ~~load permitted by section 60-6,294 by fifteen percent on any tandem~~  
8 ~~axle, group of axles, and gross weight. Any truck with no more than~~  
9 ~~a single rear axle carrying grain or other seasonally harvested~~  
10 ~~products may operate from the field where such grain or products~~  
11 ~~are harvested to storage, market, or stockpile in the field or~~  
12 ~~from stockpile to market or factory up to seventy miles with a~~  
13 ~~load that exceeds the maximum load permitted by section 60-6,294~~  
14 ~~by fifteen percent on any single axle and gross weight. The owner~~  
15 ~~or a representative of the owner of the agricultural product shall~~  
16 ~~furnish the driver of the loaded vehicle a signed statement of~~  
17 ~~origin and destination.~~

18 Nothing in this section shall be construed to permit  
19 to be operated on the National System of Interstate and Defense  
20 Highways any vehicle or combination of vehicles which exceeds any  
21 of the weight limitations applicable to such system as contained in  
22 section 60-6,294.

23 If the maximum legal gross weight or axle weight of any  
24 vehicle is exceeded by five percent or less and the arresting peace  
25 officer or carrier enforcement officer has reason to believe that  
26 such excessive weight is caused by snow, ice, or rain, the officer  
27 may issue a warning citation to the operator.

1 2. Correct the operative date section and repealer so  
2 that the section added by this amendment becomes operative on its  
3 effective date.

4 3. Renumber the remaining sections and correct internal  
5 references accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 1067.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 838.** Title read. Considered.

Committee AM1788, found on page 681, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

**SENATOR LANGEMEIER PRESIDING**

**LEGISLATIVE BILL 1045.** Title read. Considered.

Committee AM1819, found on page 701, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 593.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 727.** Title read. Considered.

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

**LEGISLATIVE BILL 1145.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1162.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 972.** Title read. Considered.

Committee AM1977, found on page 722, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 993.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1103.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 710.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1048.** Title read. Considered.

Committee AM1979, found on page 750, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1048A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 572.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1108.** Title read. Considered.

Committee AM1897, found on page 751, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

### **MOTION - Approve Appointment**

Senator Erdman moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 900:

State Fair Board  
Tamas Allan

Voting in the affirmative, 31:

Adams	Fischer	Janssen	Lautenbaugh	Pedersen
Burling	Flood	Johnson	Louden	Pirsch
Carlson	Friend	Karpisek	McDonald	Rogert
Christensen	Gay	Kopplin	McGill	
Dierks	Hansen	Kruse	Nelson	
Engel	Harms	Langemeier	Pahls	
Erdman	Howard	Lathrop	Pankonin	

Voting in the negative, 0.

Present and not voting, 13:

Aguilar	Heidemann	Preister	Synowiecki	Wightman
Avery	Hudkins	Raikes	Wallman	
Chambers	Nantkes	Schimek	White	

Excused and not voting, 5:

Ashford	Cornett	Dubas	Fulton	Stuthman
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The appointment was confirmed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

### COMMITTEE REPORTS

Urban Affairs

**LEGISLATIVE BILL 984.** Placed on General File.

**LEGISLATIVE BILL 1101.** Placed on General File.

**LEGISLATIVE RESOLUTION 229CA.** Placed on General File.

(Signed) Mike Friend, Chairperson

Agriculture

**LEGISLATIVE BILL 1027.** Placed on General File with amendment. AM2295 is available in the Bill Room.

**LEGISLATIVE BILL 1174.** Placed on General File with amendment. AM2319 is available in the Bill Room.

(Signed) Philip Erdman, Chairperson



**AMENDMENTS - Print in Journal**

Senator Christensen filed the following amendment to LB1094:  
AM2325

(Amendments to AM2234)

- 1 1. On page 5, line 27; and page 6, line 2, after "time"
- 2 insert "and in the same manner".
- 3 2. On page 6, line 3, after the period insert "The county
- 4 treasurer shall publish and post a list of delinquent occupation
- 5 taxes with the list of real property subject to sale for delinquent
- 6 property taxes provided for in section 77-1804. In addition, the
- 7 list shall be provided to natural resources districts which levied
- 8 the delinquent occupation taxes. The list shall include the record
- 9 owner's name, the parcel identification number, and the amount of
- 10 delinquent occupation tax. For services rendered in the collection
- 11 of the occupation tax, the county treasurer shall receive the fee
- 12 provided for collection of general natural resources district money
- 13 under section 33-114.".

Senators Heidemann, Engel, Fulton, Harms, Kruse, Nelson, and Wightman  
filed the following amendment to LB961:

AM2323

(Amendments to Standing Committee amendments, AM2139)

- 1 1. Strike section 1.
- 2 2. On page 12, line 17, strike "sections 59-1608.04 and"
- 3 and insert "section".
- 4 3. Renumber the remaining sections accordingly.

Senator Raikes filed the following amendment to LB988:  
AM2335

(Amendments to Standing Committee amendments, AM2128)

- 1 1. Strike sections 1, 8, 32, 45, and 49 and insert the
- 2 following new section:
- 3 Sec. 7. Section 79-1003.01, Revised Statutes Supplement,
- 4 2007, is amended to read:
- 5 79-1003.01 (1) ~~For purposes of this section and section~~
- 6 ~~79-1007.03, school fiscal year 2008-09,~~ summer school student unit
- 7 means one student enrolled in summer school in a school district,
- 8 whether or not the student is in the membership of the school
- 9 district, for (1) at least three hours but fewer than six hours per
- 10 day and (2) at least twelve days but fewer than twenty-four days.
- 11 Each school district shall receive a summer school student unit for
- 12 each qualified time period for which a student is enrolled, up to
- 13 six units per student per summer.
- 14 (2) For school fiscal year 2009-10 and each school fiscal
- 15 year thereafter, the department shall calculate a summer school
- 16 allowance for each district equal to two and one-half percent of
- 17 the summer school student units for such district multiplied by
- 18 eighty-five percent of the statewide average general fund operating

19 expenditures per formula student. Summer school student units shall  
 20 be calculated for each student enrolled in summer school in a  
 21 school district who attends such summer school for at least twelve  
 22 days, whether or not the student is in the membership of the school  
 1 district. The initial number of units for each such student shall  
 2 equal the sum of the ratios, each rounded down to the nearest whole  
 3 number, of the number of days for which the student attended summer  
 4 school classes in such district for at least three hours and less  
 5 than six hours per day divided by twelve days and of two times the  
 6 number of days for which the student attended summer school classes  
 7 in such district for six or more hours per day divided by twelve  
 8 days.

9 (3) Each school district shall receive an additional  
 10 summer school student unit for each summer school student unit  
 11 attributed to remedial math or reading programs. Each school  
 12 district shall also receive an additional summer school student  
 13 unit for each summer school student unit attributed to a free  
 14 lunch and free milk student. This section does not prevent school  
 15 districts from requiring and collecting fees for summer school,  
 16 except that summer school student units shall not be calculated  
 17 for ~~summer school programs for which fees are collected school~~  
 18 ~~districts which collect fees for summer school~~ from students who  
 19 qualify for free or reduced-price lunches under United States  
 20 Department of Agriculture child nutrition programs.

21 2. On page 13, line 14; page 93, line 19; page 94, lines  
 22 23 and 24 and 25; page 95, lines 3, 4, 15, 21, and 25; and page  
 23 96, lines 1, 12, and 16, strike the new matter and reinstate the  
 24 stricken matter.

25 3. On page 43, strike beginning with "final" in line  
 26 4 through "79-1065" in line 5 and insert "certification of aid  
 27 pursuant to section 79-1022".

1 4. On page 75, lines 11 through 14, strike the new  
 2 matter.

3 5. On page 92, line 24; and page 93, line 5, strike  
 4 "assessed" and insert "adjusted".

5 6. On page 93, lines 21 through 25, reinstate the  
 6 stricken matter; and in line 27 strike the new matter and reinstate  
 7 the stricken matter.

8 7. On page 94, line 1, strike the new matter; in  
 9 lines 2 through 9, reinstate the stricken matter; in line 11  
 10 strike "assessed"; reinstate the stricken matter beginning with  
 11 "(3)" in line 12 through the comma in line 14; in line 14  
 12 after the stricken "hundred" insert "ninety-six"; reinstate the  
 13 stricken matter beginning with "percent" in line 14 through the  
 14 comma in line 15; in line 15 after the stricken "seventy-five"  
 15 insert "seventy-two"; reinstate the stricken matter beginning with  
 16 "percent" in line 16 through the comma in line 18; in line 18 after  
 17 the stricken "seventy-five" insert "seventy-two"; reinstate the  
 18 stricken matter beginning with "percent" in line 18 through line

- 19 21; in line 22 strike the new matter and reinstate the stricken  
 20 matter; and in line 26, reinstate the stricken matter.  
 21 8. On page 95, lines 13 and 24; page 96, lines 15, 18,  
 22 and 19; and page 100, line 14, strike the new matter and reinstate  
 23 the stricken matter.  
 24 9. Amend the repealer, correct internal references, and  
 25 renumber the remaining sections accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 280.** Introduced by Burling, 33.

WHEREAS, Shane Peterson, Troop 207, son of Rodger and Patty Peterson, of Juniata, 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 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 of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Shane 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. For his Eagle Scout community service project, Shane cut down and removed dying and unsightly trees in a four-hundred-foot shelterbelt on the north side of the new Prairie Loft Center. Shane also picked up trash and other debris in the shelterbelt and adjacent ditch. He spent one hundred seventy-seven hours on the project; and

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

WHEREAS, Shane was awarded the rank of Eagle Scout on January 29, 2008, thereby joining 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 Shane Peterson on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Shane Peterson.

Laid over.

## UNANIMOUS CONSENT - Add Cointroducers

Senators Kruse and Preister asked unanimous consent to add their names as cointroducers to LB920. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 34 third- and fourth-grade students from Sterling; 20 third- and fourth-grade students from St. Joseph Elementary, Beatrice; Jerry and Karen Peterson from Neligh; Natali Lopez, Issa Issa, Tony Garcia, and Monica Rodriguez from Lexington; and 110 eighth-grade students, teachers, and sponsors from Lexington.

The Doctor of the Day was Dr. Thomas Joseph from Lincoln.

**ADJOURNMENT**

At 12:53 p.m., on a motion by Senator White, the Legislature adjourned until 10:00 a.m., Monday, March 17, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-SECOND DAY - MARCH 17, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 17, 2008

**PRAYER**

The prayer was offered by Pastor Randall Knuth, Hope Lutheran Church, South Sioux City.

**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 Cornett, Heidemann, Lautenbaugh, Nantkes, Preister, Synowiecki, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-first day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 958.** Placed on Select File with amendment.  
ER8191

- 1 1. On page 1, strike beginning with "sections" in
- 2 line 1 through line 14 and insert "section 69-2409.01, Reissue
- 3 Revised Statutes of Nebraska, and section 28-608, Revised Statutes
- 4 Cumulative Supplement, 2006; to provide for an examination of
- 5 firearm-related violence and a hotline to report loss or theft
- 6 of a firearm; to repeal requirements for purchasing handguns;
- 7 to harmonize provisions; to repeal the original sections; and
- 8 to outright repeal sections 69-2401, 69-2403, 69-2407, 69-2708,
- 9 69-2409, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417,
- 10 69-2420, 69-2421, 69-2422, 69-2423, 69-2424, and 69-2425, Reissue
- 11 Revised Statutes of Nebraska, and sections 69-2402, 69-2404,
- 12 69-2405, 69-2406, 69-2410, 69-2411, 69-2418, and 69-2419, Revised
- 13 Statutes Cumulative Supplement, 2006."
- 14 2. On page 2, strike lines 1 through 3.

**LEGISLATIVE BILL 151.** Placed on Select File with amendment.  
ER8190

- 1 1. On page 3, line 26, strike "section" and insert "act".
- 2 2. On page 4, line 4, before "(a)" insert "Statute of
- 3 limitations."
- 4 3. On page 5, line 18, strike "2007" and insert "2008".

**LEGISLATIVE BILL 724.** Placed on Select File.

**LEGISLATIVE BILL 726.** Placed on Select File with amendment.  
ER8194

- 1 1. On page 4, line 15, strike "of this act".

**LEGISLATIVE BILL 726A.** Placed on Select File.

**LEGISLATIVE BILL 947.** Placed on Select File.

**LEGISLATIVE BILL 850.** Placed on Select File with amendment.  
ER8193

- 1 1. On page 1, strike beginning with "schools" in line 1
- 2 through line 4 and insert "education; to amend section 79-1232,
- 3 Reissue Revised Statutes of Nebraska; to provide for and change
- 4 provisions relating to insurance coverage for members of any school
- 5 board, board of education, learning community coordinating council,
- 6 or educational service unit board; to repeal the original section;
- 7 and to outright repeal section 79-502, Reissue Revised Statutes of
- 8 Nebraska."

**LEGISLATIVE BILL 805.** Placed on Select File.

**LEGISLATIVE BILL 1004.** Placed on Select File.

**LEGISLATIVE BILL 754.** Placed on Select File with amendment.  
ER8195

- 1 1. On page 1, line 4, strike "and"; and in line 5 before
- 2 the period insert "; and to declare an emergency".

**LEGISLATIVE BILL 893.** Placed on Select File.

**LEGISLATIVE BILL 865.** Placed on Select File.

**LEGISLATIVE BILL 728.** Placed on Select File.

**LEGISLATIVE BILL 775.** Placed on Select File.

**LEGISLATIVE BILL 848.** Placed on Select File with amendment.  
ER8198

- 1 1. On page 8, line 24; and page 9, line 14, after "vote"
- 2 insert an underscored comma.
- 3 2. On page 12, line 8, strike the third comma.
- 4 3. On page 14, line 3, after "member" insert an
- 5 underscored comma.

**LEGISLATIVE BILL 1011.** Placed on Select File with amendment.  
ER8192

- 1 1. On page 1, line 3, after the second comma insert
- 2 "76-2217.02,"; and in line 8 after the comma insert "trainee real
- 3 property appraisers,".

**LEGISLATIVE BILL 821.** Placed on Select File with amendment.  
ER8201

- 1 1. On page 3, line 11, after "the" insert "Risk Manager
- 2 or".

**LEGISLATIVE BILL 845.** Placed on Select File with amendment.  
ER8196

- 1 1. On page 1, line 6, strike "correct obsolete
- 2 provisions" and insert "change provisions governing distribution
- 3 of civil penalties".
- 4 2. On page 7, lines 8, 9, 18, and 19, strike the comma;
- 5 and in line 10 strike "of".

**LEGISLATIVE BILL 904.** Placed on Select File.

**LEGISLATIVE BILL 798.** Placed on Select File with amendment.  
ER8200

- 1 1. On page 1, strike beginning with "46-283" in line 1
- 2 through line 6 and insert "46-283, 46-287, and 46-299, Reissue
- 3 Revised Statutes of Nebraska, and sections 46-286 and 46-291,
- 4 Revised Statutes Cumulative Supplement, 2006; to change provisions
- 5 relating to irrigation water reuse pits, applications for transfer
- 6 of appropriations, and intentional underground water storage
- 7 permittees as prescribed; to harmonize provisions; and to repeal
- 8 the original sections."

**LEGISLATIVE BILL 764.** Placed on Select File with amendment.  
ER8202

- 1 1. On page 4, line 11, after "the" insert "Nebraska
- 2 Veterinary Practice Act until December 1, 2008, and the" and before
- 3 the semicolon insert "on and after December 1, 2008".

**LEGISLATIVE BILL 789.** Placed on Select File with amendment.  
ER8197

- 1 1. On page 1, strike beginning with "a" in line 3 through
- 2 line 4 and insert "provisions relating to grants; to repeal the
- 3 original section; and to declare an emergency."

**LEGISLATIVE BILL 902.** Placed on Select File with amendment.  
ER8199

- 1 1. On page 1, line 5, after the semicolon insert "to
- 2 provide operative dates;".
- 3 2. On page 30, line 8, strike "Schedule", show as
- 4 stricken, and insert "Schedules".

**LEGISLATIVE BILL 1067.** Placed on Select File.

**LEGISLATIVE BILL 838.** Placed on Select File with amendment.  
ER8206

- 1 1. On page 8, lines 9, 12, and 24, strike "return" and
- 2 show as stricken.

**LEGISLATIVE BILL 1045.** Placed on Select File.

**LEGISLATIVE BILL 593.** Placed on Select File.

**LEGISLATIVE BILL 727.** Placed on Select File.

**LEGISLATIVE BILL 1145.** Placed on Select File.

**LEGISLATIVE BILL 1162.** Placed on Select File.

**LEGISLATIVE BILL 972.** Placed on Select File.

**LEGISLATIVE BILL 993.** Placed on Select File.

**LEGISLATIVE BILL 1103.** Placed on Select File.

**LEGISLATIVE BILL 710.** Placed on Select File with amendment.  
ER8205

- 1 1. On page 1, line 6, strike "section" and insert
- 2 "sections".
- 3 2. On page 2, line 19, strike "It", show as stricken, and
- 4 insert "Such authority".

**LEGISLATIVE BILL 1048.** Placed on Select File with amendment.  
ER8203

- 1 1. In the Standing Committee amendments, AM1979, on page
- 2 2, line 3, strike "born".
- 3 2. On page 1, strike beginning with "71-601" in line 1
- 4 through line 4 and insert "71-606, Revised Statutes Supplement,
- 5 2007; to provide for certificates of birth resulting in stillbirth;
- 6 to repeal the original section; and to declare an emergency."

**LEGISLATIVE BILL 1048A.** Placed on Select File.

**LEGISLATIVE BILL 572.** Placed on Select File.

**LEGISLATIVE BILL 1108.** Placed on Select File with amendment.  
ER8204

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 38-2112, Revised Statutes Supplement,
- 4 2007, is amended to read:
- 5 38-2112 Consultation means a professional collaborative
- 6 relationship between a licensed mental health practitioner and a



7 consultant who is a psychologist licensed to engage in the practice  
 8 of psychology as provided in section 38-3111, ~~or~~ a qualified  
 9 physician, or a licensed independent mental health practitioner in  
 10 which (1) the consultant makes a diagnosis based on information  
 11 supplied by the licensed mental health practitioner and any  
 12 additional assessment deemed necessary by the consultant and (2)  
 13 the consultant and the licensed mental health practitioner jointly  
 14 develop a treatment plan which indicates the responsibility of each  
 15 professional for implementing elements of the plan, updating the  
 16 plan, and assessing the client's progress.

17 Sec. 2. Section 38-2115, Revised Statutes Supplement,  
 18 2007, is amended to read:

19 38-2115 (1) Mental health practice means the provision  
 20 of treatment, assessment, psychotherapy, counseling, or equivalent  
 21 activities to individuals, couples, families, or groups for  
 22 behavioral, cognitive, social, mental, or emotional disorders,  
 23 including interpersonal or personal situations.

1 (2) Mental health practice does not include:

2 (a) The practice of psychology or medicine;

3 (b) Prescribing drugs or electroconvulsive therapy;

4 (c) Treating physical disease, injury, or deformity;

5 (d) Diagnosing major mental illness or disorder except in  
 6 consultation with a qualified physician, ~~or~~ a psychologist licensed  
 7 to engage in the practice of psychology as provided in section  
 8 38-3111, or a licensed independent mental health practitioner;

9 (e) Measuring personality or intelligence for the purpose  
 10 of diagnosis or treatment planning;

11 (f) Using psychotherapy with individuals suspected of  
 12 having major mental or emotional disorders except in consultation  
 13 with a qualified physician, a ~~or~~ licensed psychologist, or a  
 14 licensed independent mental health practitioner; or

15 (g) Using psychotherapy to treat the concomitants of  
 16 organic illness except in consultation with a qualified physician  
 17 or licensed psychologist.

18 (3) Mental health practice includes the initial  
 19 assessment of organic mental or emotional disorders for the purpose  
 20 of referral or consultation.

21 (4) Nothing in sections 38-2114, 38-2118, and 38-2119  
 22 shall be deemed to constitute authorization to engage in activities  
 23 beyond those described in this section. Persons certified under the  
 24 Mental Health Practice Act but not licensed under section 38-2122  
 25 shall not engage in mental health practice.

26 Sec. 3. Section 38-2116, Revised Statutes Supplement,  
 27 2007, is amended to read:

1 38-2116 (1) Mental health practitioner means a person who  
 2 holds himself or herself out as a person qualified to engage in  
 3 mental health practice or a person who offers or renders mental  
 4 health practice services. Independent mental health practitioner  
 5 means a person who holds himself or herself out as a person

6 qualified to engage in independent mental health practice or a  
 7 person who offers or renders independent mental health practice  
 8 services.

9 (2) A person who is licensed as a mental health  
 10 practitioner ~~or an independent mental health practitioner~~ and  
 11 certified as a master social worker may use the title licensed  
 12 clinical social worker. A person who is licensed as a mental health  
 13 practitioner ~~or an independent mental health practitioner~~ and  
 14 certified as a professional counselor may use the title licensed  
 15 professional counselor. A person who is licensed as a mental  
 16 health practitioner ~~or an independent mental health practitioner~~  
 17 and certified as a marriage and family therapist may use the  
 18 title licensed marriage and family therapist. No person shall use  
 19 the title licensed clinical social worker, licensed professional  
 20 counselor, or licensed marriage and family therapist unless he or  
 21 she is licensed and certified as provided in this subsection.

22 (3) A person who is licensed as an independent mental  
 23 health practitioner and certified as a master social worker may  
 24 use the title licensed independent clinical social worker. A person  
 25 who is licensed as an independent mental health practitioner and  
 26 certified as a professional counselor may use the title licensed  
 27 independent professional counselor. A person who is licensed as an  
 1 independent mental health practitioner and certified as a marriage  
 2 and family therapist may use the title licensed independent  
 3 marriage and family therapist. No person shall use the title  
 4 licensed independent clinical social worker, licensed independent  
 5 professional counselor, or licensed independent marriage and family  
 6 therapist unless he or she is licensed and certified as provided in  
 7 this subsection.

8 (3)-(4) A mental health practitioner shall not represent  
 9 himself or herself as a physician or psychologist and shall not  
 10 represent his or her services as being medical or psychological  
 11 in nature. An independent mental health practitioner shall not  
 12 represent himself or herself as a physician or psychologist.

13 Sec. 4. Section 38-2124, Revised Statutes Supplement,  
 14 2007, is amended to read:

15 38-2124 (1) No person shall hold himself or herself out  
 16 as an independent mental health practitioner unless he or she is  
 17 licensed as such by the department. A person shall be qualified to  
 18 be a licensed independent mental health practitioner if he or she:

19 (a)(i)(A) Graduated with a masters' or doctoral degree  
 20 from an educational program which is accredited, at the time of  
 21 graduation or within four years after graduation, by the Council  
 22 for Accreditation of Counseling and Related Educational Programs,  
 23 the Commission on Accreditation for Marriage and Family Therapy  
 24 Education, or the Council on Social Work Education or (B) graduated  
 25 with a masters' or doctoral degree from an educational program  
 26 deemed by the board to be equivalent in didactic content and  
 27 supervised clinical experience to an accredited program;

1 ~~(ii) Is licensed as a provisional mental health~~  
 2 ~~practitioner or a licensed mental health practitioner; and~~  
 3 ~~(ii)(A) Is licensed as a licensed mental health~~  
 4 ~~practitioner or (B) is licensed as a provisional mental health~~  
 5 ~~practitioner and has satisfactorily passed an examination approved~~  
 6 ~~by the board pursuant to subdivision (3) of section 38-2122; and~~

7 (iii) Has three thousand hours of experience obtained  
 8 in a period of not less than two nor more than five years and  
 9 supervised by a licensed physician, a licensed psychologist, or a  
 10 licensed independent mental health practitioner, one-half of which  
 11 is comprised of experience with clients diagnosed under the major  
 12 mental illness or disorder category; or

13 (b)(i) Graduated from an educational program which does  
 14 not meet the requirements of subdivision (a)(i) of this subsection;

15 ~~(ii) Is licensed as a provisional mental health~~  
 16 ~~practitioner or a mental health practitioner; and~~

17 ~~(ii)(A) Is licensed as a licensed mental health~~  
 18 ~~practitioner or (B) is licensed as a provisional mental health~~  
 19 ~~practitioner and has satisfactorily passed an examination approved~~  
 20 ~~by the board pursuant to subdivision (3) of section 38-2122; and~~

21 (iii) Has seven thousand hours of experience obtained in  
 22 a period of not less than ten years and supervised by a licensed  
 23 physician, a licensed psychologist, or a licensed independent  
 24 mental health practitioner, one-half of which is comprised of  
 25 experience with clients diagnosed under the major mental illness or  
 26 disorder category.

27 (2) The experience required under this section shall be  
 1 documented in a reasonable form and manner as prescribed by the  
 2 board, which may consist of sworn statements from the applicant and  
 3 his or her employers and supervisors. The board shall not in any  
 4 case require the applicant to produce individual case records.

5 (3) The application for an independent mental health  
 6 practitioner license shall include the applicant's social security  
 7 number.

8 Sec. 5. This act becomes operative on December 1, 2008.

9 Sec. 6. Original sections 38-2112, 38-2115, 38-2116, and  
 10 38-2124, Revised Statutes Supplement, 2007, are repealed.

11 2. On page 1, line 2, after "38-2112" insert ", 38-2115,  
 12 38-2116,"; and in line 4 strike "requirements" and insert "and  
 13 practice provisions".

(Signed) Amanda McGill, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 1094.** ER8187, found on page 955, was adopted.

Senator Louden renewed his amendment, AM2318, found on page 938.

The Louden amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Christensen renewed his amendment, AM2325, found on page 961.

The Christensen amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Carlson offered the following amendment:  
AM2365

(Amendments to AM2243)

- 1 1. On page 7, line 9, after "2-3226.04" insert "by or
- 2 through obligations of joint entities or joint public agencies
- 3 formed for the purposes described in section 2-3226.01".

The Carlson amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1094A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1157.** ER8178, found on page 818, was adopted.

Senator Harms renewed his amendment, AM2169, found on page 799.

Senator Harms withdrew his amendment.

Senator Raikes offered the following amendment:  
AM2356

(Amendments to Standing Committee amendments, AM2093)

- 1 1. On page 3, line 17, after "to" insert "the State
- 2 Department of Education".
- 3 2. On page 4, line 10, strike "to five"; and in line
- 4 11 before the period insert "one administrator from a school in
- 5 Nebraska, and one teacher from a school in Nebraska"; and in line
- 6 18 strike "the Legislature".
- 7 3. On page 5, line 11, after "For" insert "no later
- 8 than"; and in line 20 after "79-760.01" insert ". If no statewide
- 9 assessment of mathematics is administered in school year 2009-10,
- 10 school districts shall report mathematics assessment results in
- 11 the same manner as such information was reported in school year
- 12 2008-09".
- 13 4. On page 6, line 12, after "For" insert "no later
- 14 than".
- 15 5. On page 7, after line 26, insert the following new
- 16 paragraph:
- 17 "The department may determine appropriate accommodations

18 for the assessment of students with disabilities or any student  
 19 receiving special education programs and services pursuant  
 20 to section 79-1139. Alternate academic achievement standards  
 21 in reading, mathematics, and science and alternate assessment  
 22 instruments aligned with the standards may be among the  
 1 accommodations for students with severe cognitive disabilities.".

Senator Raikes asked unanimous consent to withdraw his amendment, AM2356, found in this day's Journal, and replace it with his substitute amendment, AM2366. No objections. So ordered.

AM2366

(Amendments to Standing Committee amendments, AM2093)

- 1 1. On page 3, line 17, after "to" insert "the State
- 2 Department of Education".
- 3 2. On page 4, line 10, strike "to five"; and in line
- 4 11 before the period insert ", one administrator from a school in
- 5 Nebraska, and one teacher from a school in Nebraska"; and in line
- 6 18 strike "the Legislature".
- 7 3. On page 5, line 11, after "For" insert "no later
- 8 than"; and in line 20 after "79-760.01" insert ". If no statewide
- 9 assessment of mathematics is administered in school year 2009-10,
- 10 school districts shall report mathematics assessment results in
- 11 the same manner as such information was reported in school year
- 12 2008-09".
- 13 4. On page 6, line 12, after "For" insert "no later
- 14 than".
- 15 5. On page 7, after line 26, insert the following new
- 16 paragraph:
- 17 "The department may determine appropriate accommodations
- 18 for the assessment of students with disabilities or any student
- 19 receiving special education programs and services pursuant
- 20 to section 79-1139. Alternate academic achievement standards
- 21 in reading, mathematics, and science and alternate assessment
- 22 instruments aligned with the standards may be among the
- 1 accommodations for students with severe cognitive disabilities.".
- 2 6. On page 8, line 1, after "assessment" insert
- 3 "instruments".

The Raikes amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Pending.

**COMMITTEE REPORTS**  
 Business and Labor

**LEGISLATIVE BILL 926.** Placed on General File.

**LEGISLATIVE BILL 1016.** Placed on General File with amendment.

AM2322

1 1. Strike the original sections and insert the following  
2 sections:

3 Section 1. Sections 1 to 10 of this act shall be known  
4 and may be cited as the Contractor Employee Classification and  
5 Public Contract Duty Act.

6 Sec. 2. For purposes of the Contractor Employee  
7 Classification and Public Contract Duty Act:

8 (1) Construction has the same meaning as in section  
9 48-2103;

10 (2) Contractor means a sole proprietor, partnership,  
11 firm, corporation, limited liability company, association, or other  
12 legal form engaged in the business of construction and includes a  
13 general contractor or subcontractor;

14 (3) Interested party means a person with an interest in  
15 compliance with the act, including an employee, the Department of  
16 Labor, or the Department of Revenue; and

17 (4) Performing services means the performance of  
18 construction labor for remuneration.

19 Sec. 3. (1) An individual performing services is an  
20 employee of a contractor unless the following are true, in which  
21 case the individual is an independent contractor:

22 (a) The individual has been and will continue to be free  
23 from control or direction over the performance of the service, both  
1 under the contract and in fact

2 (b) The individual is engaged in an independently  
3 established trade, occupation, profession, or business;

4 (c) The individual makes performance of the service  
5 available to the general public;

6 (d) When appropriate, the individual furnishes the tools  
7 and equipment necessary to provide service; and

8 (e) The contractor does not represent the individual as  
9 an employee to customers.

10 (2) An individual performing services is presumed to be  
11 an independent contractor if:

12 (a) The individual has registered as a contractor  
13 pursuant to the Contractor Registration Act at least six months  
14 prior to commencing construction work for the contractor;

15 (b) The individual has been assigned a combined tax rate  
16 pursuant to subdivision (4) of section 48-649 or the employees of  
17 the individual are exempted from unemployment insurance coverage  
18 pursuant to subdivision (6) of section 48-604; and

19 (c) The individual is listed on the data base established  
20 by the Department of Revenue under subsection (3) of section  
21 77-2753 as found in AM2244 to LB 1001 (2008).

22 (3) The Department of Revenue shall establish and operate  
23 a hotline for contractors to call to confirm compliance under  
24 subsection (2) of this section.

25 Sec. 4. It is a violation of the Contractor Employee

26 Classification and Public Contract Duty Act for a contractor to  
 27 designate an individual as an independent contractor who would be  
 1 properly classified as an employee under section 3 of this act.

2 Sec. 5. In addition to any other remedies available  
 3 to the Department of Labor and the Department of Revenue, an  
 4 interested party aggrieved by a violation of the Contractor  
 5 Employee Classification and Public Contract Duty Act may bring  
 6 an action in the district court in the county where an alleged  
 7 violation occurred. All interested parties shall be joined in such  
 8 action and shall have the right to be represented by counsel  
 9 of their own choosing. The cause of action provided for in this  
 10 section is available for the following:

11 (1) The amount of combined tax, with interest, that would  
 12 have been paid by the contractor under the Employment Security  
 13 Law, based upon the contractor's combined tax rate at the time  
 14 of employment, if the individual working for such contractor would  
 15 have been properly classified as an employee under section 3 of  
 16 this act;

17 (2) The amount of state income tax that would have been  
 18 withheld by the contractor, based upon the rates at the time of  
 19 employment, if the individual working for the contractor would have  
 20 been properly classified as an employee under section 3 of this  
 21 act;

22 (3) The difference in the compensation paid to the  
 23 individual by the contractor as compared to the average prevailing  
 24 rate of compensation for like work, as determined by the Department  
 25 of Labor, during the time of employment;

26 (4) In the case of unlawful retaliation, all legal and  
 27 equitable relief as may be appropriate; and

1 (5) Attorney's fees and costs.  
 2 Amounts recovered by settlement or judgment shall be  
 3 equitably divided as agreed upon by the interested parties or, in  
 4 the absence of an agreement, as determined by the district court  
 5 where the action was pending or might have been brought.

6 Sec. 6. It is a violation of the Contractor Employee  
 7 Classification and Public Contract Duty Act for a contractor, or  
 8 an agent of a contractor, to retaliate through discharge or in  
 9 any other manner against an individual for exercising any right  
 10 granted under the act. Rights granted under the act include making  
 11 a complaint to the contractor or a governmental agency, bringing an  
 12 action under the act, or participating in an investigation of an  
 13 alleged violation of the act.

14 Sec. 7. Every contractor shall post in a conspicuous  
 15 place at the job site in English and Spanish the following notice:

16 (1) Every individual working for a contractor has the  
 17 right to be properly classified by the contractor as an employee  
 18 rather than an independent contractor if the individual does not  
 19 meet the requirements of an independent contractor under the state  
 20 law known as the Contractor Employee Classification and Public

21 Contract Duty Act;

22 (2) If you as an individual working for a contractor have  
 23 been improperly classified, you may bring a lawsuit against the  
 24 contractor under the state law known as the Contractor Employee  
 25 Classification and Public Contract Duty Act. Your lawsuit may  
 26 include claims for:

27 (a) The amount of combined tax, with interest, that  
 1 should have been paid by the contractor under the Employment  
 2 Security Law as provided in such state law;

3 (b) The amount of state income tax that should have been  
 4 withheld by the contractor as provided in such state law;

5 (c) The difference in the compensation paid to you as  
 6 compared to the average prevailing rate of compensation for like  
 7 work;

8 (d) In the case of unlawful retaliation by the contractor  
 9 against you, all legal and equitable relief as may be appropriate;  
 10 and

11 (e) Your expenses for attorney's fees and court and other  
 12 costs relating to the lawsuit;

13 (3) It is a violation of the state law known as the  
 14 Contractor Employee Classification and Public Contract Duty Act for  
 15 a contractor, or an agent of the contractor, to retaliate through  
 16 discharge or in any other manner against you for exercising any  
 17 right granted under the act. Rights granted under such state law  
 18 include making a complaint to the contractor or a governmental  
 19 agency, bringing an action under the act, or participating in an  
 20 investigation of an alleged violation of such state law; and

21 (4) If you believe you have not been properly classified  
 22 as an employee by the contractor you work for, contact an attorney,  
 23 the Department of Labor, or the Department of Revenue.

24 Sec. 8. The state or any political subdivision entering  
 25 into a contract for construction shall require that each contractor  
 26 who performs construction services pursuant to the contract  
 27 submit an affidavit attesting that each individual performing  
 1 services for such contractor is properly classified under the  
 2 Contractor Employee Classification and Public Contract Duty Act,  
 3 such contractor has a completed federal I-9 immigration form on  
 4 file for each individual performing services, and such contractor  
 5 has no reasonable basis to believe that such individual is an  
 6 undocumented worker.

7 Sec. 9. Any contractor who knowingly provides a false  
 8 affidavit under section 8 of this act to the state or a political  
 9 subdivision shall be subject to the penalties for perjury and upon  
 10 a second or subsequent violation shall not be permitted to contract  
 11 with the state or any political subdivision for a period of three  
 12 years after the date of discovery of the falsehood.

13 Sec. 10. The Contractor Employee Classification and  
 14 Public Contract Duty Act shall not be construed to affect or  
 15 apply to a common-law or statutory action providing for recovery in



16 tort and shall not be construed to affect or change the common-law  
 17 interpretation of independent contractor status as it relates to  
 18 tort liability or a workers' compensation claim.

**LEGISLATIVE BILL 1019.** Placed on General File with amendment.  
 AM2334

1 1. On page 3, after line 2 insert the following new  
 2 paragraphs:  
 3 "\$49,500.00 for Tort Claim Number 02-858, against  
 4 the Department of Health and Human Services, pay to Jennifer  
 5 Hoover-Richardson and Nebraska Advocacy Services, Attorney, 134  
 6 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the  
 7 General Fund.  
 8 \$25,000.00 for Tort Claim Number 02-859, against the  
 9 Department of Health and Human Services, pay to Theresa Liberte-Ray  
 10 and Nebraska Advocacy Services, Attorney, 134 South 13th Street,  
 11 Suite 600, Lincoln, Nebraska 68508, out of the General Fund.  
 12 \$15,000.00 for Tort Claim Number 02-860, against the  
 13 Department of Health and Human Services, pay to Ethel Hanger and  
 14 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
 15 600, Lincoln, Nebraska 68508, out of the General Fund.  
 16 \$17,500.00 for Tort Claim Number 02-861, against the  
 17 Department of Health and Human Services, pay to Penny Greenbush and  
 18 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
 19 600, Lincoln, Nebraska 68508, out of the General Fund.  
 20 \$45,500.00 for Tort Claim Number 02-862, against the  
 21 Department of Health and Human Services, pay to Elizabeth Morgan  
 22 and Nebraska Advocacy Services, Attorney, 134 South 13th Street,  
 23 Suite 600, Lincoln, Nebraska 68508, out of the General Fund.  
 1 \$30,000.00 for Tort Claim Number 02-863, against  
 2 the Department of Health and Human Services, pay to Selena  
 3 Taylor-Yazowski and Nebraska Advocacy Services, Attorney, 134 South  
 4 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General  
 5 Fund.  
 6 \$22,500.00 for Tort Claim Number 03-001, against the  
 7 Department of Health and Human Services, pay to Mary Witter and  
 8 Brett McArthur, Attorney, 140 South 27th Street, #D, Lincoln,  
 9 Nebraska 68510, out of the General Fund."; after line 6 insert the  
 10 following new paragraph:  
 11 "\$20,000.00 for Tort Claim Number 03-152, against the  
 12 Department of Health and Human Services, pay to Robin Heuertz and  
 13 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
 14 600, Lincoln, Nebraska 68508, out of the General Fund."; after line  
 15 10 insert the following new paragraphs:  
 16 "\$10,500.00 for Tort Claim Number 03-892, against the  
 17 Department of Health and Human Services, pay to Sara Medlin and  
 18 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
 19 600, Lincoln, Nebraska 68508, out of the General Fund.  
 20 \$10,000.00 for Tort Claim Number 03-893, against the

21 Department of Health and Human Services, pay to Tamica Starks and  
 22 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
 23 600, Lincoln, Nebraska 68508, out of the General Fund.  
 24 \$20,000.00 for Tort Claim Number 03-918, against the  
 25 Department of Health and Human Services, pay to Kim Hudson and  
 26 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
 27 600, Lincoln, Nebraska 68508, out of the General Fund.  
 1 \$225,000 for Tort Claim Numbers 04-801 and 04-802,  
 2 against the Department of Roads, pay to Theodore Neubert and  
 3 Hauptman, O'Brien, Wolf and Lathrop, Attorney, 1005 South 107th  
 4 Avenue, Suite 200, Omaha, Nebraska 68114-4707, out of the State  
 5 Insurance Fund.  
 6 \$75,000.00 for Tort Claim Numbers 00-577 and 99-686,  
 7 against the Department of Health and Human Services, pay to  
 8 Steven Renteria, Attorney, and the conservator for Keith Dwayne  
 9 Nolen, Jr., Faith Almeda Nolen, Nathan James Lee Nolen, Charles  
 10 Angus Burris, Richard Travis Burris, Zachary Michael Nolen, Ryan  
 11 Allan Nolen, and Emma Louise Burris, 1905 Harney Street, Omaha,  
 12 Nebraska 68102, out of the General Fund."; in line 12 strike  
 13 "program 591" and insert "programs 591 and 594"; in line 16 strike  
 14 "50,100.57" and insert "390,600.57"; after line 17 insert the  
 15 following new line: "REVOLVING FUND 225,000.00"; and in line 18  
 16 strike "9,950,311.15" and insert "10,515,600.57".

(Signed) Abbie Cornett, Chairperson

### AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB973:  
 AM2340

(Amendments to E & R amendments, ER8182)

- 1 1. On page 2, lines 23 and 24, strike "the average need
- 2 adjustment plus (iv)" and show as stricken.
- 3 2. On page 6, line 8, before "taxable" insert "total";
- 4 and in line 9 strike "section 13-509" and insert "the most recent
- 5 Certificate of Taxes Levied required under section 77-1613.01".

Senator Fischer filed the following amendment to LB846:  
 AM2355

(Amendments to Standing Committee amendments, AM1731)

- 1 1. Insert the following new amendments:
- 2 "2. On page 15, after line 22 insert the following new
- 3 subsection:
- 4 "(8) The changes made to this section by this legislative
- 5 bill apply for tax periods beginning on and after January 1,
- 6 2009.".
- 7 3. On page 20, line 3; and page 23, line 1, after the
- 8 period insert "The changes made to this section by this legislative
- 9 bill apply for tax periods beginning on and after January 1,

10 2009.".

11 5. On page 20, lines 15 and 17, strike "months beginning"  
 12 and insert "periods beginning on and after".

13 6. On page 23, line 5, after "gasoline" insert  
 14 "calculated pursuant to section 10 of this act".

15 2. On page 1, line 9, strike "Commencing" and insert "For  
 16 tax periods beginning on and after".

Senator Dubas filed the following amendment to LB1157:  
 AM2363

(Amendments to Standing Committee amendments, AM2093)

- 1 1. On page 5, lines 8 and 18 and 19, strike "three
- 2 through" and insert "four, six, and".

**MOTION - Print in Journal**

Senator Dierks filed the following motion to LB1157:  
 MO144

Indefinitely postpone.

**AMENDMENTS - Print in Journal**

Senator Louden filed the following amendment to LB1065:  
 AM2307

(Amendments to Standing Committee amendments, AM1991)

- 1 1. On page 1, line 5, strike "hour".

Senator Ashford filed the following amendment to LB1014A:  
 AM2345

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 4. The General Fund appropriation for FY2008-09 to
- 3 the Department of Health and Human Services, for Program 33, is
- 4 hereby reduced by \$48,893.
- 5 Total expenditures for permanent and temporary salaries
- 6 and per diems are hereby reduced by \$34,518 for FY2008-09.
- 7 2. On page 1, line 3, after the semicolon insert "to
- 8 reduce an appropriation;".
- 9 3. Renumber the remaining section accordingly.

Senator Hudkins filed the following amendment to LB853:  
 AM2114 is available in the Bill Room.

Senator Hudkins filed the following amendment to LB853:  
 AM2354

- 1 1. On page 24, lines 12 through 25; and page 25, lines 1
- 2 through 9 and 11, strike the new matter and reinstate the stricken
- 3 matter.

Senator Hudkins filed the following amendment to LB853:  
AM2352

- 1 1. On page 54, lines 11, 14, and 19; and page 55, line 5,
- 2 strike the new matter and reinstate the stricken matter.

Senator Hudkins filed the following amendment to LB853:  
AM2353

- 1 1. Strike original section 13.
- 2 2. Renumber the remaining sections and correct internal
- 3 references and the repealer accordingly.

Senator Hudkins filed the following amendment to LB853:  
AM2013

- 1 1. Insert the following new section:
- 2 Sec. 18. This act becomes operative only after adoption
- 3 of the changes made in this legislative bill by fifteen other
- 4 states.
- 5 2. On page 6, lines 19 and 20, strike the new matter and
- 6 insert "and sections 9, 12, and 18 of this act".
- 7 3. Renumber the remaining section accordingly.

### **VISITORS**

Visitors to the Chamber were 18 fourth-grade students, teacher, and sponsors from Sutton; and Ann Drozd.

### **RECESS**

At 11:54 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., Senator Friend presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Ashford, Cornett, Flood, and Louden who were excused until they arrive.

### **GENERAL FILE**

**LEGISLATIVE BILL 961.** Title read. Considered.

Committee AM2139, found on page 918, was considered.

Senator Heidemann renewed the Heidemann et al. amendment, AM2323, found on page 961, to the committee amendment.

The Heidemann et al. amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, and 5 present and not voting.

**LEGISLATIVE BILL 960.** Title read. Considered.

Committee AM2138, found on page 917, was adopted with 43 ayes, 0 nays, and 6 present and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, and 7 present and not voting.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 1094.** Placed on Final Reading.

ST9074

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

1. In the E & R amendments, ER8187, on page 1, line 6, "to change provisions relating to river-flow enhancement bonds; to provide for a collection fee;" has been inserted after the second semicolon; and in line 7 "to provide a duty for the Revisor of Statutes;" has been inserted after the semicolon.

**LEGISLATIVE BILL 1094A.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**AMENDMENT - Print in Journal**

Senators Janssen, Burling, Cornett, Dierks, Langemeier, Preister, Raikes, and White filed the following amendment to LB895:

AM2344

(Amendments to Standing Committee amendments, AM2082)

1 1. Insert the following new section:

2 Sec. 21. Since an emergency exists, this act takes effect  
3 when passed and approved according to law.

4 2. Insert the following new amendments:

5 "2. On page 5, line 19, strike "or" and show as stricken;

6 and in line 20 after "(g)" insert "The research, development,

7 and maintenance of an Internet web portal. For purposes of this

8 subdivision, Internet web portal means an Internet site that allows

9 users to access, search, and navigate the Internet; or

10 (h)".

11 3. On page 7, strike beginning with the first comma in  
12 line 6 through the last comma in line 11.

13 4. On page 13, line 4, after "employees" insert "or the  
14 investment in qualified property of at least one hundred million  
15 dollars and the hiring of at least fifty new employees. Agreements  
16 may be executed with regard to completed project applications filed  
17 before January 1, 2016. All project agreements pending, approved,  
18 or entered into before such date shall continue in full force and  
19 effect".

20 5. On page 15, line 9, after "application" insert ",  
21 excluding any compensation in excess of one million dollars paid to  
22 any one employee during the year,"; in line 16 before the semicolon  
1 insert ", excluding any compensation in excess of one million  
2 dollars paid to any one employee during the year,"; and strike lines  
3 21 through 24 and insert "total compensation paid to all employees,  
4 other than base year employees, excluding any compensation in  
5 excess of one million dollars paid to any one employee during the  
6 year, employed at the project.".

7 6. On page 22, strike beginning with "ad" in line 3  
8 through "became" in line 4 and insert "real property taxes"; in  
9 line 6 strike "on" and insert "for"; and in line 7 strike "located"  
10 through "state" and insert "included in such project and acquired  
11 by the taxpayer, whether by lease or purchase, after the date the  
12 application was filed. The payment from the state shall be made  
13 only after payment of the real property taxes have been made to the  
14 county as required by law".

15 3. Renumber the remaining amendments and sections  
16 accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 959.** Title read. Considered.

Committee AM2145, found on page 917, was considered.

## SENATOR LANGEMEIER PRESIDING

Senator Erdman offered the following amendment to the committee amendment:

FA212

Amend AM2145

Strike Sec. 30.

Strike Sec. 31.

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

Senator Erdman requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Avery	Hansen	Langemeier	Pahls	Raikes
Burling	Howard	Lathrop	Pankonin	Rogert
Erdman	Karpisek	Lautenbaugh	Pirsch	Wallman
Friend	Kopplin	McGill	Preister	White

Voting in the negative, 28:

Adams	Dierks	Gay	Kruse	Schimek
Aguilar	Dubas	Harms	Louden	Stuthman
Ashford	Engel	Heidemann	McDonald	Synowiecki
Carlson	Fischer	Hudkins	Nantkes	Wightman
Chambers	Flood	Janssen	Nelson	
Cornett	Fulton	Johnson	Pedersen	

Present and not voting, 1:

Christensen

The Erdman amendment lost with 20 ayes, 28 nays, and 1 present and not voting.

The Chair declared the call raised.

Senator White offered the following amendment to the committee amendment:

FA216

Amend AM2145

On page 4 line 21 strike the \$600,000 additional appropriation to the Attorney Generals Program No 508.

### **SENATOR ERDMAN PRESIDING**

Senator White withdrew his amendment.

Senator Chambers offered the following amendment to the committee amendment:

FA217

Amend AM2145

On page 4, lines 21 and 22, strike "600,000" and insert "1,200,000".

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Ashford	Chambers	Gay	Pankonin	Schimek
Avery	Dierks	Janssen	Raikes	Stuthman
Carlson	Flood	Louden	Rogert	Wallman

Voting in the negative, 26:

Adams	Fulton	Karpisek	McDonald	White
Christensen	Hansen	Kopplin	McGill	Wightman
Dubas	Harms	Kruse	Nantkes	
Engel	Heidemann	Langemeier	Nelson	
Erdman	Howard	Lathrop	Pirsch	
Friend	Hudkins	Lautenbaugh	Synowiecki	

Present and not voting, 5:

Aguilar	Fischer	Johnson	Pahls	Preister
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Excused and not voting, 3:

Burling	Cornett	Pedersen
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The Chambers amendment lost with 15 ayes, 26 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 28 ayes, 3 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 10 nays, 8 present and not voting, and 4 excused and not voting.

## COMMITTEE REPORT

Judiciary

**LEGISLATIVE BILL 1130.** Placed on General File with amendment. AM2330 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

## AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB988:  
AM2358

(Amendments to Standing Committee amendments, AM2128)

- 1 1. Strike sections 1, 8, 32, 45, and 49 and insert the
- 2 following new section:
- 3 Sec. 7. Section 79-1003.01, Revised Statutes Supplement,



4 2007, is amended to read:

5 ~~79-1003.01 (1) For purposes of this section and section~~  
 6 ~~79-1007.03, school fiscal year 2008-09, the department shall~~  
 7 calculate a summer school allowance for each district equal to  
 8 two and one-half percent of the summer school student units for  
 9 such district multiplied by eighty-five percent of the statewide  
 10 average general fund operating expenditures per formula student.  
 11 For purposes of this subsection, summer school student unit means  
 12 one student enrolled in summer school in a school district, whether  
 13 or not the student is in the membership of the school district,  
 14 for (1) at least three hours but fewer than six hours per day  
 15 and (2) at least twelve days but fewer than twenty-four days. Each  
 16 school district shall receive a summer school student unit for each  
 17 qualified time period for which a student is enrolled, up to six  
 18 units per student per summer.

19 (2) For school fiscal year 2009-10 and each school fiscal  
 20 year thereafter, the department shall calculate a summer school  
 21 allowance for each district equal to two and one-half percent of  
 22 the summer school student units for such district multiplied by  
 1 eighty-five percent of the statewide average general fund operating  
 2 expenditures per formula student. Summer school student units shall  
 3 be calculated for each student enrolled in summer school in a  
 4 school district who attends such summer school for at least twelve  
 5 days, whether or not the student is in the membership of the school  
 6 district. The initial number of units for each such student shall  
 7 equal the sum of the ratios, each rounded down to the nearest whole  
 8 number, of the number of days for which the student attended summer  
 9 school classes in such district for at least three hours and less  
 10 than six hours per day divided by twelve days and of two times the  
 11 number of days for which the student attended summer school classes  
 12 in such district for six or more hours per day divided by twelve  
 13 days.

14 (3) Each school district shall receive an additional  
 15 summer school student unit for each summer school student unit  
 16 attributed to remedial math or reading programs. Each school  
 17 district shall also receive an additional summer school student  
 18 unit for each summer school student unit attributed to a free  
 19 lunch and free milk student. This section does not prevent school  
 20 districts from requiring and collecting fees for summer school,  
 21 except that summer school student units shall not be calculated  
 22 for ~~summer school programs for which fees are collected~~ school  
 23 districts which collect fees for summer school from students who  
 24 qualify for free or reduced-price lunches under United States  
 25 Department of Agriculture child nutrition programs.

26 2. On page 13, line 14; page 93, line 19; page 94, lines  
 27 23 and 24 and 25; page 95, lines 3, 4, 15, 21, and 25; and page  
 1 96, lines 1, 12, and 16, strike the new matter and reinstate the  
 2 stricken matter.

3 3. On page 43, strike beginning with "final" in line

- 4 4 through "79-1065" in line 5 and insert "certification of aid  
 5 pursuant to section 79-1022".
- 6 4. On page 75, lines 11 through 14, strike the new  
 7 matter.
- 8 5. On page 92, line 24; and page 93, line 5, strike  
 9 "assessed" and insert "adjusted".
- 10 6. On page 93, lines 21 through 25, reinstate the  
 11 stricken matter; and in line 27 strike the new matter and reinstate  
 12 the stricken matter.
- 13 7. On page 94, line 1, strike the new matter; in  
 14 lines 2 through 9, reinstate the stricken matter; in line 11  
 15 strike "assessed"; reinstate the stricken matter beginning with  
 16 "(3)" in line 12 through the comma in line 14; in line 14  
 17 after the stricken "hundred" insert "ninety-six"; reinstate the  
 18 stricken matter beginning with "percent" in line 14 through the  
 19 comma in line 15; in line 15 after the stricken "seventy-five"  
 20 insert "seventy-two"; reinstate the stricken matter beginning with  
 21 "percent" in line 16 through the comma in line 18; in line 18 after  
 22 the stricken "seventy-five" insert "seventy-two"; reinstate the  
 23 stricken matter beginning with "percent" in line 18 through line  
 24 21; in line 22 strike the new matter and reinstate the stricken  
 25 matter; and in line 26, reinstate the stricken matter.
- 26 8. On page 95, lines 13 and 24; page 96, lines 15, 18,  
 27 and 19; and page 100, line 14, strike the new matter and reinstate  
 1 the stricken matter.
- 2 9. Amend the repealer, correct internal references, and  
 3 renumber the remaining sections accordingly.

Senator Gay filed the following amendment to LB988:

AM2383

(Amendments to Standing Committee amendments, AM2128)

- 1 1. Strike section 4.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

Senator Raikes filed the following amendment to LB973:

AM2388

(Amendments to E & R amendments, ER8182)

- 1 1. On page 2, lines 23 and 24, strike "the average need  
 2 adjustment plus (iv)" and show as stricken.
- 3 2. On page 5, line 24, after "total" insert "taxable";  
 4 and in line 25 strike "of", show as stricken, and insert "from  
 5 the most recent Certificate of Taxes Levied required under section  
 6 77-1613.01 for".
- 7 3. On page 6, line 8, before "taxable" insert "total";  
 8 and in line 9 strike "section 13-509" and insert "the most recent  
 9 Certificate of Taxes Levied required under section 77-1613.01".

Senator Johnson filed the following amendment to LB245:  
AM2317

(Amendments to Standing Committee amendments, AM542)

- 1 1. On page 1, line 9, after "shall" insert ", no later
- 2 than June 1, 2010,".
- 3 2. On page 2, lines 7 and 8, strike "May 1, 2009" and
- 4 insert "June 1, 2010".

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Kopplin asked unanimous consent to add his name as cointroducer to LB784. No objections. So ordered.

### **SPEAKER FLOOD PRESIDING**

#### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 261, 262, 263, 264, 265, and 266 were adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 261, 262, 263, 264, 265, and 266.

#### **VISITOR**

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

#### **ADJOURNMENT**

At 5:26 p.m., on a motion by Senator Wallman, the Legislature adjourned until 9:00 a.m., Tuesday, March 18, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-THIRD DAY - MARCH 18, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 18, 2008

**PRAYER**

The prayer was offered by Father Thomas MacLean, St. Mary's Catholic Church, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Christensen, Heidemann, Lautenbaugh, Nantkes, Schimek, Stuthman, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-second day was approved.

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB959:  
FA220

Amend AM2145

On page 4, lines 21 and 22, strike "-0-" and insert "600,000".

Senator Cornett filed the following amendment to LB1055:  
AM2395

- 1 1. Insert the following new sections:
- 2 Section 1. Section 28-101, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 28-101 Sections 28-101 to 28-1350 and section 3 of this
- 5 act shall be known and may be cited as the Nebraska Criminal Code.
- 6 Sec. 2. Section 28-1008, Revised Statutes Supplement,
- 7 2007, is amended to read:
- 8 28-1008 For purposes of sections 28-1008 to 28-1017 and
- 9 section 3 of this act
- 10 (1) Abandon means to leave any animal in one's care,

11 whether as owner or custodian, for any length of time without  
 12 making effective provision for its food, water, or other care as is  
 13 reasonably necessary for the animal's health;

14 (2) Animal means any vertebrate member of the animal  
 15 kingdom. The term does not include an uncaptured wild creature;

16 (3) Cruelly mistreat means to knowingly and intentionally  
 17 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or  
 18 otherwise inflict harm upon any animal;

19 (4) Cruelly neglect means to fail to provide any animal  
 20 in one's care, whether as owner or custodian, with food, water, or  
 21 other care as is reasonably necessary for the animal's health;

22 (5) Humane killing means the destruction of an animal by  
 23 a method which causes the animal a minimum of pain and suffering;

1 (6) Law enforcement officer means any member of the  
 2 Nebraska State Patrol, any county or deputy sheriff, any member  
 3 of the police force of any city or village, or any other public  
 4 official authorized by a city or village to enforce state or  
 5 local animal control laws, rules, regulations, or ordinances.  
 6 Law enforcement officer also includes any inspector under the  
 7 Commercial Dog and Cat Operator Inspection Act to the extent that  
 8 such inspector may exercise the authority of a law enforcement  
 9 officer under section 28-1012 while in the course of performing  
 10 inspection activities under the Commercial Dog and Cat Operator  
 11 Inspection Act;

12 (7) Mutilation means intentionally causing permanent  
 13 injury, disfigurement, degradation of function, incapacitation,  
 14 or imperfection to an animal. Mutilation does not include conduct  
 15 performed by a veterinarian licensed under the Nebraska Veterinary  
 16 Practice Act or conduct that conforms to accepted veterinary  
 17 practices;

18 ~~(7)-(8)~~ Police animal means a horse or dog owned or  
 19 controlled by the State of Nebraska for the purpose of assisting a  
 20 Nebraska state trooper in the performance of his or her official  
 21 enforcement duties; ~~and~~

22 (9) Repeated beating means intentional successive strikes  
 23 to an animal by a person resulting in serious bodily injury or  
 24 death to the animal;

25 ~~(8)-(10)~~ Serious injury or illness includes any injury  
 26 or illness to any animal which creates a substantial risk of death  
 27 or which causes broken bones, prolonged impairment of health, or  
 1 prolonged loss or impairment of the function of any bodily organ;  
 2 ~~and-~~

3 (11) Torture means intentionally subjecting an animal to  
 4 extreme pain, suffering, or agony. Torture does not include conduct  
 5 performed by a veterinarian licensed under the Nebraska Veterinary  
 6 Practice Act or conduct that conforms to accepted veterinary  
 7 practices.

8 Sec. 3. (1)(a) Any person convicted of a Class IV felony  
 9 under section 28-1005 or 28-1009 shall not own, possess, or reside

10 with any animal for not less than fifteen years from the date of  
11 conviction. Any person violating this subdivision shall be guilty  
12 of a Class I misdemeanor.

13 (b) Any person convicted of a Class I misdemeanor under  
14 subdivision (2)(a) of section 28-1009 or a Class III misdemeanor  
15 under section 28-1010 shall not own, possess, or reside with any  
16 animal for not less than five years from the date of conviction.  
17 Any person violating this subdivision shall be guilty of a Class IV  
18 misdemeanor.

19 (c) Any animal involved in a violation of subdivisions  
20 (a) and (b) of this subsection shall be subject to seizure by law  
21 enforcement.

22 (d) A court may extend the time restrictions for owning,  
23 possessing, or residing with any animal under this subsection as  
24 the court deems reasonable and necessary.

25 (2) The time restrictions in subdivisions (1)(a) and (b)  
26 of this section shall not apply to any person convicted under  
27 section 28-1005 or 28-1009 if a licensed physician confirms in  
1 writing that ownership or possession of or residence with an animal  
2 is essential to the health of such person.

3 Sec. 4. Section 28-1013, Revised Statutes Supplement,  
4 2007, is amended to read:

5 28-1013 Sections 28-1008 to 28-1017 and section 3 of this  
6 act shall not apply to:

7 (1) Care or treatment of an animal by a veterinarian  
8 licensed under the Veterinary Medicine and Surgery Practice Act;

9 (2) Commonly accepted care or treatment of a police  
10 animal by a law enforcement officer in the normal course of his or  
11 her duties;

12 (3) Research activity carried on by any research facility  
13 currently meeting the standards of the federal Animal Welfare Act,  
14 7 U.S.C. 2131 et seq., as such act existed on January 1, 2003;

15 (4) Commonly accepted practices of hunting, fishing, or  
16 trapping;

17 (5) Commonly accepted practices occurring in conjunction  
18 with rodeos, animal racing, or pulling contests;

19 (6) Humane killing of an animal by the owner or by his or  
20 her agent or a veterinarian upon the owner's request;

21 (7) Commonly accepted practices of animal husbandry with  
22 respect to farm animals, including their transport from one  
23 location to another and nonnegligent actions taken by personnel  
24 or agents of the Nebraska Department of Agriculture or the United  
25 States Department of Agriculture in the performance of duties  
26 prescribed by law;

27 (8) Use of reasonable force against an animal, other than  
1 a police animal, which is working, including killing, capture, or  
2 restraint, if the animal is outside the owned or rented property  
3 of its owner or custodian and is injuring or posing an immediate  
4 threat to any person or other animal;

- 5 (9) Killing of house or garden pests;  
 6 (10) Commonly followed practices occurring in conjunction  
 7 with the slaughter of animals for food or byproducts; and  
 8 (11) Commonly accepted animal training practices.  
 9 Sec. 5. Section 28-1014, Revised Statutes Cumulative  
 10 Supplement, 2006, is amended to read:  
 11 28-1014 Any city, village, or county may adopt and  
 12 promulgate rules, regulations, and ordinances which are not  
 13 inconsistent with the provisions of sections 28-1008 to 28-1017  
 14 and section 3 of this act for the protection of the public, public  
 15 health, and animals within its jurisdiction.  
 16 Sec. 6. Section 28-1015, Revised Statutes Cumulative  
 17 Supplement, 2006, is amended to read:  
 18 28-1015 When an animal is owned by a minor child, the  
 19 parent of such minor child with whom the child resides or legal  
 20 guardian with whom the child resides shall be subject to the  
 21 penalties provided under sections 28-1008 to 28-1017 and section 3  
 22 of this act if the animal is abandoned or cruelly neglected.  
 23 Sec. 7. Section 28-1016, Revised Statutes Cumulative  
 24 Supplement, 2006, is amended to read:  
 25 28-1016 Nothing in sections 28-1008 to 28-1017 and  
 26 section 3 of this act shall be construed as amending or changing  
 27 the authority of the Game and Parks Commission as established in  
 1 the Game Law or to prohibit any conduct authorized or permitted by  
 2 such law.  
 3 2. On page 10, line 9, after the comma insert "sections  
 4 28-1014, 28-1015, and 28-1016, Revised Statutes Cumulative  
 5 Supplement, 2006, and sections 28-101, 28-1008, and 28-1013,  
 6 Revised Statutes Supplement, 2007,".  
 7 3. Renumber the remaining sections and correct internal  
 8 references accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 1019.** Title read. Considered.

Committee AM2334, found on page 977, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 988.** Title read. Considered.

## SPEAKER FLOOD PRESIDING

Committee AM2128, found on page 794, was considered.

Senator Fischer requested a division of the question on the committee



amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:  
AM2367 is available in the Bill Room.

The second committee amendment is as follows:  
AM2368 is available in the Bill Room.

The third committee amendment is as follows:  
AM2369 is available in the Bill Room.

The fourth committee amendment is as follows:  
AM2371 is available in the Bill Room.

The fifth committee amendment is as follows:  
AM2402

- 1 1. Insert the following new sections:
- 2 2 Sec. 3. Section 79-233, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 79-233 For purposes of sections 79-232 to 79-246:
- 5 (1) Enrollment option program means the program
- 6 established in section 79-234;
- 7 (2) Option school district means the public school
- 8 district that ~~a~~an option student chooses to attend instead of
- 9 his or her resident school district; ~~except when a student chooses~~
- 10 ~~to attend another school district in a learning community in which~~
- 11 ~~the student resides pursuant to section 79-2110;~~
- 12 (3) Option student means a student that has chosen to
- 13 attend an option school district, including a student who resides
- 14 in a learning community and who has chosen to attend an option
- 15 school district in such learning community prior to the effective
- 16 date of the establishment of such learning community, but not
- 17 including a student who resides in a learning community and who
- 18 enrolls pursuant to section 79-2110 in another school district in
- 19 such learning community;
- 20 (4) Resident school district means the public school
- 21 district in which a student resides; and
- 22 (5) Siblings means all children residing in the same
- 23 household on a permanent basis who have the same mother or father
- 1 or who are stepbrother or stepsister to each other.
- 2 2 Sec. 4. Beginning with school year 2013-14, students
- 3 in kindergarten through grade three in the public schools shall
- 4 spend at least fifty percent of their school day in one or more
- 5 classrooms with twenty or fewer students. Up to ten days each
- 6 school year may be designated for any student or group of students
- 7 as special activity days to which the requirements of this section
- 8 do not apply. School districts may also apply to the State Board of

9 Education for a hardship waiver to waive the requirements of this  
 10 section for a specified period of time due to circumstances that  
 11 would cause the school district a substantial hardship to meet the  
 12 requirements of this section for such period of time.

13 Sec. 39. Section 79-1022.02, Reissue Revised Statutes of  
 14 Nebraska, is amended to read:

15 79-1022.02 Notwithstanding any other provision of law,  
 16 the certification of state aid pursuant to section 79-1022 to  
 17 be paid to school districts during school year ~~2003-04, 2008-09,~~  
 18 the certification of applicable allowable growth rates pursuant to  
 19 section 79-1026 for school fiscal year ~~2003-04, 2008-09,~~ and the  
 20 certifications of Class I school district allowable general fund  
 21 budgets of expenditures pursuant to section 79-1083.03 for school  
 22 fiscal year ~~2003-04 2008-09~~ are null and void. State aid to be paid  
 23 during such school year and the certifications pursuant to ~~section~~  
 24 sections 79-1022 and 79-1026 shall be recertified on or before June  
 25 15, 2003, April 30, 2008, using data sources as they existed on  
 26 February 1, ~~2003, 2008.~~

27 Sec. 44. Section 79-1031.01, Revised Statutes Supplement,  
 1 2007, is amended to read:

2 79-1031.01 The Appropriations Committee of the  
 3 Legislature shall annually include the amount necessary to fund the  
 4 state aid that will be certified to school districts on or before  
 5 February 15, 2007, April 30, 2008, and on or before February 1 for  
 6 each ~~ensuing~~ school year thereafter in its recommendations to the  
 7 Legislature to carry out the requirements of the Tax Equity and  
 8 Educational Opportunities Support Act.

9 Sec. 48. Section 79-1229, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 79-1229 (1) On or before January 31 of each year, the  
 12 administrator of each educational service unit shall submit to  
 13 the Commissioner of Education a report described as the annual  
 14 financial report showing (a) the amount of money received from all  
 15 sources during the year and the amount of money expended by the  
 16 educational service unit during the year, (b) other information  
 17 as necessary to fulfill the requirements of sections 79-1241  
 18 and 79-1243, and (c) such other information as the commissioner  
 19 directs.

20 (2) The board of each educational service unit shall  
 21 cause a complete and comprehensive annual audit to be made of the  
 22 books, accounts, records, and affairs of the educational service  
 23 unit. The audits shall be conducted annually, except that the  
 24 Auditor of Public Accounts may determine an audit of less frequency  
 25 to be appropriate but not less than once in any three-year period.  
 26 The board of each educational service unit may contract with the  
 27 Auditor of Public Accounts or select a licensed public accountant  
 1 or certified public accountant or firm of such accountants to  
 2 conduct the audit and shall be responsible for the cost of the  
 3 audit pursuant to the contract. Such audit shall be conducted in

- 4 the same manner as audits of county officers. The original copy of  
 5 the audit shall be filed in the office of the Auditor of Public  
 6 Accounts.  
 7 Sec. 52. Since an emergency exists, this act takes effect  
 8 when passed and approved according to law.

The first committee amendment, AM2367, found in this day's Journal, was renewed.

**SENATOR LANGEMEIER PRESIDING**

**SENATOR FRIEND PRESIDING**

Senator Erdman offered the following amendment to the first committee amendment:

FA228  
 Amend AM2367  
 Strike Section 15.

Pending.

**COMMITTEE REPORT**

General Affairs

**LEGISLATIVE BILL 995.** Placed on General File with amendment. AM2118

- 1 1. On page 5, line 5, strike the new matter and insert  
 2 "The county board shall publish notice of such petition"; and in  
 3 lines 23 and 24 strike the new matter.  
 4 2. On page 6, line 3, strike the new matter and reinstate  
 5 the stricken matter and after "for" insert "at least"; and in  
 6 line 5 after the period insert "Additional mowings shall be at the  
 7 discretion of the county board and each additional mowing may be  
 8 subject to a public hearing at which the need for the additional  
 9 mowing shall be presented to the county board.".  
 10 3. On page 9, lines 11 through 14, strike the new matter.

(Signed) Vickie McDonald, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 958A.** 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 958, One Hundredth Legislature, Second Session, 2008.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 281.** Introduced by Cornett, 45; Gay, 14.

WHEREAS, the Bellevue East High School boys' basketball team placed second in the Nebraska Class A Boys' State Basketball Tournament, narrowly falling to Omaha Central High School by one point; and

WHEREAS, the Bellevue East High School girls' basketball team topped off a great season with a berth in the Nebraska Class A Girls' State Basketball Tournament; and

WHEREAS, the Bellevue West High School boys' basketball team placed third in the Nebraska Class A Boys' State Basketball Tournament by defeating Lincoln High School; and

WHEREAS, the Bellevue West High School girls' basketball team finished a terrific season with a twelve and nine record.

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

1. That the Legislature congratulates the Bellevue East High School boys' basketball team on their achievements and bestows its encouragement to them in their future endeavors.

2. That the Legislature congratulates the Bellevue East High School girls' basketball team on their achievements and bestows its encouragement to them in their future endeavors.

3. That the Legislature congratulates the Bellevue West High School boys' basketball team on their achievements and bestows its encouragement to them in their future endeavors.

4. That the Legislature congratulates the Bellevue West High School girls' basketball team on their achievements and bestows its encouragement to them in their future endeavors.

5. That a copy of this resolution be sent to Bellevue West High School and to Bellevue East High School.

Laid over.

**NOTICE OF COMMITTEE HEARING**

Natural Resources

Room 1525

Monday, March 31, 2008 9:00 a.m.

Gohl, James - Oil and Gas Conservation Commission

(Signed) LeRoy Louden, Chairperson

**AMENDMENT - Print in Journal**

Senator Adams filed the following amendment to LB1092:  
AM2376

(Amendments to Standing Committee amendments, AM1974)

- 1 1. On page 1, lines 5 and 18, strike "2010" and insert
- 2 "2012".

**MESSAGES FROM THE GOVERNOR**

March 13, 2008

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Information Technology Commission:

Trev Peterson, 6040 The Knolls, Lincoln, NE 68512  
Janie Park, 6122 Hwy 20, Chadron, NE 69337

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

March 13, 2008

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Robert "Bob" Culver Jr., 1008 Dodge Street, #305, Omaha, NE 68102

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the appointment certificate and application are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### VISITORS

Visitors to the Chamber were members of Anne Batchelder Excellence in Public Service; 83 nursing students and teacher from Creighton University, Omaha; members of Nebraska Change to Win; and members of Papio Valley Preservation Association.

### RECESS

At 12:01 p.m., on a motion by Senator Heidemann, 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 Senator Cornett who was excused; and Senators Ashford, Dierks, Engel, Heidemann, Johnson, Langemeier, Synowiecki, and White who were excused until they arrive.

### AMENDMENT - Print in Journal

Senator Pankonin filed the following amendment to LB1045:  
AM2406

(Amendments to Standing Committee amendments, AM1819)

- 1 1. On page 1, line 10, after "form" insert "if the named
- 2 insured requested the electronic form and there was an agreement
- 3 to that effect with the insurer prior to such request"; and in
- 4 line 13 strike "conclusively presumed" and insert "a rebuttable
- 5 presumption".

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 267, 268, 269, and 270 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 267, 268, 269, and 270.

**GENERAL FILE**

**LEGISLATIVE BILL 988.** The Erdman amendment, FA228, found in this day's Journal, to the first committee amendment, AM2367, was renewed.

Senator Erdman withdrew his amendment.

Pending.

**AMENDMENTS - Print in Journal**

Senator Erdman filed the following amendment to LB959:  
AM2171

(Amendments to Standing Committee amendments, AM2145)

1 1. Insert the following new sections:

2 Sec. 38. On or before June 30, 2008, the State

3 Treasurer shall transfer thirty thousand dollars from General Funds

4 appropriated to the University of Nebraska, for Program 781, to the

5 Agricultural Products Marketing Information Cash Fund.

6 Sec. 71. Laws 2007, LB 321, section 77, is amended to

7 read:

8 Sec. 77. AGENCY NO. 18 - DEPARTMENT OF AGRICULTURE

9 Program No. 27 - Departmental Administration

	FY2007-08	FY2008-09
10 GENERAL FUND	1,630,524	1,666,483
11 <del>CASH FUND</del>	<del>207,838</del>	<del>211,347</del>
12 <del>CASH FUND</del>	<del>207,838</del>	<del>218,847</del>
13 FEDERAL FUND est.	430,483	438,485
14 REVOLVING FUND	479,381	487,563
15 <del>PROGRAM TOTAL</del>	<del>2,748,226</del>	<del>2,803,878</del>
16 <del>PROGRAM TOTAL</del>	<del>2,748,226</del>	<del>2,811,378</del>
17 SALARY LIMIT	1,235,393	1,266,747

19 There is included in the appropriation to this program  
20 for FY2007-08 \$242,232 Federal Funds estimate for state aid, which  
21 shall only be used for such purpose. There is included in the  
22 appropriation to this program for FY2008-09 \$242,232 Federal Funds  
1 estimate for state aid, which shall only be used for such purpose.

2 There is included in the appropriation to this program  
3 for FY2008-09 an additional \$7,500 Cash Funds to be used for the  
4 purpose of supplementing the Livestock Market News program.

5 2. On page 2, line 15, strike "87" and insert "89".

6 3. On page 56, line 26, after "69," insert "77,".

7 4. Renumber the remaining sections accordingly.

Senator Rogert filed the following amendment to LB766:

FA231

Strike the enacting clause.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 961.** Placed on Select File with amendment. ER8210 is available in the Bill Room.

**LEGISLATIVE BILL 960.** Placed on Select File with amendment. ER8209

- 1 1. In the Standing Committee amendments, AM2138:
- 2 a. On page 1, lines 4, 10, and 20, strike "Nebraska" and
- 3 insert "State"; and
- 4 b. On page 2, lines 3 and 10, strike "NEBRASKA" and
- 5 insert "STATE".
- 6 2. On page 3, line 6, strike "INFORMATION" and
- 7 insert "ACCOUNTING"; in line 7 strike "Information" and insert
- 8 "Accounting"; and in line 10 strike "192" and insert "194".
- 9 3. On page 34, line 19, after "bureau" insert "of the
- 10 Department of Administrative Services".

**LEGISLATIVE BILL 959.** Placed on Select File with amendment. ER8207

- 1 1. In the Standing Committee amendments, AM2145:
- 2 a. On page 2, line 12, strike "Information" and insert
- 3 "Accounting";
- 4 b. On page 7, line 20, strike "General" and insert
- 5 "Cash";
- 6 c. On page 8, line 4; page 9, line 3; and page 10, line
- 7 13, before "Health" insert "Nebraska";
- 8 d. On page 9, lines 14 and 17, strike "pharmacists" and
- 9 insert "pharmacies";
- 10 e. On page 10, line 12, strike the comma;
- 11 f. On page 17, line 17; and page 18, line 6, strike
- 12 "NEBRASKA" and insert "STATE";
- 13 g. On page 29, line 7; and page 30, line 5, strike
- 14 "Nebraska" and insert "State";
- 15 h. On page 43, line 25, strike "Director", show as
- 16 stricken, and insert "chief executive officer of the Department";
- 17 and
- 18 i. On page 56, line 17, after the semicolon insert "and".
- 19 2. On page 1, line 3, after the semicolon insert "and";
- 20 and strike beginning with "32" in line 3 through "215" in line 4
- 21 and insert "23, 24, 32, 46, 48, 49, 50, 55, 69, 88, 107, 119, 120,
- 22 123, 124, 177, 180, 182, 187, 215, 230, 236, 238, 239".

(Signed) Amanda McGill, Chairperson



**COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 929.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 988.** Senator Erdman offered the following amendment to the first committee amendment:

FA230

Amend AM2367

Strike Sections 17 and 18.

Senator Erdman withdrew his amendment.

Pending.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 1019.** Placed on Select File with amendment.  
ER8208

- 1 1. Strike original section 2 and all amendments thereto
- 2 and insert the following new section:
- 3 Sec. 2. The following sums of money, or so much thereof
- 4 as may be required, are hereby appropriated from the General
- 5 Fund or from other funds as indicated in the state treasury, not
- 6 otherwise appropriated, for the payment of tort claims which have
- 7 been settled by the Attorney General in the district court or
- 8 in which court judgments have been entered and which require the
- 9 approval of the Legislature for payment.
- 10 \$9,900,000.00 for Tort Claim Number 01-009, against the
- 11 Department of Roads, pay to Gail Fickle and the law firm of
- 12 Keating, O'Gara, Nedved & Peter, P.C., L.L.O., 530 South 13th
- 13 Street, Suite 100, Lincoln, NE 68508-2795, out of the Roads
- 14 Operations Cash Fund.
- 15 \$49,500.00 for Tort Claim Number 02-858, against
- 16 the Department of Health and Human Services, pay to Jennifer
- 17 Hoover-Richardson and Nebraska Advocacy Services, Attorney, 134
- 18 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the
- 19 General Fund.
- 20 \$25,000.00 for Tort Claim Number 02-859, against the
- 21 Department of Health and Human Services, pay to Theresa Liberte-Ray
- 22 and Nebraska Advocacy Services, Attorney, 134 South 13th Street,
- 23 Suite 600, Lincoln, Nebraska 68508, out of the General Fund.
- 1 \$15,000.00 for Tort Claim Number 02-860, against the
- 2 Department of Health and Human Services, pay to Ethel Hanger and

- 3 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
4 600, Lincoln, Nebraska 68508, out of the General Fund.  
5 \$17,500.00 for Tort Claim Number 02-861, against the  
6 Department of Health and Human Services, pay to Penny Greenbush and  
7 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
8 600, Lincoln, Nebraska 68508, out of the General Fund.  
9 \$45,500.00 for Tort Claim Number 02-862, against the  
10 Department of Health and Human Services, pay to Elizabeth Morgan  
11 and Nebraska Advocacy Services, Attorney, 134 South 13th Street,  
12 Suite 600, Lincoln, Nebraska 68508, out of the General Fund.  
13 \$30,000.00 for Tort Claim Number 02-863, against  
14 the Department of Health and Human Services, pay to Selena  
15 Taylor-Yazowski and Nebraska Advocacy Services, Attorney, 134 South  
16 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General  
17 Fund.  
18 \$22,500.00 for Tort Claim Number 03-001, against the  
19 Department of Health and Human Services, pay to Mary Witter and  
20 Brett McArthur, Attorney, 140 South 27th Street, #D, Lincoln,  
21 Nebraska 68510, out of the General Fund.  
22 \$25,100.57 for Tort Claim Number 03-132, against the  
23 Department of Correctional Services, pay to Jeffrey D. Patterson,  
24 Attorney, Bartle & Geier Law Firm, 1141 H Street, P.O. Box 83104,  
25 Lincoln, NE 68501-3104, out of the General Fund.  
26 \$20,000.00 for Tort Claim Number 03-152, against the  
27 Department of Health and Human Services, pay to Robin Heuertz and  
1 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
2 600, Lincoln, Nebraska 68508, out of the General Fund.  
3 \$25,000.00 for Tort Claim Number 03-492, against the  
4 Department of Health and Human Services, pay to David Domina on  
5 behalf of Danielle Murray, 2425 South 144th Street, Omaha, NE  
6 68144, out of the General Fund.  
7 \$10,500.00 for Tort Claim Number 03-892, against the  
8 Department of Health and Human Services, pay to Sara Medlin and  
9 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
10 600, Lincoln, Nebraska 68508, out of the General Fund.  
11 \$10,000.00 for Tort Claim Number 03-893, against the  
12 Department of Health and Human Services, pay to Tamica Starks and  
13 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
14 600, Lincoln, Nebraska 68508, out of the General Fund.  
15 \$20,000.00 for Tort Claim Number 03-918, against the  
16 Department of Health and Human Services, pay to Kim Hudson and  
17 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite  
18 600, Lincoln, Nebraska 68508, out of the General Fund.  
19 \$225,000 for Tort Claim Numbers 04-801 and 04-802,  
20 against the Department of Roads, pay to Theodore Neubert and  
21 Hauptman, O'Brien, Wolf and Lathrop, Attorney, 1005 South 107th  
22 Avenue, Suite 200, Omaha, Nebraska 68114-4707, out of the State  
23 Insurance Fund.  
24 \$75,000.00 for Tort Claim Numbers 00-577 and 99-686,  
25 against the Department of Health and Human Services, pay to Steven

26 Renteria, Attorney, and the conservator for Keith Dwayne Nolen,  
 27 Jr., Faith Almeda Nolen, Nathan James Lee Nolen, Charles Angus  
 1 Burris, Richard Travis Burris, Zachary Michael Nolen, Ryan Allan  
 2 Nolen, and Emma Louise Burris, 1905 Harney Street, Omaha, Nebraska  
 3 68102, out of the General Fund.

4 The claims included in this section shall be paid through  
 5 programs 591 and 594 in Agency 65.

6 For informational purposes only, the appropriations  
 7 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
9 <u>GENERAL FUND</u>	<u>390,600.57</u>
10 <u>CASH FUND</u>	<u>9,900,000.00</u>
11 <u>REVOLVING FUND</u>	<u>225, 000.00</u>
12 <u>TOTAL</u>	<u>10,515,600.57</u>

(Signed) Amanda McGill, Chairperson

**AMENDMENTS - Print in Journal**

Senator Erdman filed the following amendment to LB961:  
 AM2364

(Amendments to Standing Committee amendments, AM2139)

1 1. Insert the following sections:  
 2 Section 1. Section 2-958.01, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:  
 4 2-958.01 The Noxious Weed and Invasive Plant Species  
 5 Assistance Fund is created. The fund may be used to carry out  
 6 the purposes of section 2-958.02. The State Treasurer shall credit  
 7 to the fund ~~any money any funds transferred pursuant to section~~  
 8 ~~54-857, funds~~ appropriated to the fund by the Legislature, and ~~any~~  
 9 ~~money funds~~ received as gifts or grants or other private or public  
 10 funds obtained for the purposes set forth in section 2-958.02. Any  
 11 money in the fund available for investment shall be invested by the  
 12 state investment officer pursuant to the Nebraska Capital Expansion  
 13 Act and the Nebraska State Funds Investment Act.

14 Sec. 2. Section 54-857, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 54-857 All money received pursuant to the Commercial Feed  
 17 Act shall be remitted by the director to the State Treasurer for  
 18 credit to the Commercial Feed Administration Cash Fund which is  
 19 hereby created. Such fund shall be used by the department to aid  
 20 in defraying the expenses of administering the act. Any money in  
 21 the fund available for investment shall be invested by the state  
 22 investment officer pursuant to the Nebraska Capital Expansion Act  
 1 and the Nebraska State Funds Investment Act.

2 On or before October 1, 2008, the State Treasurer shall  
 3 transfer two hundred fifty thousand dollars from the Commercial  
 4 Feed Administrative Cash Fund to the Noxious Weed and Invasive  
 5 Plant Species Assistance Fund.

- 6 2. On page 12, line 17, strike "sections 59-1608.04"  
 7 and insert "section 54-857, Reissue Revised Statutes of Nebraska,  
 8 sections 2-958.01, 59-1608.04,".  
 9 3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB961:  
 AM2400

(Amendments to E & R amendments, ER8210)

- 1 1. Insert the following new section:  
 2 Sec. 5. Section 84-612, Revised Statutes Supplement,  
 3 2007, is amended to read:  
 4 84-612 (1) There is hereby created within the state  
 5 treasury a fund known as the Cash Reserve Fund which shall be under  
 6 the direction of the State Treasurer. The fund shall only be used  
 7 pursuant to this section.  
 8 (2) The State Treasurer shall transfer funds from the  
 9 Cash Reserve Fund to the General Fund upon certification by the  
 10 Director of Administrative Services that the current cash balance  
 11 in the General Fund is inadequate to meet current obligations. Such  
 12 certification shall include the dollar amount to be transferred.  
 13 Any transfers made pursuant to this subsection shall be reversed  
 14 upon notification by the Director of Administrative Services that  
 15 sufficient funds are available.  
 16 (3) The State Treasurer, at the direction of the  
 17 budget administrator of the budget division of the Department  
 18 of Administrative Services, shall transfer such amounts not to  
 19 exceed seven million seven hundred fifty-three thousand two hundred  
 20 sixty-three dollars in total from the Cash Reserve Fund to the  
 21 Nebraska Capital Construction Fund between July 1, 2003, and June  
 22 30, 2007.  
 1 (4) The State Treasurer, at the direction of the budget  
 2 administrator, shall transfer an amount equal to the total amount  
 3 transferred pursuant to subsection (3) of this section from the  
 4 General Fund to the Cash Reserve Fund on or before June 30, 2008.  
 5 (5) In addition to receiving transfers from other funds,  
 6 the Cash Reserve Fund shall receive federal funds received by the  
 7 State of Nebraska for undesignated general government purposes,  
 8 federal revenue sharing, or general fiscal relief of the state.  
 9 (6) On June 15, 2007, the State Treasurer shall transfer  
 10 fifteen million six hundred seventy-four thousand one hundred seven  
 11 dollars from the Cash Reserve Fund to the General Fund.  
 12 (7) On June 16, 2008, the State Treasurer shall transfer  
 13 seventeen million nine hundred thirty-one thousand thirty dollars  
 14 from the Cash Reserve Fund to the General Fund.  
 15 (8) On June 15, 2009, the State Treasurer shall transfer  
 16 four million nine hundred ninety thousand five hundred five dollars  
 17 from the Cash Reserve Fund to the General Fund.  
 18 (9) On or before June 16, 2008, the State Treasurer, at  
 19 the direction of the budget administrator, shall transfer fifty

20 million dollars from the Cash Reserve Fund to the General Fund.

21 (10) On or before June 16, 2009, the State Treasurer,  
22 at the direction of the budget administrator, shall transfer fifty  
23 million dollars from the Cash Reserve Fund to the General Fund.

24 (11) From the effective date of an endowment agreement  
25 as defined in subdivision (3)(c) of section 79-1101 until June  
26 30, 2007, forty million dollars of the Cash Reserve Fund shall be  
27 deemed to constitute the Early Childhood Education Endowment Fund.

1 Such funds shall remain part of the Cash Reserve Fund for all  
2 purposes, except that the interest earned on such forty million  
3 dollars shall accrue as provided in section 84-613.

4 (12) The State Treasurer, at the direction of the budget  
5 administrator, shall transfer such amounts, as certified by the  
6 Director of Administrative Services, for employee health insurance  
7 claims and expenses, not to exceed twelve million dollars in total  
8 from the Cash Reserve Fund to the State Employees Insurance Fund  
9 between May 1, 2007, and June 30, 2011.

10 (13) On July 9, 2007, the State Treasurer shall transfer  
11 twelve million dollars from the Cash Reserve Fund to the Nebraska  
12 Capital Construction Fund.

13 (14) On July 9, 2007, the State Treasurer shall transfer  
14 five million dollars from the Cash Reserve Fund to the Job Training  
15 Cash Fund. The State Treasurer shall transfer from the Job Training  
16 Cash Fund to the Cash Reserve Fund such amounts as directed in  
17 section 81-1201.21.

18 (15) On July 7, 2008, the State Treasurer shall transfer  
19 five million dollars from the Cash Reserve Fund to the Job Training  
20 Cash Fund. The State Treasurer shall transfer from the Job Training  
21 Cash Fund to the Cash Reserve Fund such amounts as directed in  
22 section 81-1201.21.

23 (16) On or before August 1, 2007, the State Treasurer,  
24 at the direction of the budget administrator, shall transfer  
25 seventy-five million dollars from the Cash Reserve Fund to the  
26 Nebraska Capital Construction Fund.

27 (17) On or before June 30, 2009, the State Treasurer  
1 shall transfer nine million five hundred ninety thousand dollars  
2 from the Cash Reserve Fund to the Nebraska Capital Construction  
3 Fund.

4 (18) The State Treasurer, at the direction of the budget  
5 administrator, shall transfer an amount equal to the total amount  
6 transferred pursuant to subsection (12) of this section from  
7 the appropriate health insurance accounts of the State Employees  
8 Insurance Fund in such amounts as certified by the Director of  
9 Administrative Services to the Cash Reserve Fund on or before June  
10 30, 2011.

11 (19) On July 9, 2007, the State Treasurer shall  
12 transfer one million dollars from the Cash Reserve Fund to the  
13 Microenterprise Development Cash Fund.

14 (20) On July 9, 2007, the State Treasurer shall transfer

15 two hundred fifty thousand dollars from the Cash Reserve Fund to  
 16 the Building Entrepreneurial Communities Cash Fund.

17 (21) On July 7, 2008, the State Treasurer shall  
 18 transfer one million dollars from the Cash Reserve Fund to the  
 19 Microenterprise Development Cash Fund.

20 (22) On July 7, 2008, the State Treasurer shall transfer  
 21 two hundred fifty thousand dollars from the Cash Reserve Fund to  
 22 the Building Entrepreneurial Communities Cash Fund.

23 (23) On or before July 15, 2008, the State Treasurer  
 24 shall transfer fourteen million five hundred thirteen thousand nine  
 25 hundred thirty dollars from the Cash Reserve Fund to the Roads  
 26 Operations Cash Fund.

27 2. On page 11, line 9, strike "and"; in line 10 after the  
 1 first comma insert "and 84-612,"; and in line 17 strike the first  
 2 "and" and after the second comma insert "and 84-612,".

3 3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB961:  
 AM2389

(Amendments to E & R amendments, ER8210)

1 1. Insert the following new sections:

2 Section 1. Section 18-2604, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 18-2604 There is hereby created in the state treasury a  
 5 cash fund to be known as the Municipal Infrastructure Redevelopment  
 6 Fund. The fund shall have a separate account for each municipality  
 7 in the state. Transfers from the fund to the General Fund may be  
 8 made at the direction of the Legislature. Money shall be deposited  
 9 into the ~~fund~~ Municipal Infrastructure Redevelopment Fund pursuant  
 10 to section 77-2602.

11 Any money in the fund available for investment shall be  
 12 invested by the state investment officer pursuant to the Nebraska  
 13 Capital Expansion Act and the Nebraska State Funds Investment Act.  
 14 Investment earnings on each account shall be credited to that  
 15 account.

16 Sec. 2. Section 19-102, Revised Statutes Cumulative  
 17 Supplement, 2006, is amended to read:

18 19-102 There is hereby created the City of the Primary  
 19 Class Development Fund. Amounts credited to the fund pursuant  
 20 to section 77-2602 shall, upon appropriation by the Legislature,  
 21 be first expended to support the design and development of the  
 22 Antelope Valley project and financing costs related thereto for  
 1 the Antelope Valley Study as outlined in the Environmental Impact  
 2 Statement and Comprehensive Plan Amendment 94-60 to the 1994  
 3 Lincoln/Lancaster County Comprehensive Plan. Transfers from the  
 4 fund to the General Fund may be made at the direction of the  
 5 Legislature. Any money in the ~~fund~~ City of the Primary Class  
 6 Development Fund available for investment shall be invested by the  
 7 state investment officer pursuant to the Nebraska Capital Expansion

8 Act and the Nebraska State Funds Investment Act.

9 No distribution from the fund shall be made unless  
10 the city of the primary class provides matching funds equal to  
11 the ratio of one dollar for each three dollars of the state  
12 distribution. Funds derived from any state source may not be  
13 utilized as matching funds for purposes of this section.

14 Sec. 3. Section 19-103, Revised Statutes Cumulative  
15 Supplement, 2006, is amended to read:

16 19-103 There is hereby created the City of the  
17 Metropolitan Class Development Fund. Amounts credited to the  
18 fund pursuant to section 77-2602 shall, upon appropriation by  
19 the Legislature, be first expended to support the design and  
20 development of the redevelopment projects within the riverfront  
21 redevelopment plan designated for the area along the Missouri River  
22 generally north of Interstate 480 to Interstate 680 by the city of  
23 Omaha, except that each fiscal year there shall be no distribution  
24 from the fund until the finance director of the city certifies  
25 that other funds have been encumbered for that calendar year by  
26 the city to pay the cost of the combined sewer separation program  
27 project east of Seventy-second Street in the city of Omaha. Such  
1 certification shall be required only until such sewer separation  
2 project is completed or until no cigarette tax money is available  
3 to the fund. The amount certified shall be at least seven million  
4 dollars each calendar year until 2007 and at least four million  
5 dollars each calendar year thereafter. The sewer separation project  
6 has such a significant impact on the health and welfare of such a  
7 large percentage of the population and on public health in general  
8 that the project is a matter of statewide concern. Transfers from  
9 the fund to the General Fund may be made at the direction of the  
10 Legislature. Any money in the ~~fund~~ City of the Metropolitan Class  
11 Development Fund available for investment shall be invested by the  
12 state investment officer pursuant to the Nebraska Capital Expansion  
13 Act and the Nebraska State Funds Investment Act.

14 No distribution from the fund shall be made unless the  
15 city of the metropolitan class provides matching funds equal to  
16 the ratio of one dollar for each three dollars of the state  
17 distribution. Funds derived from any state source may not be  
18 utilized as matching funds for purposes of this section.

19 Sec. 4. Section 37-351, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 37-351 There is hereby created a fund to be known as  
22 the Nebraska Outdoor Recreation Development Cash Fund. The fund  
23 shall contain the money ~~received~~ credited to the fund pursuant  
24 to section 77-2602 and any funds donated as gifts, bequests, or  
25 other contributions to such fund from public or private entities.  
26 Transfers from the fund to the General Fund may be made at the  
27 direction of the Legislature. Any money in the ~~fund~~ Nebraska  
1 Outdoor Recreation Development Cash Fund available for investment  
2 shall be invested by the state investment officer pursuant to

3 the Nebraska Capital Expansion Act and the Nebraska State Funds  
4 Investment Act.

5 Sec. 7. Section 72-1001, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7 72-1001 The Nebraska Capital Construction Fund is  
8 created. The fund shall consist of revenue and transfers credited  
9 to the fund as authorized by law. Money shall be appropriated  
10 from the fund to state agencies for making payments on projects  
11 as determined by the Legislature, including, but not limited to,  
12 purchases of land, structural improvements to land, acquisition  
13 of buildings, construction of buildings, including architectural  
14 and engineering costs, replacement of or major repairs to  
15 structural improvements to land or buildings, additions to existing  
16 structures, remodeling of buildings, and acquisition of equipment  
17 and furnishings of new or remodeled buildings. The fund shall  
18 be administered by the State Treasurer as a multiple-agency-use  
19 fund and appropriated to state agencies as determined by the  
20 Legislature. Transfers from the fund to the General Fund may  
21 be made at the direction of the Legislature. Any money in the  
22 ~~fund~~ Nebraska Capitol Construction Fund available for investment  
23 shall be invested by the state investment officer pursuant to  
24 the Nebraska Capital Expansion Act and the Nebraska State Funds  
25 Investment Act.

26 Sec. 8. Notwithstanding any other provision of law, for  
27 bonds issued on or after the operative date of this act, funds  
1 received by the issuer pursuant to section 77-2602 shall not be  
2 pledged for repayment of the bonds unless the bonds are approved  
3 by the Legislature or, if the Legislature is not in session, the  
4 Executive Board of the Legislative Council. Within ninety days  
5 after the date of submission of a request to permit pledging of  
6 funds received pursuant to section 77-2602 for repayment of bonds,  
7 the Legislature or, if the Legislature is not in session, the  
8 Executive Board of the Legislative Council, shall either approve or  
9 disapprove the request.

10 Sec. 9. Section 81-179, Revised Statutes Supplement,  
11 2007, is amended to read:

12 81-179 (1) There is hereby created under the control  
13 of the Governor, for allocation to building renewal projects of  
14 the various agencies, a fund to be known as the Building Renewal  
15 Allocation Fund. The fund shall contain the revenue from the  
16 special privilege tax as provided in section 77-2602 and such other  
17 money as is appropriated by the Legislature. Such appropriation  
18 is declared to consist of building renewal funds which shall be  
19 kept separate and distinct from the program continuation funds and  
20 project construction funds. Transfers from the fund to the General  
21 Fund may be made at the direction of the Legislature.

22 (2) Separate subfunds, subprograms, projects, or accounts  
23 shall be established to separately account for any expenditures on  
24 state buildings or facilities to comply with the federal Americans



25 with Disabilities Act of 1990. A minimal amount of the funds  
 26 contained in the subfunds, subprograms, projects, or accounts may  
 27 be used for planning and evaluation of buildings and facilities.

1 (3) The budget division of the Department of  
 2 Administrative Services may administratively transfer funds to  
 3 appropriate accounting entities to correctly account for the  
 4 operating expenditures. A separate fund, cash fund, project, or  
 5 other account may be administratively established for such purpose.

6 (4) Any money in the ~~fund~~ Building Renewal Allocation  
 7 Fund available for investment shall be invested by the state  
 8 investment officer pursuant to the Nebraska Capital Expansion Act  
 9 and the Nebraska State Funds Investment Act.

10 Sec. 10. Section 81-2004.08, Revised Statutes Supplement,  
 11 2007, is amended to read:

12 81-2004.08 The Nebraska Public Safety Communication  
 13 System Cash Fund is created. The fund shall be established within  
 14 the Nebraska State Patrol and administered by the Superintendent  
 15 of Law Enforcement and Public Safety. The fund shall consist of  
 16 all revenue credited pursuant to law, including any fund transfers  
 17 authorized by the Legislature. The fund shall only be used to pay  
 18 the patrol's direct costs related to administering, operating, and  
 19 maintaining the Nebraska Public Safety Communication System, except  
 20 that any unobligated money in the fund may first be used to reduce  
 21 the patrol's General Fund costs to operate the Nebraska Public  
 22 Safety Communication System; and ~~if additional unobligated money~~  
 23 ~~in the fund exists, the Legislature may transfer money from the~~  
 24 ~~fund to the State Fire Marshal and the Game and Parks Commission~~  
 25 ~~to reduce the General Fund costs to operate the Nebraska Public~~  
 26 ~~Safety Communication System.~~ General Fund. Any money in the ~~fund~~  
 27 Nebraska Public Safety Communication System Cash Fund available  
 1 for investment shall be invested by the state investment officer  
 2 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 3 State Funds Investment Act.

4 Sec. 14. Sections 1, 2, 3, 4, 7, 8, 9, 10, and 15 of this  
 5 act become operative on July 1, 2008. The other sections of this  
 6 act become operative on their effective date.

7 Sec. 15. Original sections 18-2604 and 37-351, Reissue  
 8 Revised Statutes of Nebraska, sections 19-102, 19-103, and 72-1001,  
 9 Revised Statutes Cumulative Supplement, 2006, and sections 77-2602,  
 10 81-179, and 81-2004.08, Revised Statutes Supplement, 2007, are  
 11 repealed.

12 2. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB959:  
 AM2401

(Amendments to Standing Committee amendments, AM2145)

- 1 1. Strike section 30.
- 2 2. On page 2, line 15, strike "87" and insert "86".
- 3 3. Renumber the remaining sections accordingly.

Senator Hudkins filed the following amendment to LB961:  
AM2394

(Amendments to E & R amendments, ER8210)

1 1. Insert the following new section:

2 Section 1. Section 29-3921, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:  
4 29-3921 The Commission on Public Advocacy Operations Cash  
5 Fund is created. The fund shall be used for the operations of  
6 the commission. The fund shall consist of money remitted pursuant  
7 to section 33-156. It is the intent of the Legislature that  
8 the commission shall be funded solely from the fund. Any money  
9 in the fund available for investment shall be invested by the  
10 state investment officer pursuant to the Nebraska Capital Expansion  
11 Act and the Nebraska State Funds Investment Act. ~~Any money in  
12 the County Revenue Assistance Fund on April 19, 2002, shall be  
13 transferred to the Commission on Public Advocacy Operations Cash  
14 Fund.~~

15 The State Treasurer shall transfer two hundred fifty  
16 thousand dollars from the Commission on Public Advocacy Operations  
17 Cash Fund to the University Cash Fund within fifteen days after May  
18 1, 2008. Such funds shall be used for a study of the juvenile legal  
19 defense and guardian ad litem systems utilizing the University of  
20 Nebraska Public Policy Center to create, administer, and review  
21 a Request for Proposals to select from a national search a  
22 research consultant that is qualified to provide a methodologically  
1 sound and objective assessment of Nebraska's juvenile justice  
2 system. The assessment shall include: (1) Gathering of general  
3 data and information about the structure and funding mechanisms  
4 for juvenile legal defense and guardian ad litem representation;  
5 (2) a review of caseloads; (3) examining issues related to the  
6 timing of appointment of counsel and guardians ad litem; (4)  
7 supervision of attorneys; (5) frequency with which juveniles waive  
8 their right to counsel and under what conditions they do so; (6)  
9 allocation of resources; (7) adequacy of juvenile court facilities;  
10 (8) compensation of attorneys; (9) supervising and training of  
11 attorneys; (10) access to investigators, experts, social workers,  
12 and support staff; (11) access to educational officers, teachers,  
13 educational staff, and truancy officers; (12) the relationship  
14 between a guardian ad litem, a juvenile's legal counsel, and  
15 the judicial system with identified educational staff regarding  
16 a juvenile's educational status; (13) examining issues related to  
17 truancy and the relationship between the school districts and the  
18 juvenile court system; (14) recidivism; (15) time to permanency and  
19 time in court, especially when a guardian ad litem is appointed;  
20 and (16) coordination of representation for those juveniles that  
21 may have been appointed an attorney in a juvenile delinquency  
22 matter and a guardian ad litem because of abuse or neglect. The  
23 assessment shall also highlight promising approaches and innovative

24 practices within the state and offer recommendations to improve  
 25 weak areas.

- 26 2. On page 11, line 8, strike "section" and insert  
 27 "sections 29-3921 and"; in line 15 strike "section" and insert  
 1 "sections 29-3921 and"; and in line 19 after the semicolon insert  
 2 "to provide for a study";.  
 3 3. Renumber the remaining sections accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 988.** The first committee amendment, AM2367, found in this day's Journal, was renewed.

The first committee amendment was adopted with 28 ayes, 10 nays, 10 present and not voting, and 1 excused and not voting.

The second committee amendment, AM2368, found in this day's Journal, was renewed.

The second committee amendment was adopted with 33 ayes, 6 nays, 7 present and not voting, and 3 excused and not voting.

Pending.

### MOTION - Print in Journal

Senator Erdman filed the following motion to LB988:  
 MO145  
 Bracket.

### AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB988:  
 AM2404

(Amendments to AM2369)

- 1 1. Strike sections 1, 32, 45, and 49.  
 2 2. On page 24, line 3; page 25, lines 7, 8, 9, 14, 15,  
 3 and 26; and page 26, lines 5, 9, 12, 23, and 27, strike the new  
 4 matter and reinstate the stricken matter.  
 5 3. On page 11, lines 9 through 12, strike the new matter.  
 6 4. On page 23, lines 8 and 16, strike "assessed" and  
 7 insert "adjusted".  
 8 5. On page 24, lines 5 through 9, reinstate the stricken  
 9 matter; and in line 11 strike the new matter and reinstate the  
 10 stricken matter; in line 12 strike the new matter; in lines 13  
 11 through 20, reinstate the stricken matter; in line 22 strike  
 12 "assessed"; reinstate the stricken matter beginning with "(3)"  
 13 in line 23 through the comma in line 25; in line 25 after  
 14 the stricken "hundred" insert "ninety-six"; reinstate the stricken

15 matter beginning with "percent" in line 25 through the comma  
 16 in line 26; in line 26 after the stricken "seventy-five" insert  
 17 "seventy-two"; and reinstate the stricken matter in line 27.

18 6. On page 25, reinstate the stricken matter beginning  
 19 with "For" in line 1 through the comma in line 2; in line 2 after  
 20 the stricken "seventy-five" insert "seventy-two"; reinstate the  
 21 stricken matter beginning with "percent" in line 2 through line 5;  
 22 in line 6 strike the new matter and reinstate the stricken matter;  
 1 in line 10, reinstate the stricken matter; and in line 24 strike  
 2 the new matter and reinstate the stricken matter.

3 7. On page 26, lines 8 and 26; and page 27, lines 2 and 3

4 strike the new matter and reinstate the stricken matter.

5 8. Amend the repealer, correct internal references, and

6 renumber the remaining sections accordingly.

Senator Kopplin filed the following amendment to LB988:  
 AM2423

(Amendments to AM2369)

1 1. On page 23, line 5, after "less" insert "(i) for  
 2 school fiscal year 2008-09, ten cents, (ii) for school fiscal year  
 3 2009-10, eight cents, (iii) for school fiscal year 2010-11, six and  
 4 one-half cents, and (iv) for school fiscal year 2011-12 and each  
 5 school fiscal year thereafter,".

Senator Kopplin filed the following amendment to LB988:  
 AM2425

(Amendments to AM2369)

1 1. On page 23, line 5, after "less" insert "(i) for  
 2 school fiscal year 2008-09, ten cents, (ii) for school fiscal year  
 3 2009-10, nine cents, (iii) for school fiscal year 2010-11, eight  
 4 cents, (iv) for school fiscal year 2011-12, seven cents, (v) for  
 5 school fiscal year 2012-13, six cents, and (vi) for school fiscal  
 6 year 2013-14 and each school fiscal year thereafter,".

Senator White filed the following amendment to LB1001A:  
 AM2424

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

3 Section 1. There is hereby appropriated (1) \$197,700 from  
 4 the General Fund for FY2008-09 and (2) \$37,100 from the General  
 5 Fund for FY2009-10 to the Department of Revenue, for Program 102,  
 6 to aid in carrying out the provisions of Legislative Bill 1001, One  
 7 Hundredth Legislature, Second Session, 2008.

8 Total expenditures for permanent and temporary salaries  
 9 and per diems from funds appropriated in this section shall not  
 10 exceed \$20,800 for FY2008-09 or \$21,400 for FY2009-10.

11 Sec. 2. There is hereby appropriated (1) \$5,844,800  
 12 from the Energy Conservation Improvement Fund for FY2008-09 and  
 13 (2) \$8,547,200 from the Energy Conservation Improvement Fund for

14 FY2009-10 to the Department of Revenue, for Program 110, to aid in  
15 carrying out the provisions of Legislative Bill 1001, One Hundredth  
16 Legislature, Second Session, 2008.  
17 No expenditures for permanent and temporary salaries and  
18 per diems for state employees shall be made from funds appropriated  
19 in this section.

### **VISITORS**

Visitors to the Chamber were Jim and Garrett Smith; and 54 fourth-grade students, teachers, and sponsors from Rockwell Elementary, Omaha.

The Doctor of the Day was Dr. Nate DeNell from Lincoln.

### **ADJOURNMENT**

At 5:46 p.m., on a motion by Senator Nantkes, the Legislature adjourned until 9:00 a.m., Wednesday, March 19, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-FOURTH DAY - MARCH 19, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 19, 2008

**PRAYER**

The prayer was offered by Pastor Robert Chitwood, Brownville Christian Church, Brownville.

**ROLL CALL**

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

The roll was called and all members were present except Senators Langemeier, Lautenbaugh, McDonald, Synowiecki, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 988.** The third committee amendment, AM2369, found on page 993, was renewed.

Senator Raikes renewed his amendment, AM2404, found on page 1011, to the third committee amendment.

The Raikes amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Kopplin renewed his amendment, AM2423, found on page 1012, to the third committee amendment.

Senator Kopplin moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Kopplin requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Christensen	Dubas	Hansen	Kopplin	Pankonin
Dierks	Gay	Karpisek	McDonald	Schimek

Voting in the negative, 22:

Aguilar	Cornett	Johnson	Nantkes	Synowiecki
Ashford	Engel	Kruse	Pedersen	Wallman
Avery	Flood	Lathrop	Pirsch	
Burling	Hudkins	Lautenbaugh	Preister	
Chambers	Janssen	McGill	Raikes	

Present and not voting, 16:

Adams	Friend	Howard	Rogert
Carlson	Fulton	Louden	Stuthman
Erdman	Harms	Nelson	White
Fischer	Heidemann	Pahls	Wightman

Excused and not voting, 1:

Langemeier

The Kopplin amendment lost with 10 ayes, 22 nays, 16 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Kopplin withdrew his amendment, AM2425, found on page 1012.

The third committee amendment, as amended, was adopted with 33 ayes, 5 nays, 10 present and not voting, and 1 excused and not voting.

The fourth committee amendment, AM2371, found on page 993, was renewed.

### **SENATOR ERDMAN PRESIDING**

The fourth committee amendment was adopted with 28 ayes, 2 nays, 17 present and not voting, and 2 excused and not voting.

The fifth committee amendment, AM2402, found on page 993, was renewed.

Senator Gay withdrew his amendment, AM2383, found on page 986.

Senator Gay offered the following amendment to the fifth committee amendment:



AM2432

(Amendments to AM2402)

- 1 1. Strike section 4.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

The Gay amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The fifth committee amendment, as amended, was adopted with 28 ayes, 2 nays, 17 present and not voting, and 2 excused and not voting.

Senator Raikes withdrew his amendments, AM2335 and AM2358, found on pages 961 and 984.

Senator Erdman withdrew his motion, MO145, found on page 1011, to bracket.

Senator Kopplin offered the following amendment:

AM2433

- 1 1. Insert the following new sections:
- 2 Sec. 50. (1) The Legislature hereby finds and declares
- 3 that a high-quality system of public education is essential to the
- 4 prosperity and well-being of the state and necessary to maintaining
- 5 a high quality of life for all Nebraskans.
- 6 (2) The Legislature further finds and declares that the
- 7 ideal system for funding public schools:
- 8 (a) Is fair, understandable, predictable, and stable;
- 9 (b) Assures equity in educational opportunities across
- 10 the state;
- 11 (c) Provides sufficient support and resources for all
- 12 school districts to meet state accreditation standards; and
- 13 (d) As much as possible, reduces or limits the reliance
- 14 on property tax funding.
- 15 Sec. 51. (1) The School Funding Study Task Force is
- 16 created. The task force shall study the current school finance
- 17 formula to determine if it is meeting the goals set forth in
- 18 section 50 of this act. If the task force determines that such
- 19 goals are not being met, the task force shall propose changes,
- 20 improvements, or alternatives to the current method of funding the
- 21 public schools that meet the goals set forth in section 50 of this
- 22 act.
- 23 (2) The task force shall include the following members:
- 1 (a) The chairpersons of the Committee on Education,
- 2 Committee on Revenue, and Committee on Appropriations of the
- 3 Legislature;
- 4 (b) Five members of the Legislature, appointed by the
- 5 Executive Board of the Legislative Council;
- 6 (c) The Governor or his or her representative;

7 (d) Five representatives of kindergarten through  
 8 twelfth-grade education, including school board members, teachers,  
 9 administrators, parents, and students, appointed by the Governor;

10 (e) One member from each of the following organizations,  
 11 appointed by that organization:

12 (i) The Nebraska Association of School Boards;

13 (ii) The Nebraska State Education Association; and

14 (iii) The Nebraska Council of School Administrators;

15 (f) The Commissioner of Education or his or her  
 16 representative; and

17 (g) Three representatives of business and industry,  
 18 appointed by the Governor.

19 (3) The appointed members of the task force shall be  
 20 appointed within thirty days after the effective date of this  
 21 act, and the task force shall hold its organizational meeting on  
 22 or before July 1, 2008. Members of the task force shall receive  
 23 no compensation but shall be reimbursed for their reasonable and  
 24 necessary expenses as members of the task force as provided in  
 25 sections 81-1174 to 81-1177.

26 Sec. 52. The School Funding Study Task Force shall hold  
 27 public meetings in each of the congressional districts in Nebraska,  
 1 as such districts exist on the effective date of this act, and seek  
 2 public input through all appropriate means. A preliminary report  
 3 shall be made public and provided to the Legislature by January 1,  
 4 2009, and a final report shall be made public and provided to the  
 5 Legislature by October 1, 2009. The report shall include a plan  
 6 to accomplish the goals described in section 50 of this act, with  
 7 appropriate implementation strategies.

8 Sec. 53. The Legislature and the State Department of  
 9 Education shall provide staff, logistical, and technical support  
 10 for the task force.

11 2. Renumber the remaining sections accordingly.

Senator Kopplin withdrew and refiled his amendment, AM2433.

Advanced to Enrollment and Review Initial with 29 ayes, 13 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 988A.** Title read. Considered.

Senator Raikes offered the following amendment:  
 AM2407

- 1 1. On page 2, line 7, strike "1,022,930,676" and insert
- 2 "1,039,314,462"; in line 11 strike "1,287,657,601" and insert
- 3 "1,304,041,387"; in line 17 strike "\$1,022,930,676" and insert
- 4 "\$1,039,314,462"; and in line 26 strike "\$818,898,810" and insert
- 5 "\$835,282,596".

The Raikes amendment was adopted with 28 ayes, 0 nays, 19 present and

not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

## **SPEAKER FLOOD PRESIDING**

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 271, 272, 273, and 274 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 271, 272, 273, and 274.

### **VISITORS**

Visitors to the Chamber were Jamie McAlister from Omaha; Senator Nelson's wife, Judy Nelson, and Norman and Grace Melton from Omaha; 51 fourth- through sixth-grade students from Harvard; Michelle McCormick, Kelly and Emily Buck, and Senator Carlson's wife, Margo Carlson, from Holdrege and Norma Stadler from Lincoln; and members of Leadership Beatrice from Beatrice.

### **CEREMONIES**

Upon recess the Speaker introduced a group from the Nebraska Association of Former State Legislators.

### **RECESS**

At 11:36 a.m., on a motion by Senator Kopplin, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senators Ashford, Lautenbaugh, McGill, Raikes, and White who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senator Raikes filed the following amendment to LB988:  
AM2410

(Amendments to AM2367)

1 1. Strike section 8, and insert the following new  
2 section:

3 Sec. 8. Section 79-1003.01, Revised Statutes Supplement,  
4 2007, is amended to read:

5 ~~79-1003.01 (1) For purposes of this section and section~~  
6 ~~79-1007.03, school fiscal year 2008-09, the department shall~~  
7 ~~calculate a summer school allowance for each district equal to~~  
8 ~~two and one-half percent of the summer school student units for~~  
9 ~~such district multiplied by eighty-five percent of the statewide~~  
10 ~~average general fund operating expenditures per formula student.~~  
11 For purposes of this subsection, summer school student unit means  
12 one student enrolled in summer school in a school district, whether  
13 or not the student is in the membership of the school district,  
14 for (1) at least three hours but fewer than six hours per day  
15 and (2) at least twelve days but fewer than twenty-four days. Each  
16 school district shall receive a summer school student unit for each  
17 qualified time period for which a student is enrolled, up to six  
18 units per student per summer.

19 (2) For school fiscal year 2009-10 and each school fiscal  
20 year thereafter, the department shall calculate a summer school  
21 allowance for each district equal to two and one-half percent of  
22 the summer school student units for such district multiplied by  
1 eighty-five percent of the statewide average general fund operating  
2 expenditures per formula student. Summer school student units shall  
3 be calculated for each student enrolled in summer school in a  
4 school district who attends such summer school for at least twelve  
5 days, whether or not the student is in the membership of the school  
6 district. The initial number of units for each such student shall  
7 equal the sum of the ratios, each rounded down to the nearest whole  
8 number, of the number of days for which the student attended summer  
9 school classes in such district for at least three hours and less  
10 than six hours per day divided by twelve days and of two times the  
11 number of days for which the student attended summer school classes  
12 in such district for six or more hours per day divided by twelve  
13 days.

14 (3) Each school district shall receive an additional  
15 summer school student unit for each summer school student unit  
16 attributed to remedial math or reading programs. Each school  
17 district shall also receive an additional summer school student  
18 unit for each summer school student unit attributed to a free  
19 lunch and free milk student. This section does not prevent school  
20 districts from requiring and collecting fees for summer school,  
21 except that summer school student units shall not be calculated  
22 for summer school programs for which fees are collected school

23 districts which collect fees for summer school from students who  
 24 qualify for free or reduced-price lunches under United States  
 25 Department of Agriculture child nutrition programs.

26 2. On page 2, line 19, strike the new matter and  
 27 reinstate the stricken matter.

1 3. On page 30, strike beginning with "final" in line  
 2 7 through "79-1065" in line 8 and insert "certification of aid  
 3 pursuant to section 79-1022".

4 4. On page 67, line 1, strike the new matter and  
 5 reinstate the stricken matter.

6 5. Amend the repealer, correct internal references, and  
 7 renumber the remaining sections accordingly.

**SELECT FILE**

**LEGISLATIVE BILL 961.** ER8210, found on page 1000, was adopted.

Senator Erdman asked unanimous consent to withdraw his amendment, AM2364, found on page 1003, and replace it with his substitute amendment, AM2427. No objections. So ordered.  
 AM2427

(Amendments to E & R amendments, ER8210)

1 1. Insert the following sections:

2 Section 1. Section 2-958.01, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:

4 2-958.01 The Noxious Weed and Invasive Plant Species  
 5 Assistance Fund is created. The fund may be used to carry out  
 6 the purposes of section 2-958.02. The State Treasurer shall credit  
 7 to the fund ~~any money~~ any funds transferred pursuant to section  
 8 54-857, funds appropriated to the fund by the Legislature, and ~~any~~  
 9 ~~money~~ funds received as gifts or grants or other private or public  
 10 funds obtained for the purposes set forth in section 2-958.02. Any  
 11 money in the fund available for investment shall be invested by the  
 12 state investment officer pursuant to the Nebraska Capital Expansion  
 13 Act and the Nebraska State Funds Investment Act.

14 Sec. 2. Section 54-857, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 54-857 All money received pursuant to the Commercial Feed  
 17 Act shall be remitted by the director to the State Treasurer for  
 18 credit to the Commercial Feed Administration Cash Fund which is  
 19 hereby created. Such fund shall be used by the department to aid  
 20 in defraying the expenses of administering the act. Any money in  
 21 the fund available for investment shall be invested by the state  
 22 investment officer pursuant to the Nebraska Capital Expansion Act  
 1 and the Nebraska State Funds Investment Act.

2 On or before October 1, 2008, the State Treasurer shall  
 3 transfer two hundred fifty thousand dollars from the Commercial  
 4 Feed Administrative Cash Fund to the Noxious Weed and Invasive  
 5 Plant Species Assistance Fund.

- 6 2. Correct the repealer section and renumber the  
7 remaining sections accordingly.

The Erdman amendment was adopted with 25 ayes, 7 nays, 15 present and not voting, and 2 excused and not voting.

Senator Erdman renewed his amendment, AM2400, found on page 1004.

### **SENATOR SCHIMEK PRESIDING**

### **SENATOR LANGEMEIER PRESIDING**

Senator Fischer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Erdman moved for a call of the house. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

Senator Erdman requested a record vote on his amendment.

Voting in the affirmative, 16:

Adams	Cornett	Gay	Pankonin
Ashford	Dierks	Langemeier	Pirsch
Chambers	Erdman	Lathrop	Rogert
Christensen	Friend	Lautenbaugh	White

Voting in the negative, 26:

Aguilar	Flood	Hudkins	McDonald	Wallman
Avery	Fulton	Johnson	Nantkes	Wightman
Carlson	Hansen	Karpisek	Nelson	
Dubas	Harms	Kopplin	Pahls	
Engel	Heidemann	Kruse	Schimek	
Fischer	Howard	Louden	Stuthman	

Present and not voting, 3:

Burling	McGill	Preister
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Excused and not voting, 4:

Janssen	Pedersen	Raikes	Synowiecki
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The Erdman amendment lost with 16 ayes, 26 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

### **MOTION - Print in Journal**

Senator Chambers filed the following motion to LB280A:

MO147

Suspend Rule 5, Section 7 and Rule 7, Section 3(d) to permit consideration of AM2300.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 282.** Introduced by Preister, 5; White, 8.

WHEREAS, more than forty years ago, the well-known writer, scientist, and ecologist, Rachel Carson, alerted America and the world to the potential hazards of pesticides in her landmark book Silent Spring; and

WHEREAS, despite the warning, more than 6.6 billion pounds of pesticides are spread on the earth annually, and the quantity of pesticides used in the United States has continued to grow over the years and poses a potential threat to all life forms; and

WHEREAS, our children are uniquely vulnerable to chemical pesticides due to their developing physiology and to their habit of frequently putting their hands into their mouths; and

WHEREAS, chemical pesticides applied outdoors are washed into our waterways and our drinking water sources. Several types of cancer, neurological disease, endocrine disorders, and birth defects have been associated with exposure to common pesticides; and

WHEREAS, Rachel Carson made a profound impact on how we treat the environment but more can still be done to further her legacy; and

WHEREAS, the Legislature invites citizens throughout Nebraska to observe May 27, 2008, the birthdate of Rachel Carson, by refraining from using pesticides on this day and asks the citizens of Nebraska for their cooperation in seeking alternative methods of pest management, including the practice of integrated pest management.

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

1. That the Legislature designates May 27, 2008, as Rachel Carson Day.

Laid over.

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Culver, Robert "Bob", Jr. - Nebraska Arts Council - General Affairs  
Park, Janie - Nebraska Information Technology Commission -

Transportation and Telecommunications  
 Peterson, Trev - Nebraska Information Technology Commission -  
 Transportation and Telecommunications

(Signed) Pat Engel, Chairperson  
 Legislative Council, Executive Board

**COMMITTEE REPORTS**  
 Health and Human Services

**LEGISLATIVE BILL 48.** Placed on General File with amendment.  
 AM2405

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 38-711, Revised Statutes Supplement,  
 4 2007, is amended to read:  
 5 38-711 (1) The determination and administration of total  
 6 anesthesia care shall be performed by the certified registered  
 7 nurse anesthetist or a nurse anesthetist temporarily licensed  
 8 pursuant to section 38-708 in consultation and collaboration with  
 9 and with the consent of the licensed practitioner.  
 10 (2) The following duties and functions shall be  
 11 considered as specific expanded role functions of the certified  
 12 registered nurse anesthetist:  
 13 (a) Preanesthesia evaluation including physiological  
 14 studies to determine proper anesthetic management and obtaining  
 15 informed consent;  
 16 (b) Selection and application of appropriate monitoring  
 17 devices;  
 18 (c) Selection and administration of anesthetic  
 19 techniques;  
 20 (d) Evaluation and direction of proper postanesthesia  
 21 management and dismissal from postanesthesia care; ~~and~~  
 22 (e) Evaluation and recording of postanesthesia course of  
 23 patients; ~~and~~  
 1 (f) Use of fluoroscopy in conjunction with a licensed  
 2 medical radiographer in connection with the performance of  
 3 authorized duties and functions upon (i) the successful completion  
 4 of appropriate education and training as approved jointly by the  
 5 department and the board and (ii) a determination regarding the  
 6 scope and supervision of such use consistent with subsection (3)  
 7 of this section.  
 8 (3) The determination of other duties that are normally  
 9 considered medically delegated duties to the certified registered  
 10 nurse anesthetist or to a nurse anesthetist temporarily licensed  
 11 pursuant to section 38-708 shall be the joint responsibility of  
 12 the governing board of the hospital, medical staff, and nurse  
 13 anesthetist personnel of any duly licensed hospital or, if in an  
 14 office or clinic, the joint responsibility of the duly licensed



15 practitioner and nurse anesthetist. All such duties, except in  
 16 cases of emergency, shall be in writing in the form prescribed by  
 17 hospital or office policy.

18 Sec. 2. Section 38-1915, Revised Statutes Supplement,  
 19 2007, is amended to read:

20 38-1915 (1) A person licensed by the department, with  
 21 the recommendation of the board, as a medical radiographer may  
 22 practice medical radiography on any part of the human anatomy  
 23 for interpretation by and under the direction of a licensed  
 24 practitioner, excluding interpretative fluoroscopic procedures, and  
 25 may use fluoroscopy in conjunction with a certified registered  
 26 nurse anesthetist as authorized in section 38-711.

27 (2) An applicant for a license as a medical radiographer  
 1 shall:

2 (a) Complete an educational program in radiography  
 3 approved by the board pursuant to subsection (1) of section  
 4 38-1918;

5 (b) Complete an application in accordance with the  
 6 Uniform Credentialing Act; and

7 (c) Successfully complete an examination approved by the  
 8 board.

9 ~~(2)~~(3) Presentation of proof of registration in  
 10 radiography with the American Registry of Radiologic Technologists  
 11 is proof of meeting the requirements of subdivisions ~~(1)(a)~~(2)(a)  
 12 and (c) of this section.

13 Sec. 3. This act becomes operative on December 1, 2008.

14 Sec. 4. Original sections 38-711 and 38-1915, Revised  
 15 Statutes Supplement, 2007, are repealed.

**LEGISLATIVE BILL 830.** Placed on General File with amendment.  
 AM2357

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

3 Section 1. Section 68-901, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:

5 68-901 Sections 68-901 to 68-949 and sections 2 to 8 of  
 6 this act shall be known and may be cited as the Medical Assistance  
 7 Act.

8 Sec. 2. Sections 2 to 8 of this act shall be known and  
 9 may be cited as the Medicaid Prescription Drug Act.

10 Sec. 3. The purpose of the Medicaid Prescription  
 11 Drug Act is to provide appropriate pharmaceutical care to  
 12 medicaid recipients in a cost-effective manner by requiring the  
 13 establishment of a preferred drug list and other activities as  
 14 prescribed.

15 Sec. 4. For purposes of the Medicaid Prescription Drug  
 16 Act:

17 (1) Labeler means a person or entity that repackages  
 18 prescription drugs for retail sale and has a labeler code from the

19 federal Food and Drug Administration under 21 C.F.R. 207.20, as  
20 such regulation existed on January 1, 2008;

21 (2) Manufacturer means a manufacturer of prescription  
22 drugs as defined in 42 U.S.C. 1396r-8(k)(5), as such section  
23 existed on January 1, 2008, including a subsidiary or affiliate of  
1 such manufacturer;

2 (3) Multistate purchasing pool means an entity formed  
3 by an agreement between two or more states to negotiate for  
4 supplemental rebates on prescription drugs;

5 (4) Pharmacy benefit manager means a person or entity  
6 that negotiates prescription drug price and rebate arrangements  
7 with manufacturers or labelers;

8 (5) Preferred drug list means a list of prescription  
9 drugs that may be prescribed for medicaid recipients without prior  
10 authorization by the department; and

11 (6) Prescription drug has the definition found in section  
12 38-2840.

13 Sec. 5. (1) The department shall establish and maintain  
14 a preferred drug list for the medical assistance program. The  
15 department shall establish a pharmaceutical and therapeutics  
16 committee to advise the department on all matters relating to the  
17 establishment and maintenance of such list.

18 (2) The pharmaceutical and therapeutics committee shall  
19 include at least fifteen but no more than twenty members. Except  
20 for public members, all members shall be practicing health care  
21 professionals with experience in serving medicaid recipients. No  
22 more than twenty-five percent of the committee shall be state  
23 employees.

24 (3) At least fifty percent of the committee shall  
25 be physicians, including physicians practicing in the areas  
26 of (a) family medicine, (b) internal medicine, (c) pediatrics,  
27 (d) cardiology, (e) psychiatry or neurology, (f) obstetrics or  
1 gynecology, (g) endocrinology, and (h) oncology.

2 (4) Other members of the committee shall include, but not  
3 be limited to, (a) a hospital pharmacist, (b) a retail pharmacist,  
4 (c) a university professor of pharmacy or a person with a doctoral  
5 degree in pharmacology, and (d) at least two public members.

6 (5) Members of the committee shall submit conflict of  
7 interest disclosure statements to the department and shall have an  
8 ongoing duty to disclose conflicts of interest not included in the  
9 original disclosure.

10 (6) The committee shall elect a chairperson and a vice  
11 chairperson from among its members. Members of the committee shall  
12 be reimbursed for their actual and necessary expenses as provided  
13 in sections 81-1174 to 81-1177.

14 (7) The department, in consultation with the committee,  
15 shall adopt and publish policies and procedures for the preferred  
16 drug list, including (a) guidelines for the presentation and  
17 review of drugs for inclusion on the preferred drug list, (b)

18 the manner and frequency of audits of the preferred drug list  
19 for appropriateness of patient care and cost effectiveness, (c)  
20 an appeals process for the resolution of disputes, and (d) such  
21 other policies and procedures as the department deems necessary and  
22 appropriate.

23 Sec. 6. (1) The department and the pharmaceutical and  
24 therapeutics committee shall consider all therapeutic classes of  
25 prescription drugs for inclusion on the preferred drug list, except  
26 that antidepressant, antipsychotic, and anticonvulsant prescription  
27 drugs shall not be subject to consideration for inclusion on the  
1 preferred drug list.

2 (2)(a) The department shall include a prescription  
3 drug on the preferred drug list if the prescription drug is  
4 therapeutically equivalent to or superior to a prescription drug on  
5 the list and the net cost of the new prescription drug is equal to  
6 or less than the net cost of the listed drug, after consideration  
7 of applicable rebates or discounts negotiated by the department.

8 (b) If the department finds that two or more prescription  
9 drugs under consideration for inclusion on the preferred drug list  
10 are therapeutically equivalent, the department shall include the  
11 more cost-effective prescription drug or drugs on the preferred  
12 drug list.

13 (3) The department shall maintain an updated preferred  
14 drug list in electronic format and shall make the list available to  
15 the public on the department's Internet web site.

16 Sec. 7. (1) A health care provider may prescribe a  
17 prescription drug not on the preferred drug list to a medicaid  
18 recipient if (a) the prescription drug is medically necessary,  
19 (b)(i) the prescriber certifies that the preferred drug has not  
20 been effective, or with reasonable certainty is not expected  
21 to be effective, in treating the recipient's condition or (ii)  
22 the preferred drug causes or is reasonably expected to cause  
23 adverse or harmful reactions in the recipient, and (c) the  
24 department authorizes coverage for the prescription drug prior  
25 to the dispensing of the drug. The department shall respond to a  
26 prior authorization request no later than twenty-four hours after  
27 receiving such request.

1 (2) A health care provider may prescribe a prescription  
2 drug not on the preferred drug list to a medicaid recipient  
3 without prior authorization by the department if the recipient is  
4 already on a successful course of antidepressant, antipsychotic, or  
5 anticonvulsant medication or medication for human immunodeficiency  
6 virus, multiple sclerosis, epilepsy, cancer, or immunosuppressant  
7 therapy or the recipient has had a prior failure with a medication  
8 in the class of drugs from which the provider is seeking to  
9 prescribe.

10 Sec. 8. The department shall: (1) Enter into a multistate  
11 purchasing pool; (2) negotiate directly with manufacturers or  
12 labelers; or (3) contract with a pharmacy benefit manager for

13 negotiated discounts or rebates for all prescription drugs under  
 14 the medical assistance program in order to achieve the lowest  
 15 available price for such drugs under such program.  
 16 Sec. 9. This act becomes operative on July 1, 2009.

**LEGISLATIVE BILL 928.** Placed on General File with amendment.  
 AM2435 is available in the Bill Room.

**LEGISLATIVE BILL 1104.** Placed on General File with amendment.  
 AM2397

1 1. Strike original section 3 and insert the following new  
 2 section:  
 3 Sec. 3. (1) A licensee or an applicant for a license to  
 4 practice medicine and surgery or osteopathic medicine and surgery  
 5 shall not:  
 6 (a) Add a markup, commission, or profit on a professional  
 7 service or other service rendered by another physician; or  
 8 (b) Directly or indirectly increase the actual amount  
 9 to be paid for a professional service or other service if the  
 10 applicant or licensee was a referring physician who ordered but did  
 11 not supervise or perform the service.  
 12 (2) A licensee or an applicant for a license to practice  
 13 medicine and surgery or osteopathic medicine and surgery who is a  
 14 referring physician who ordered but did not supervise or perform  
 15 a professional service may add a reasonable handling, conveyance,  
 16 acquisition, or processing charge if:  
 17 (a) The patient is made aware of the added charge;  
 18 (b) The added charge is commensurate with the handling,  
 19 conveyance, acquisition, or processing service rendered by the  
 20 licensee or applicant or his or her practice; and  
 21 (c) Such charge is appended with (i) the appropriate  
 22 American Medical Association current procedural terminology code  
 23 for handling, conveyance, acquisition, and processing of the  
 1 specimen or (ii) the appropriate American Medical Association  
 2 current procedural terminology code modifier indicating that a  
 3 professional service or laboratory service was performed by another  
 4 party.  
 5 (3) A licensee or an applicant for a license to practice  
 6 medicine and surgery or osteopathic medicine and surgery who  
 7 orders or provides any professional service, clinical or technical  
 8 laboratory service, or procedure shall disclose in a bill or  
 9 statement presented to the patient, insurer, or other third-party  
 10 payor:  
 11 (a) An itemized list of the actual amount paid or to  
 12 be paid for each professional service, clinical or technical  
 13 laboratory service, or procedure ordered or provided by the  
 14 applicant or licensee and any other charge incurred;  
 15 (b) The name and address of each provider, if different  
 16 from that of the applicant or licensee, of each professional

17 service, clinical or technical laboratory service, or procedure;  
 18 and

19 (c) Written notice that meets the requirements of  
 20 subdivision (2)(c) of this section regarding any charge added  
 21 pursuant to subsection (2) of this section.

22 (4) For purposes of this section:

23 (a)(i) Anatomic pathology service means histopathology  
 24 or surgical pathology, cytopathology, hematology, subcellular  
 25 pathology and molecular pathology, or blood-banking services  
 26 performed by a pathologist.

27 (ii) Anatomic pathology service does not include the  
 1 initial collection or packaging of the specimen for transport or  
 2 histologic processing or microscopic slide preparation;

3 (b) Anesthesiology service means the taking of a  
 4 medical history and the performance of a physical examination in  
 5 conjunction with the administration of anesthesia;

6 (c) Laboratory service means laboratory tests or  
 7 procedures, including blood tests not interpreted by a physician,  
 8 and histologic processing or microscopic slide preparation;

9 (d) Professional service includes, but is not limited  
 10 to, the taking of a medical history, the performance of a  
 11 physical examination, radiology services, anesthesiology services,  
 12 and anatomic pathology services; and

13 (e) Radiology service means a radiologic procedure and  
 14 interpretation of radiologic test results.

**LEGISLATIVE BILL 1120.** Placed on General File with amendment.  
 AM2328

1 1. On page 2, lines 12 to 17, reinstate the stricken  
 2 matter; in line 14 after the reinstated "where" insert "(a)"; and  
 3 in line 17 after the reinstated "body" insert "and (b) the tribe  
 4 has a self-determination agreement in place with the Bureau of  
 5 Indian Affairs of the United States Department of the Interior  
 6 and the Indian Health Service of the United States Department of  
 7 Health and Human Services so that payment for enrolled members of a  
 8 federally recognized Indian tribe who are served at such facility  
 9 will be made with one hundred percent federal reimbursement".

(Signed) Joel Johnson, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 961.** Senator Erdman renewed his amendment,  
 AM2389, found on page 1006.

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

Senator Erdman requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Adams	Christensen	Langemeier	Pankonin	Wallman
Ashford	Dubas	Lautenbaugh	Pirsch	White
Burling	Erdman	McGill	Rogert	
Chambers	Karpisek	Pahls	Stuthman	

Voting in the negative, 26:

Aguilar	Flood	Howard	Louden	Synowiecki
Avery	Fulton	Hudkins	McDonald	Wightman
Carlson	Gay	Johnson	Nantkes	
Dierks	Hansen	Kopplin	Nelson	
Engel	Harms	Kruse	Preister	
Fischer	Heidemann	Lathrop	Schimek	

Present and not voting, 1:

Cornett

Excused and not voting, 4:

Friend	Janssen	Pedersen	Raikes
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The Erdman amendment lost with 18 ayes, 26 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

### AMENDMENT - Print in Journal

Senator Johnson filed the following amendment to LB928:  
AM2304

- 1 1. Insert the following new sections:
- 2 Section 1. Section 71-531, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-531 ~~(1)-(1)(a)~~ No person may be tested for the
- 5 presence of the human immunodeficiency virus infection unless he or
- 6 she has given written informed consent for the performance of such
- 7 test. ~~A parent of a minor child or a judicially appointed guardian~~
- 8 ~~may give such consent.~~
- 9 (b) If a person signs a general consent form for the
- 10 performance of medical tests or procedures, the signing of an
- 11 additional consent for the specific purpose of consenting to an
- 12 HIV-related test is not required during the time in which the
- 13 general consent form is in effect. Such general consent form shall

14 inform the person that a test for the presence of the human  
15 immunodeficiency virus infection may be performed and that the  
16 person may refuse the performance of such test.

17 (2) If a person is unable to provide consent, the  
18 person's legal representative may provide consent. If the person's  
19 legal representative cannot be located or is unavailable, a health  
20 care provider may authorize the test when the test results are  
21 necessary for diagnostic purposes to provide appropriate medical  
22 care.

23 ~~(2)~~(3) The written informed consent shall provide: for  
1 the performance of an HIV-related test under subdivision (1)(a) of  
2 this section shall include:

3 (a) An explanation of the test, including the test's  
4 purposes, potential uses, and limitations, and the meaning of both  
5 positive and negative results;

6 (b) An explanation of the nature of the human  
7 immunodeficiency virus and acquired immunodeficiency syndrome,  
8 including the relationship between the test results and the  
9 diseases which are part of the syndrome;

10 (c) An explanation of the procedures to be followed,  
11 including the fact that the test is entirely voluntary; and

12 (d) Information concerning behavioral patterns known to  
13 expose a person to the possibility of contracting the human  
14 immunodeficiency virus and the methods for minimizing the risk of  
15 exposure.

16 ~~(3)~~(4) A person seeking a human immunodeficiency virus  
17 test shall have the right to remain anonymous. A health care  
18 provider shall confidentially refer such person to a site which  
19 provides anonymous testing.

20 ~~(4)~~(5) This section shall not apply to:

21 (a) The performance by a health care provider or a health  
22 facility of a human immunodeficiency virus test when the health  
23 care provider or health facility procures, processes, distributes,  
24 or uses a human body part for a purpose specified under the Uniform  
25 Anatomical Gift Act and such test is necessary to assure medical  
26 acceptability of such gift for the purposes intended;

27 (b) The performance by a health care provider or a health  
1 facility of a human immunodeficiency virus test when such test is  
2 performed with the consent and written authorization of the person  
3 being tested and such test is for insurance underwriting purposes,  
4 written information about the human immunodeficiency virus is  
5 provided, including, but not limited to, the identification and  
6 reduction of risks, the person is informed of the result of such  
7 test, and when the result is positive, the person is referred for  
8 posttest counseling;

9 (c) The performance of a human immunodeficiency  
10 virus test by licensed medical personnel of the Department of  
11 Correctional Services when the subject of the test is committed  
12 to such department. Posttest counseling shall be required for

13 the subject if the test is positive. A person committed to  
 14 the Department of Correctional Services shall be informed by  
 15 the department (i) if he or she is being tested for the human  
 16 immunodeficiency virus, (ii) that education shall be provided to  
 17 him or her about the human immunodeficiency virus, including, but  
 18 not limited to, the identification and reduction of risks, and  
 19 (iii) of the test result and the meaning of such result;

20 (d) Human immunodeficiency virus home collection kits  
 21 licensed by the federal Food and Drug Administration; or

22 (e) The performance of a human immunodeficiency virus  
 23 test performed pursuant to section 29-2290 or sections 71-507 to  
 24 71-513 or 71-514.01 to 71-514.05.

25 Sec. 2. Section 71-1910, Revised Statutes Supplement,  
 26 2007, is amended to read:

27 71-1910 For purposes of the Child Care Licensing Act,  
 1 unless the context otherwise requires:

2 (1) Department means the Department of Health and Human  
 3 Services; and

4 (2)(a) Program means the provision of services in lieu  
 5 of parental supervision for children under thirteen years of age  
 6 for compensation, either directly or indirectly, on the average of  
 7 less than twelve hours per day, but more than two hours per week,  
 8 and includes any employer-sponsored child care, family child care  
 9 home, child care center, school-age child care program, school-age  
 10 services pursuant to section 79-1104, or preschool or nursery  
 11 school.

12 (b) Program does not include casual care at irregular  
 13 intervals, a recreation camp as defined in section 71-3101, a  
 14 recreation facility, center, or program operated by a political  
 15 or governmental subdivision pursuant to the authority provided  
 16 in section 13-304, classes or services provided by a religious  
 17 organization other than child care or a preschool or nursery  
 18 school, a preschool program conducted in a school approved pursuant  
 19 to section 79-318, services provided only to school-age children  
 20 during the summer and other extended breaks in the school year, or  
 21 foster care as defined in section 71-1901.

22 Sec. 3. Sections 2, 4, and 6 of this act become operative  
 23 three calendar months after the adjournment of this legislative  
 24 session. The other sections of this act become operative on their  
 25 effective date.

26 Sec. 4. Original section 71-1910, Revised Statutes  
 27 Supplement, 2007, is repealed.

1 Sec. 5. Original section 71-531, Reissue Revised Statutes  
 2 of Nebraska, is repealed.

3 Sec. 7. Since an emergency exists, this act takes effect  
 4 when passed and approved according to law.

5 2. Renumber the remaining section accordingly.



**MESSAGE FROM THE GOVERNOR**

March 19, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 619, 755e, 756e, 768, 851e, 855, 898, 914, 939, 962, and 1056 were received in my office on March 13, 2008.

I signed these bills and delivered them to the Secretary of State on March 19, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

**SELECT FILE**

**LEGISLATIVE BILL 961.** Senator Hudkins renewed her amendment, AM2394, found on page 1010.

Senator Chambers offered the following amendment to the Hudkins amendment:

FA235

Amend AM2394

P. 2, line 7 strike "(5)" and insert "(5) charging and trying juveniles as adults" and renumber.

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

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

The Chambers amendment was adopted with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

**SENATOR SCHIMEK PRESIDING**

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

Senator Hudkins requested a roll call vote on her amendment, as amended.

Voting in the affirmative, 19:

Adams	Dierks	Hudkins	Kruse	Schimek
Avery	Dubas	Johnson	McDonald	Stuthman
Chambers	Flood	Karpisek	Pankonin	Wallman
Cornett	Hansen	Kopplin	Preister	

Voting in the negative, 18:

Burling	Fulton	Howard	Nantkes	Synowiecki
Carlson	Gay	Lautenbaugh	Nelson	Wightman
Christensen	Harms	Louden	Pirsch	
Engel	Heidemann	McGill	Raikes	

Present and not voting, 5:

Erdman	Fischer	Langemeier	Lathrop	Rogert
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Excused and not voting, 7:

Aguilar	Friend	Pahls	White
Ashford	Janssen	Pedersen	

The Hudkins amendment, as amended, lost with 19 ayes, 18 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Heidemann offered the following amendment:  
AM2419

(Amendments to E & R amendments, ER8210)

- 1 Purpose: This amendment harmonizes section 2 with LB 480
- 2 which was passed and signed into law in February.
- 3 Amendment:
- 4 1. Strike section 2 and insert the following new section:
- 5 Sec. 2. Section 71-7611, Revised Statutes Supplement,
- 6 2007, as amended by section 2, Legislative Bill 480, One Hundredth
- 7 Legislature, Second Session, 2008, is amended to read:
- 8 71-7611 (1) The Nebraska Health Care Cash Fund is
- 9 created. The State Treasurer shall transfer fifty-five million
- 10 seven hundred thousand dollars annually no later than July 15
- 11 from the Nebraska Medicaid Intergovernmental Trust Fund and the
- 12 Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care
- 13 Cash Fund, except that such amount shall be reduced by the amount
- 14 of the unobligated balance in the Nebraska Health Care Cash Fund
- 15 at the time the transfer is made. On or before May 1, 2008,
- 16 the State Treasurer shall transfer from the Nebraska Medicaid

17 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement  
18 Trust Fund an additional two hundred fifty thousand dollars to the  
19 Nebraska Health Care Cash Fund. The state investment officer upon  
20 consultation with the Nebraska Investment Council shall advise the  
21 State Treasurer on the amounts to be transferred from the Nebraska  
22 Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco  
1 Settlement Trust Fund under this section in order to sustain such  
2 transfers in perpetuity. The state investment officer shall report  
3 to the Legislature on or before October 1 of every even-numbered  
4 year on the sustainability of such transfers. Except as otherwise  
5 provided by law, no more than fifty-five million seven hundred  
6 thousand dollars may be appropriated or transferred from the  
7 Nebraska Health Care Cash Fund in any fiscal year.

8 (2) Any money in the Nebraska Health Care Cash Fund  
9 available for investment shall be invested by the state investment  
10 officer pursuant to the Nebraska Capital Expansion Act and the  
11 Nebraska State Funds Investment Act.

12 (3) One million dollars in the Nebraska Health Care Cash  
13 Fund is designated each year for the Autism Treatment Program  
14 Act for five fiscal years beginning in fiscal year 2007-08 and  
15 shall be distributed in each fiscal year as follows: (a) First,  
16 to the Department of Health and Human Services for costs related  
17 to application and implementation of the waiver; (b) second, to  
18 the department for other medical costs for children who would  
19 not otherwise qualify for medicaid except for the waiver; and (c)  
20 third, the balance to the Autism Treatment Program Cash Fund. The  
21 State Treasurer shall transfer the balance of the funding to the  
22 Autism Treatment Program Cash Fund based on the estimated costs  
23 of administrative and other medical costs as determined by the  
24 Legislature through the appropriation process. The transfers to  
25 the Autism Treatment Program Cash Fund in any fiscal year shall  
26 be contingent upon the receipt of private matching funds under  
27 the Autism Treatment Program Act, with no less than one dollar of  
1 private funds received for every two dollars transferred from the  
2 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash  
3 Fund.

4 (4) The University of Nebraska and postsecondary  
5 educational institutions having colleges of medicine in Nebraska  
6 and their affiliated research hospitals in Nebraska, as a condition  
7 of receiving any funds appropriated or transferred from the  
8 Nebraska Health Care Cash Fund, shall not discriminate against any  
9 person on the basis of sexual orientation.

10 (5) The State Treasurer shall transfer two hundred  
11 thousand dollars from the Nebraska Health Care Cash Fund to the  
12 University of Nebraska Medical Center Cash Fund for the Nebraska  
13 Regional Poison Center within fifteen days after each July 1.

14 2. On page 11, line 9, strike ", 71-7611,"; in line  
15 10 strike "and"; in line 11 after the comma insert "and section  
16 71-7611, Revised Statutes Supplement, 2007, as amended by section

17 2, Legislative Bill 480, One Hundredth Legislature, Second Session,  
 18 2008,"; in line 16 strike the third comma; in line 17 strike  
 19 "71-7611," and strike the second "and"; and in line 18 after  
 20 "281" insert ", and section 71-7611, Revised Statutes Supplement,  
 21 2007, as amended by section 2, Legislative Bill 480, One Hundredth  
 22 Legislature, Second Session, 2008".

The Heidemann amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Erdman offered the following motion:

MO148

Reconsider the vote on AM2394.

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

The Erdman motion to reconsider prevailed with 29 ayes, 3 nays, 11 present and not voting, and 6 excused and not voting.

The Hudkins amendment, AM2394, found on page 1010 and considered in this day's Journal, as amended, was reconsidered.

The Hudkins amendment, as amended, was adopted with 26 ayes, 5 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following amendment:

AM2448

(Amendments to E & R amendments, ER8210)

1 1. Insert the following new sections:

2 Sec. 6. Notwithstanding any other provision of law, for  
 3 bonds issued on or after the operative date of this act, funds  
 4 received by the issuer pursuant to section 77-2602 shall not be  
 5 pledged for repayment of bonds.

6 Sec. 7. Section 6 of this act becomes operative on July  
 7 1, 2008. The other sections of this act become operative on their  
 8 effective date.

9 2. Renumber the remaining sections accordingly.

The Erdman amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 960.** ER8209, found on page 1000, was adopted.

Advanced to Enrollment and Review for Engrossment.

### AMENDMENTS - Print in Journal

Senator Rogert filed the following amendment to LB959:

AM2361

(Amendments to Standing Committee amendments, AM2145)

1 Purpose: To appropriate \$750,000 General Funds for  
2 community-based aging programs for FY2008-09, increasing the  
3 appropriation by \$500,000.

4 Amendment:

5 1. On page 10, lines 23 and 24, strike "250,000" and  
6 insert "750,000"; and in line 26 strike "250,000" and insert  
7 "750,000".

Senator Heidemann filed the following amendment to LB959:

AM2437

(Amendments to Standing Committee amendments, AM2145)

1 Purpose: To provide for funding to follow clients as they  
2 move out of the Beatrice State Developmental Center.

3 Amendment:

4 1. On page 10, after line 5 insert:

5 "The chief executive officer of the Department of Health  
6 and Human Services shall certify to the budget administrator  
7 of the budget division of the Department of Administrative  
8 Services the FY2007-08 and FY2008-09 unexpended appropriation  
9 balances for the Beatrice State Developmental Center, Program  
10 421, resulting from reduced or discontinued Program 421 services.  
11 The budget administrator of the budget division of the Department  
12 of Administrative Services shall administratively transfer during  
13 FY2007-08 and FY2008-09 available unexpended appropriation balances  
14 as certified by the chief executive officer of the Department of  
15 Health and Human Services from the Beatrice State Developmental  
16 Center, Program 421, to Developmental Disability Aid, Program 424,  
17 and Medical Assistance, Program 348.

18 It is the intent of the Legislature that the Department  
19 of Health and Human Services shall report at least quarterly to  
20 the Governor and the Legislature on the funds transferred from  
21 Program 421 pursuant to this section in FY2007-08 and FY2008-09.  
22 The report shall include detailed documentation of the funds and  
1 clients moved to community-based developmental disability services  
2 or other services. The report shall also include criteria used to  
3 identify clients to be moved and plans to monitor the placement and  
4 care of clients transferred from the Beatrice State Developmental  
5 Center.".

Senator Erdman filed the following amendment to LB959:

AM2434

(Amendments to Standing Committee amendments, AM2145)

- 1 1. Insert the following new sections:  
 2 Sec. 21. AGENCY NO. 18 - DEPARTMENT OF AGRICULTURE  
 3 Program No. 27 - Departmental Administration
- |                        | <u>FY2007-08</u> | <u>FY2008-09</u> |
|------------------------|------------------|------------------|
| 4 <u>CASH FUND</u>     | -0-              | 7,500            |
| 5 <u>PROGRAM TOTAL</u> | -0-              | 7,500            |
| 6 <u>SALARY LIMIT</u>  | -0-              | -0-              |
- 8 There is included in the appropriation to this program  
 9 for FY2008-09 \$7,500 Cash Funds to be used for the purpose of  
 10 supplementing the Livestock Market News program.
- 11 Sec. 58. The General Fund appropriation for FY2007-08 to  
 12 the University of Nebraska, for Program 781, is hereby reduced by  
 13 \$30,000.
- 14 Sec. 59. On or before June 30, 2008, the State Treasurer  
 15 shall transfer \$30,000 from the General Fund to the Agricultural  
 16 Products Marketing Information Cash Fund.
- 17 2. On page 2, line 15, strike "87" and insert "90".  
 18 3. Renumber the remaining sections accordingly.

Senator Kruse filed the following amendment to LB959:  
 AM2450

- (Amendments to Standing Committee amendments, AM2145)
- 1 1. On page 11, after line 8 insert the following new  
 2 paragraph:  
 3 "It is the intent of the Legislature that the Department  
 4 of Roads shall submit a report to the chairperson of the  
 5 Appropriations Committee of the Legislature on or before December  
 6 1, 2008, regarding funds requested by each applicant for eligible  
 7 operating costs in FY2008-09 pursuant to subsection (2) of  
 8 section 13-1209 and the total amount of state grants projected  
 9 to be awarded in FY2008-09 pursuant to the public transportation  
 10 assistance program established under section 13-1209. The report  
 11 shall separate into two categories the requests and grants awarded  
 12 for handicapped vans, otherwise known as paratransit vehicles, and  
 13 requests and grants awarded for handicapped-accessible fixed route  
 14 bus systems."

Senator Rogert filed the following amendment to LB959:  
 AM2441

- (Amendments to Standing Committee amendments, AM2145)
- 1 1. Insert the following new section:  
 2 Sec. 71. Laws 2007, LB 321, section 100, is amended to  
 3 read:  
 4 Sec. 100. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 5 SERVICES  
 6 Program No. 33 - Administration
- |                       | <u>FY2007-08</u>  | <u>FY2008-09</u>   |
|-----------------------|-------------------|--------------------|
| 7 <u>GENERAL FUND</u> | <u>98,827,440</u> | <u>101,028,262</u> |
| 8 <u>GENERAL FUND</u> | <u>98,827,440</u> | <u>99,828,262</u>  |

10	CASH FUND	19,138,938	20,214,196
11	FEDERAL FUND est.	180,476,885	185,338,172
12	<del>PROGRAM TOTAL</del>	<del>298,443,263</del>	<del>306,580,630</del>
13	<u>PROGRAM TOTAL</u>	<u>298,443,263</u>	<u>306,380,630</u>
14	SALARY LIMIT	122,965,506	125,987,447

15 The unexpended Cash Fund balance in Agency 26, Program  
 16 341, remaining on June 30, 2007, is hereby reappropriated.

17 The FY2007-08 and FY2008-09 appropriations contained in  
 18 this section shall be allocated for the purposes of program  
 19 monitoring, accounting, and reporting as follows:

20 (1) General Operations

21		FY2007-08	FY2008-09
22	<del>GENERAL FUND</del>	<del>30,866,609</del>	<del>32,021,063</del>
	<u>GENERAL FUND</u>	<u>30,866,609</u>	<u>30,821,063</u>
2	CASH FUND	5,018,596	5,584,607
3	FEDERAL FUND est.	90,406,356	94,656,829
4	<del>PROGRAM TOTAL</del>	<del>126,291,561</del>	<del>132,262,499</del>
5	<u>PROGRAM TOTAL</u>	<u>126,291,561</u>	<u>131,062,499</u>
6	SALARY LIMIT	30,423,010	31,624,559

7 There is included in the appropriation and  
 8 reappropriation to this program \$4,000,000 Cash Funds and  
 9 \$27,750,000 Federal Funds estimate for FY2007-08 to continue  
 10 development and implementation of a Medicaid Management Information  
 11 System to replace the current system. There is included in the  
 12 appropriation to this program \$3,500,000 Cash Funds and \$14,750,000  
 13 Federal Funds estimate for FY2008-09 to continue development and  
 14 implementation of a Medicaid Management Information System to  
 15 replace the current system.

16 (2) Public Health Administration

17		FY2007-08	FY2008-09
18	GENERAL FUND	4,743,385	4,858,471
19	CASH FUND	11,333,031	11,832,677
20	FEDERAL FUND est.	12,646,005	12,902,001
21	PROGRAM TOTAL	28,722,421	29,593,149
22	SALARY LIMIT	14,614,758	14,880,824

23 There is included in the appropriation to this program  
 24 for FY2007-08 \$13,688 Cash Funds for regulatory support for  
 25 emergency medical technicians-intermediate and emergency medical  
 26 technicians-paramedic licensing from the Nebraska Health Care Cash  
 27 Fund. There is included in the appropriation to this program  
 1 for FY2008-09 \$13,688 Cash Funds for regulatory support for  
 2 emergency medical technicians-intermediate and emergency medical  
 3 technicians-paramedic licensing from the Nebraska Health Care Cash  
 4 Fund.

5 (3) Medicaid and Long-Term Care Administration

6		FY2007-08	FY2008-09
7	GENERAL FUND	8,407,974	8,739,036
8	CASH FUND	452,877	510,928
9	FEDERAL FUND est.	14,353,907	14,687,385

10	PROGRAM TOTAL	23,214,758	23,937,349
11	SALARY LIMIT	5,600,000	5,712,000

12 There is included in the appropriation to this program  
 13 \$404,643 Cash Funds for FY2007-08 and \$404,643 Cash Funds for  
 14 FY2008-09 from the Nebraska Health Care Cash Fund for respite  
 15 services in each of the service areas designated by the Department  
 16 of Health and Human Services and for administrative costs,  
 17 including personnel costs, associated with the Nebraska Lifespan  
 18 Respite Services Program.

19 There is included in the appropriation to this program  
 20 for FY2007-08 \$250,000 Cash Funds for implementation of a nurse  
 21 visitation program for medicaid-eligible pregnant teens from the  
 22 Nebraska Health Care Cash Fund.

23 (4)(a) Protection and Safety

24		FY2007-08	FY2008-09
25	GENERAL FUND	18,617,458	18,821,339
26	CASH FUND	702,133	687,561
27	FEDERAL FUND est.	20,384,478	20,391,375
1	PROGRAM TOTAL	39,704,069	39,900,275
2	SALARY LIMIT	28,770,000	29,345,400

3 (b) Economic and Family Support

4		FY2007-08	FY2008-09
5	GENERAL FUND	20,248,185	20,469,923
6	CASH FUND	763,634	747,785
7	FEDERAL FUND est.	22,169,980	22,177,481
8	PROGRAM TOTAL	43,181,799	43,395,189
9	SALARY LIMIT	31,290,000	31,915,800

10 (c) Developmental Disabilities Service Coordination

11		FY2007-08	FY2008-09
12	GENERAL FUND	4,529,795	4,579,401
13	CASH FUND	170,835	167,290
14	FEDERAL FUND est.	4,959,727	4,961,405
15	PROGRAM TOTAL	9,660,357	9,708,096
16	SALARY LIMIT	7,000,000	7,140,000

17 (d) Children and Families Services Administration

18		FY2007-08	FY2008-09
19	GENERAL FUND	9,725,721	9,832,227
20	CASH FUND	250,976	245,767
21	FEDERAL FUND est.	13,479,837	13,484,398
22	PROGRAM TOTAL	23,456,534	23,562,392
23	SALARY LIMIT	3,206,300	3,270,426

24 (5) Behavioral Health Administration

25		FY2007-08	FY2008-09
26	GENERAL FUND	1,093,448	1,105,423
1	CASH FUND	436,265	427,210
2	FEDERAL FUND est.	1,569,217	1,569,748
3	PROGRAM TOTAL	3,098,930	3,102,381
4	SALARY LIMIT	1,212,920	1,235,920



5 There is included in the appropriation to this program  
 6 for FY2007-08 \$25,000 Cash Funds from the Nebraska Health Care  
 7 Cash Fund for compulsive gamblers assistance programs. There is  
 8 included in the appropriation to this program for FY2008-09 \$25,000  
 9 Cash Funds from the Nebraska Health Care Cash Fund for compulsive  
 10 gamblers assistance programs.

11 (6) Developmental Disabilities Administration

	FY2007-08	FY2008-09
12 GENERAL FUND	594,865	601,379
13 CASH FUND	10,591	10,371
14 FEDERAL FUND est.	507,378	507,550
15 PROGRAM TOTAL	1,112,834	1,119,300
16 SALARY LIMIT	842,518	862,518

17 The budget division of the Department of Administrative  
 18 Services shall create a separate budget program for each allocation  
 19 contained in this section to properly report, account for, and  
 20 monitor program appropriations and expenditures.

21 The allocations and salary limit provided in this section  
 22 may be administratively transferred from any one of the budget  
 23 programs established pursuant to this section to any of the  
 24 remaining budget programs contained in this section for FY2007-08  
 25 and FY2008-09 at the request of the chief executive officer of  
 26 the Department of Health and Human Services and after approval by  
 27 the budget administrator of the budget division of the Department  
 28 of Administrative Services. The chairpersons of the Health and  
 29 Human Services Committee and the Appropriations Committee of the  
 30 Legislature and the Legislative Fiscal Analyst shall be notified  
 31 of any administrative transfer of allocations or salary limit  
 32 processed pursuant to this section.

33 2. On page 2, line 15, strike "87" and insert "88".

34 3. On page 10, lines 1 and 4 strike the second "0-"  
 35 and insert "1,200,000"; in line 5 strike "1,265,000" and insert  
 36 "2,465,000"; and after line 5 insert:

37 "It is the intent of the Legislature that the funding  
 38 included in this section shall only be used for strategies,  
 39 including bonuses, to retain and recruit quality staff and  
 40 employees at the Beatrice State Developmental Center.".

41 4. On page 56, line 18, after "88," insert "100,".

42 5. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB959:  
 FA234  
 Amend AM2145  
 Strike Section 30 and Section 31.

**VISITORS**

Visitors to the Chamber were Carol Fictum from Wilber, Kim Buser from Crete, and Laura Mackeprang from Western; 52 fourth-grade students from Murray Conestoga, Murray; and Monica Ma from Xian, China and Lea Weiss from Lincoln.

The Doctors of the Day were Dr. Amy Jespersen and Dr. Lucille Woodard from Omaha.

**ADJOURNMENT**

At 6:18 p.m., on a motion by Senator Carlson, the Legislature adjourned until 9:00 a.m., Thursday, March 20, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-FIFTH DAY - MARCH 20, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 20, 2008

**PRAYER**

The prayer was offered by Senator Kruse.

**ROLL CALL**

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

The roll was called and all members were present except Senators Dubas and Gay who were excused; and Senators Ashford, Raikes, Synowiecki, Wallman, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**MESSAGE FROM THE GOVERNOR**

March 18, 2008

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

Dear Mr. President, Speaker Flood and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Racing Commission:

Helen Abbott Feller, 1121 18th Street, Wisner, NE 68791

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

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**NOTICE OF COMMITTEE HEARING**  
Transportation and Telecommunications

Room 1113

Tuesday, April 01, 2008 8:45 a.m.

Peterson, Trev - Nebraska Information Technology Commission  
Park, Janie - Nebraska Information Technology Commission

(Signed) Deb Fischer, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 19, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Brashear, Kermit A.  
City of Lincoln

Woythaler-Runestad, Carly  
Hospital Association, Nebraska (Withdrawn 03/18/2008)

**REPORT**

The following report was received by the Legislature:

**Roads, Department of**

Board of Public Roads Classifications and Standards Minutes for March 2008

**ANNOUNCEMENT**

The Chair announced March 21 is Senator McGill's and Senator Schimek's birthdays.

**SELECT FILE**

**LEGISLATIVE BILL 959.** ER8207, found on page 1000, was adopted.

Senator Chambers renewed his amendment, FA220, found on page 989.

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

The Chambers amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Erdman asked unanimous consent to withdraw his amendment, AM2171, found on page 999, and replace it with his substitute amendment, AM2434, found on page 1037. No objections. So ordered.

The Erdman amendment was adopted with 31 ayes, 2 nays, 14 present and not voting, and 2 excused and not voting.

Senator Erdman asked unanimous consent to withdraw his amendment, AM2401, found on page 1009, and replace it with his substitute amendment, FA234, found on page 1041. No objections. So ordered.

Senator Erdman offered the following motion:

MO149

Unanimous consent to adopt FA234.

Senator Heidemann objected.

Senator Erdman renewed his amendment, FA234, found on page 1041.

Senator Erdman offered the following motion:

MO150

Bracket until March 23, 2008.

Senator Erdman withdrew his motion.

The Erdman amendment, FA234, found on page 1041 and considered in this day's Journal, was renewed.

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

Senator Chambers requested a roll call vote on the Erdman amendment.

Voting in the affirmative, 22:

Adams	Erdman	Lathrop	Pedersen	Stuthman
Ashford	Friend	Lautenbaugh	Pirsch	White
Burling	Fulton	McGill	Preister	
Chambers	Howard	Pahls	Raikes	
Cornett	Langemeier	Pankonin	Rogert	

Voting in the negative, 21:

Aguilar	Flood	Johnson	McDonald	Wightman
Avery	Hansen	Karpisek	Nantkes	
Carlson	Harms	Kopplin	Nelson	
Engel	Hudkins	Kruse	Schimek	
Fischer	Janssen	Louden	Wallman	

Present and not voting, 4:

Christensen	Dierks	Heidemann	Synowiecki
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Excused and not voting, 2:

Dubas	Gay
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The Erdman amendment lost with 22 ayes, 21 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Rogert asked unanimous consent to withdraw and refile his amendment, AM2361, found on page 1037, and replace it with his substitute amendment, AM2441, found on page 1038. No objections. So ordered.

### **SENATOR SCHIMEK PRESIDING**

### **SENATOR LANGEMEIER PRESIDING**

Pending.

### **AMENDMENT - Print in Journal**

Senators Schimek and Kruse filed the following amendment to LB846:  
AM2324

(Amendments to Standing Committee amendments, AM1731)

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 60-6,268, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-6,268 ~~(1)~~ A person violating any provision of
- 5 subsection (1) of section 60-6,267 shall be guilty of an infraction
- 6 as defined in section 29-431 and shall be fined twenty-five dollars
- 7 for each violation. The failure to provide a child restraint system

8 for more than one child in the same vehicle at the same time, as  
 9 required in such subsection, shall not be treated as a separate  
 10 offense.

11 ~~(2) Enforcement of subdivision (1)(b) and subsection (6)~~  
 12 ~~of section 60-6,267 shall be accomplished only as a secondary~~  
 13 ~~action when an operator of a motor vehicle has been cited or~~  
 14 ~~charged with a violation or some other offense unless the violation~~  
 15 ~~involves a person under the age of eighteen years riding in or on~~  
 16 ~~any portion of the vehicle not designed or intended for the use of~~  
 17 ~~passengers when the vehicle is in motion.~~

18 Sec. 3. All federal funds received by the state pursuant  
 19 to 23 U.S.C. 406 shall be used only for purposes specified in 23  
 20 U.S.C. 406(e).

21 Sec. 25. The following section is outright repealed:

22 Section 60-6,271, Reissue Revised Statutes of Nebraska.

1 2. Renumber the remaining sections and correct internal  
 2 references, the operative date section, and the repealer so that  
 3 the sections added by this amendment become operative on their  
 4 effective date.

## REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Feller, Helen Abbott - State Racing Commission - General Affairs

(Signed) Pat Engel, Chairperson  
 Legislative Council, Executive Board

## RESOLUTION

**LEGISLATIVE RESOLUTION 283.** Introduced by Flood, 19.

The United States Department of Justice issued a report on March 7, 2008, to Governor Heineman detailing the findings from its 2007 investigation of the Beatrice State Developmental Center ("BSDC") pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. 1997. The department concluded that numerous conditions and practices at BSDC violated the constitutional and federal statutory rights of its residents. In particular, the department found that BSDC failed to provide its residents with adequate: (1) Protection from harm; (2) training and associated behavioral and mental health services; (3) health care, including nutritional and physical management; and (4) discharge planning and placement in the most integrated setting. In its report, the department listed the minimum remedial measures required to protect the constitutional and statutory rights of the BSDC residents, including increasing the number of employees and ensuring that center residents can live and work in the most integrated setting possible. The report specifically expressed grave concerns regarding

staffing difficulties at BSDC and the relationship of those staffing concerns to reports of abuse, neglect, and substandard care.

The Legislature recognizes that it is essential that citizens under the twenty-four-hour care and supervision of the State of Nebraska be provided with qualified care from trained employees. This care is jeopardized when employees are mandated to work overtime for unnecessarily long hours.

In addition to the United States Department of Justice investigation, BSDC has not complied with the care standards set by the federal Centers for Medicare and Medicaid Service for the past eighteen months. Federal funding of the BSDC has continued only because the state has filed an appeal of the federal government's plan to terminate the state's Medicare and Medicaid funding for the facility. The safety, quality of life, and rights of the BSDC residents are of the utmost concern to the State of Nebraska and it is clear the facility has reached a critical point in its ability to care for its residents.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to study the quality of care and related staffing issues at the Beatrice State Developmental Center. The committee shall also investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, including the determination of whether adequate funding and capacity exists for persons to be served in the community, options for service provisions for current residents of the Beatrice State Developmental Center at other twenty-four-hour care facilities in the state, and the staffing practices at twenty-four-hour care facilities and the relationship of those practices to the quality of care provided to the developmentally disabled. The committee shall also study the Department of Health and Human Services with respect to such facilities. The committee shall issue a report with its findings and recommendations to the Legislature no later than December 31, 2008.

Laid over.



**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR283 was referred to the Reference Committee.

**NOTICE OF COMMITTEE HEARING**  
Health and Human Services

Room 1510

Wednesday, April 02, 2008 1:15 p.m.

Burke, Mary Ann - Commission for the Deaf and Hard of Hearing  
Delts, Dillard - Commission for the Deaf and Hard of Hearing  
Rutledge, David - Commission for the Deaf and Hard of Hearing

LR238

(Signed) Joel Johnson, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 959.** The Rogert amendment, AM2441, found on page 1038 and considered in this day's Journal, was renewed.

Senator Rogert asked unanimous consent to withdraw his amendment, AM2441, found on page 1038, and replace it with his substitute amendment, AM2451. No objections. So ordered.

AM2451

(Amendments to Standing Committee amendments, AM2145)

1	1. Insert the following new section:	
2	Sec. 74. Laws 2007, LB 321, section 122, is amended to	
3	read:	
4	Sec. 122. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN	
5	SERVICES - DEVELOPMENTAL DISABILITIES	
6	Program No. 421 - Beatrice State Developmental Center	
7	FY2007-08	FY2008-09
8	GENERAL FUND	17,496,784
9	CASH FUND	4,136,276
10	FEDERAL FUND est.	28,593,356
11	FEDERAL FUND est.	30,093,356
12	PROGRAM TOTAL	50,226,416
13	PROGRAM TOTAL	51,726,416
14	SALARY LIMIT	28,087,017
15	There is included in the appropriation to this program	
16	for FY2007-08 \$1,500,000 Federal Funds estimate, which shall only	
17	be used for strategies, including bonuses, to retain and recruit	
18	quality staff and employees at the Beatrice State Developmental	
19	Center.	

- 20 2. On page 2, line 15, strike "87" and insert "88".  
21 3. On page 56, line 18, after "120," insert "122".  
22 4. Renumber the remaining sections accordingly.

Pending.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR283	Executive Board

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

### UNANIMOUS CONSENT - Time Change

Senator Loudon asked unanimous consent that the Natural Resources Committee conduct its hearing on Monday, March 31, 2008, at 8:30 a.m. instead of 9:00 a.m. No objections. So ordered.

### VISITORS

Visitors to the Chamber were members of Columbus Leadership from Columbus; Senator McGill's parents and grandparents, Dave and Sue and Dave and Bernie McGill, from Omaha; members of North Platte 4-H and Senator Hansen's daughter-in-law and granddaughters, Jill, Morgan, and Katie, from North Platte; Michael Vo from Lincoln; 75 fourth-grade students and teachers from Ashland-Greenwood Elementary, Ashland; Brian, Timara, Kyle, Aaron, and Karleigh Kennon from Washington, Missouri and Mitch Homolka from Kramer; 14 eleventh- and twelfth-grade students and sponsors from Southern Schools, Wymore; 50 fourth-grade students from Rose Hill Elementary, Omaha; Nicholas Protzman from Omaha; and members of Open World Leadership Center from Russia and the United States.

### RECESS

At 11:55 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Dubas, Gay, McDonald, and Pedersen who were excused; and Senator Lautenbaugh who was excused until he arrives.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 284.** Introduced by Pedersen, 39.

WHEREAS, slavery has been documented as a worldwide practice since antiquity, dating back to 3500 B.C. in ancient Mesopotamia; and

WHEREAS, during the existence of the Atlantic Slave Trade, millions of people from the continent of Africa became involuntary immigrants to the New World, and millions more died during passage across the waters of the Atlantic. The first African slaves in the North American colonies were brought to Jamestown in 1619; and

WHEREAS, the Atlantic Slave Trade was a lucrative enterprise, and African slaves, a prized commodity to support the economic base of plantations in the colonies, were traded for products and manufactured goods and other merchandise; and

WHEREAS, many African captives resisted enslavement by fleeing from slave forts on the west coast of Africa, and many mutinied aboard slave trading vessels, casting themselves into the waters of the ocean, or risked the cruel retaliation of their masters by running away to seek freedom; and

WHEREAS, although the United States outlawed the transatlantic slave trade in 1808, the domestic slave trade in the colonies and illegal importation continued for several decades; and

WHEREAS, slavery, or the "Peculiar Institution", in the United States resembled no other form of involuntary servitude, as Africans were captured and sold at auction as chattel, like inanimate property or animals; and

WHEREAS, to prime Africans for slavery, the fundamental values of the Africans were shattered; they were brutalized, humiliated, dehumanized, and subjected to the indignity of being stripped of their names and their heritage; women and girls were raped, and families were disassembled as husbands and wives, mothers and daughters, and fathers and sons were sold into slavery apart from one another; and

WHEREAS, despite a complex series of colonial laws being enacted to relegate the status of Africans and their descendants, these same Africans proved their loyalty, dedication, and service to the country, including heroic and distinguished service in the Revolutionary War, the Civil War, and all other conflicts and military actions involving the United States military; and

WHEREAS, on May 30, 1854, President Franklin Pierce signed into law the Kansas-Nebraska Act opening lands west of the Missouri to white

settlement, extinguishing the Indian titles to these lands, wherein settlers would have been trespassers; and

WHEREAS, this Kansas-Nebraska Act allowed settlers to decide for themselves whether or not slavery would be allowed to exist within their borders; and

WHEREAS, the discovery of gold in California brought thousands upon thousands of settlers to the New World from lands in Europe where they had been subjected to tyranny for hundreds of years, seeing in the opening of this new Kansas-Nebraska Territory a refuge and opportunity for new life; and

WHEREAS, river towns along the Missouri River became jumping-off places for the trek westward for these new immigrants as well as Americans who were just waiting for the land to open that they might take part in building of a new empire of settlement and commerce; and

WHEREAS, land speculators could stake out 320 acres, spread out to adjacent lots, and incorporate; and

WHEREAS, some land speculators brought an attitude of pro-slavery, and with them slaves; and

WHEREAS, Nebraska was a center of turmoil over the slavery issue, with Iowa being a "free" state, and Missouri being a "slave" state, and Kansas, where pro-slavery and anti-slavery feuds earned it the name "Bleeding/Bloody Kansas"; and

WHEREAS, in Nebraska male slaves were laborers, such as those working for the freighters, while female slaves were housekeepers, cooks, and washerwomen; and

WHEREAS, in the years prior to and during the civil war, the mere presence of slaves in Nebraska Territory fueled controversy and heated debate; and

WHEREAS, in 1860 the sheriff's sale of two slaves to settle a court financial judgment interrupted orderly legislative processes; and

WHEREAS, the first territorial legislature passed a resolution prohibiting the settlement of "negroes and mulattoes"; and

WHEREAS, the fifth territorial session referred a bill to abolish slavery to special committee; and

WHEREAS, William H. Taylor of Otoe County, chairman of the committee to which the bill was referred, when questioned as to whether slavery exists in Nebraska, cited several examples and concluded with "the fact is indisputable. African slavery does practically exist in Nebraska. Our eyes cannot deceive us, and if slavery is wrong, morally, politically, socially, it is wrong to hold one slave. There is no distinction in principle between holding one human being in bondage, and holding ten thousand"; and

WHEREAS, the system of slavery had become so entrenched in United States history and the social fabric, and the issue of enslaved Africans had to be addressed as a national issue, contributing to the Civil War from 1861 to 1865 and the passage of the 13th Amendment to the United States Constitution, which abolished slavery and involuntary servitude on December 18, 1865; and

WHEREAS, after emancipation from 246 years of slavery, African-Americans soon saw the political, social, and economic gains they made during Reconstruction dissipated by virulent and rabid racism, lynching, disenfranchisement of African-American voters, Black Codes designed to impose again the subordination of African-Americans, and Jim Crow laws that instituted a rigid system of state sanctioned segregation in all areas of life and lasted until the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act; and

WHEREAS, throughout their existence in America and even in the decades after the Civil Rights Movement, African-Americans have found the struggle to overcome the bitter legacy of slavery long and arduous, and for many African-Americans the scars left behind are unbearable, haunting their psyches and clouding their vision of the future and of America's many positive attributes; and

WHEREAS, our nation acknowledges the crimes and persecution visited upon other people during World War II lest the world forget, yet the very mention of the broken promise of "40 acres and a mule" to former slaves or of the existence of racism today evokes denial from many quarters of any responsibility for the centuries of legally sanctioned deprivation of African-Americans of their endowed rights or for contemporary policies that perpetuate the existing state of affairs; and

WHEREAS, in 2003, during a trip to Goree Island, Senegal, a former slave port, President George W. Bush stated, "At this place, liberty and life were stolen and sold. Human beings were delivered and sorted, and weighed, and branded with the marks of commercial enterprises, and loaded as cargo on a voyage without return. One of the largest migrations of history was also one of the greatest crimes of history....For 250 years the captives endured an assault on their culture and their dignity....Small men took on the powers and airs of tyrants and masters. Years of unpunished brutality and bullying and rape produced a dullness and hardness of conscience. Christian men and women became blind to the clearest commands of their faith and added hypocrisy to injustice....We can finally judge the past by the standards of President John Adams, who called slavery 'an evil of colossal magnitude'....My nation's journey toward justice has not been easy, and it is not over. The racial bigotry fed by slavery did not end with slavery or with segregation....and many of the issues that trouble America have roots in the bitter experience of other times"; and

WHEREAS, European and African nations have apologized for their roles in what history calls the worst holocaust of humankind, the Atlantic Slave Trade, and racial reconciliation is impossible without some acknowledgment of the moral and legal injustices perpetuated upon African-Americans; and

WHEREAS, an apology for centuries of brutal dehumanization and injustices cannot erase the past, but confessions of the wrongs can speed racial healing and reconciliation and help African-American and white citizens confront the ghosts of their collective pasts together; and

WHEREAS, acknowledging that there is a difference between wrong and right, and that slavery as an American "institution" was a wrong committed upon millions of African-Americans and that their descendants continue to suffer from the effects of Jim Crow laws, segregation, housing

discrimination, discrimination in education, and other ills inflicted upon African-Americans; and

WHEREAS, the State of Nebraska, the Legislature, and its citizens are conscious that the atrocity of slavery existed in what is now the State of Nebraska from the opening days of settlement.

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

1. That the Legislature expresses its profound regret for the state's role in slavery, especially during its Territorial period prior to statehood, and apologizes for wrongs inflicted by slavery and its after effects in Nebraska and in the United States.

2. That the Legislature expresses its deepest sympathies and solemn regrets to those who were enslaved and the descendants of those slaves, who were deprived of life, human dignity, and the constitutional protections accorded all citizens of the United States.

3. That the Legislature encourages all citizens to teach their children about the history of slavery and its effects, especially as concerns modern day slavery, to ensure that these tragedies will neither be forgotten nor repeated.

4. It is the intent of the Legislature that this resolution shall not be used in, or be the basis of, any type of litigation.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 959.** The Rogert amendment, AM2451, found in this day's Journal, was renewed.

Pending.

### NOTICE OF COMMITTEE HEARING

Executive Board

Room 1510

Thursday, March 27, 2008 12:00 p.m.

LR283

(Signed) L. Patrick Engel, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 959.** The Rogert amendment, AM2451, found in this day's Journal, was renewed.

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

Senator Rogert requested a record vote on his amendment.

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Ashford	Dubas	Gay	McDonald	Pedersen
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The Rogert amendment was adopted with 44 ayes, 0 nays, and 5 excused and not voting.

The Chair declared the call raised.

Senator Heidemann renewed his amendment, AM2437, found on page 1037.

The Heidemann amendment was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Senator Kruse renewed his amendment, AM2450, found on page 1038.

The Kruse amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Rogert reoffered his amendment, AM2361, found on page 1037 and considered in this day's Journal.

**SENATOR STUTHMAN PRESIDING**

**SENATOR LANGEMEIER PRESIDING**

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

Senator Rogert requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Aguilar	Flood	Kruse	McGill	Schimek
Avery	Howard	Langemeier	Pahls	Stuthman
Carlson	Janssen	Lathrop	Pirsch	Synowiecki
Cornett	Karpisek	Lautenbaugh	Preister	Wallman
Dierks	Kopplin	Louden	Rogert	White

Voting in the negative, 5:

Adams	Hansen	Heidemann	Pankonin	Raikes
-------	--------	-----------	----------	--------

Present and not voting, 10:

Christensen	Fischer	Harms	Johnson	Nelson
Engel	Fulton	Hudkins	Nantkes	Wightman

Excused and not voting, 9:

Ashford	Chambers	Erdman	Gay	Pedersen
Burling	Dubas	Friend	McDonald	

The Rogert amendment was adopted with 25 ayes, 5 nays, 10 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

The Chair called for a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 32 ayes, 1 nay, 7 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 1019.** ER8208, found on page 1001, was adopted.

Advanced to Enrollment and Review for Engrossment.

## RESOLUTION

**LEGISLATIVE RESOLUTION 285.** Introduced by Aguilar, 35.

**PURPOSE:** Since innovations in energy design principals, technologies, and operations are available to maximize the economic utility of building projects and reduce energy costs while achieving the best environmental performance and reducing adverse impacts on the environment, the purpose of this interim study is to examine whether state-funded building projects should be required to meet high performance green building standards for new construction and major renovation projects.

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



1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## COMMITTEE REPORT

Education

**LEGISLATIVE BILL 1154.** Placed on General File with amendment. AM2449 is available in the Bill Room.

(Signed) Ron Raikes, Chairperson

### AMENDMENTS - Print in Journal

Senator Kopplin filed the following amendment to LB880:  
AM2455

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Strike amendments 1 and 2 and insert the following new  
2 amendments:  
3 "1. Insert the following new sections:  
4 Sec. 5. Section 2-3234, Revised Statutes Cumulative  
5 Supplement, 2006, is amended to read:  
6 2-3234 ~~Each~~ Except as provided in section 2 of this  
7 act, each district shall have the power and authority to exercise  
8 the power of eminent domain when necessary to carry out its  
9 authorized purposes within the limits of the district or outside  
10 its boundaries. Exercise of eminent domain shall be governed by the  
11 provisions of sections 76-704 to 76-724, except that whenever any  
12 district seeks to acquire the right to interfere with the use of  
13 any water being used for power purposes in accordance with sections  
14 46-204, 70-668, 70-669, and 70-672 and is unable to agree with  
15 the user of such water upon the compensation to be paid for such  
16 interference, the procedure to condemn property shall be followed  
17 in the manner set forth in sections 76-704 to 76-724 and no other  
18 property shall be included in such condemnation. No district shall  
19 contract for delivery of water to persons within the corporate  
20 limits of any village, city, or metropolitan utilities district,  
21 nor in competition therewith outside such corporate limits, except  
22 by consent of and written agreement with the governing body of such  
1 political subdivision. A village, city, or metropolitan utilities  
2 district may negotiate and, if necessary, exercise the power of  
3 eminent domain for the acquisition of water supply facilities of  
4 the district which are within its boundaries.  
5 Sec. 6. Section 2-3290.01, Revised Statutes Cumulative

6 Supplement, 2006, is amended to read:

7 2-3290.01 (1) A district shall permit public use of  
8 those portions of a water project located on lands owned by  
9 the district and on land over which the district has a lease  
10 or an easement permitting use thereof for public recreational  
11 purposes. All recreational users of such portions of a water  
12 project shall abide by the applicable rules and regulations adopted  
13 and promulgated by the board.

14 (2) The district shall provide public access for  
15 recreational use at designated access points at any water  
16 project. Recreational users, whether public or private, shall  
17 abide by all applicable rules and regulations for use of the  
18 water project adopted and promulgated by the district or the  
19 political subdivision in which the water project is located. Public  
20 recreational users may only access the water project through such  
21 designated access points. Nothing in this subsection shall require  
22 public access when the portion of the project cost paid by the  
23 natural resources district with public funds does not exceed twenty  
24 percent of the total cost of the project.

25 (3) For purposes of this section water project means  
26 a project with cooperators or others, as authorized in section  
27 2-3235, that results in construction of a reservoir or other body  
1 of water having a permanent pool suitable for recreational purposes  
2 greater than one hundred fifty surface acres, the construction  
3 of which commenced after July 14, 2006. Water project shall  
4 not mean soil conservation projects, wetlands projects, projects  
5 described in section 2 of this act, or other district projects with  
6 cooperators or others that do not have a recreational purpose.

7 (4) For projects funded under section 2 of this act that  
8 result in a reservoir or other body of water having a permanent  
9 pool suitable for recreational purposes greater than twenty surface  
10 acres, the district shall provide public access for recreational  
11 use at designated access points and shall include access to the  
12 land area a minimum distance of one hundred feet from the permanent  
13 pool. Recreational users, whether public or private, shall abide  
14 by all applicable rules, regulations, ordinances, or resolutions  
15 for use of the project adopted by the district or the political  
16 subdivision in which the project is located. Public recreational  
17 users may only access the project through such designated access  
18 points.

19 Sec. 8. Original sections 2-3234 and 2-3290.01, Revised  
20 Statutes Cumulative Supplement, 2006, are repealed.

21 2. On page 2, line 10, before "The" insert "(1)"; and in  
22 line 15 after the period insert: "For purposes of this section,  
23 flood control and water quality projects and practices include,  
24 but are not limited to, low-impact development best management  
25 measures, flood plain buyout, dams, reservoir basins, and levees.  
26 No such project shall include a reservoir or water quality basin  
27 having a permanent pool greater than four hundred surface acres.

1 Any project having a permanent pool greater than twenty surface  
 2 acres shall provide for public access.

3 (2)(a) Bond proceeds shall not be expended for projects  
 4 and practices unless the political subdivision exercising zoning  
 5 jurisdiction over the area encompassing the project or practices  
 6 has adopted into its comprehensive plan, zoning ordinances or  
 7 resolutions, or stormwater management policies a requirement that  
 8 low-impact development measures and techniques shall be employed to  
 9 control at a minimum the first one-half inch of rainwater runoff  
 10 from any new development; and

11 (b) Bond proceeds shall not be expended for projects and  
 12 practices that are prohibited under the comprehensive plan, zoning  
 13 ordinances or resolutions, or stormwater management policies of the  
 14 political subdivision exercising zoning jurisdiction over the area  
 15 encompassing such project or practices.

16 (3) A district shall not acquire real property for a  
 17 project described in subsection (1) of this section by eminent  
 18 domain proceedings pursuant to sections 76-704 to 76-724 if the  
 19 real property is to be conveyed to a private entity or private  
 20 enterprise after such acquisition."

21 3. Renumber the remaining section accordingly."

Senator Stuthman filed the following amendment to LB766:  
 AM2453

(Amendments to Final Reading copy)

- 1 1. On page 5, strike beginning with "and" in line 1
- 2 through "seller" in line 2.

### **VISITORS**

Visitors to the Chamber were 55 twelfth-grade students and teacher from Wilber-Clatonia, Wilber.

The Doctor of the Day was Dr. Brad Hupp from Albion.

### **ADJOURNMENT**

At 3:24 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Tuesday, March 25, 2008.

Patrick J. O'Donnell  
 Clerk of the Legislature



**FORTY-SIXTH DAY - MARCH 25, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 25, 2008

**PRAYER**

The prayer was offered by Pastor Chuck Bentjen, Immanuel Lutheran Church, Beatrice.

**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.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fifth day was approved.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 606.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7608, Revised Statutes Supplement, 2007; to adopt the Stem Cell Research Act; to provide funding; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Schimek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 606A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 606, One Hundredth Legislature, Second Session, 2008; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB797 with 38 ayes, 3 nays, and 8 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 797.** With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend sections 60-1301, 71-1557, 71-1558, 71-1559, 71-1563, 71-1564, 71-1567, 71-1901, 71-4603, 71-4604, 71-4623, 71-4631, 71-7003.01, 71-7010, and 71-7013, Reissue Revised Statutes of Nebraska, sections 60-107, 60-1401.02, 71-409, 71-4604.01, 71-4608, 71-5663, 71-5665, and 71-5668, Revised Statutes Cumulative Supplement, 2006, and sections 68-906, 71-5662, 71-7012, 71-8249, 81-671, and 86-570, Revised Statutes Supplement, 2007; to redefine terms; to change a date within the Medical Assistance Act relating to acceptance of federal provisions; to change provisions relating to the Nebraska Uniform Standards for Modular Housing Units Act, the Uniform Standard Code for Manufactured Homes and Recreational Vehicles, and the Uniform Standard Code for Mobile Home Parks; to provide for civil penalties and administrative fines; to change and eliminate provisions relating to organization of the Department of Health and Human Services, the Rural Health Systems and Professional Incentive Act, mammography, the statewide trauma registry, and release of health information; to provide for disqualification for certain public assistance programs; to eliminate the Governor's Roundtable and repeal obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 68-1736, 68-1737, 71-4628, 71-7002, 71-7003, 71-7004, 71-7005, 71-7006, 71-7007, 71-7008, 71-7009, and 71-7011, Reissue Revised Statutes of Nebraska, and section 71-7001, Revised Statutes Supplement, 2007; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 822.**

A BILL FOR AN ACT relating to government; to amend sections 50-1204, 50-1205.01, and 50-1206, Revised Statutes Cumulative Supplement, 2006, and section 84-304, Revised Statutes Supplement, 2007; to change references to auditing standards and a federal office; to change a provision relating to requests for performance audits; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.



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

**LEGISLATIVE BILL 1096.**

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-901, Reissue Revised Statutes of Nebraska; to provide for the hiring of a fire chief in certain cities of the first class as prescribed; to change provisions relating to volunteer department trust funds; to adopt the Volunteer Emergency Responders Job Protection Act; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Stuthman

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

**WITHDRAW - Amendment to LB766**

Senator Rogert withdrew his amendment, FA231, found on page 1000, to LB766.

**MOTION - Return LB766 to Select File**

Senator Stuthman moved to return LB766 to Select File for his specific amendment, AM2453, found on page 1059.

The Stuthman motion to return prevailed with 29 ayes, 6 nays, 13 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 766.** The Stuthman specific amendment, AM2453, found on page 1059, was adopted with 27 ayes, 9 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 277, 278, 279, and 280 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 277, 278, 279, and 280.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 606, 606A, 797, 822, and 1096.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR284 was referred to the Reference Committee.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR284	Judiciary

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

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

Monday, April 07, 2008 12:00 p.m.

LR284

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1063.** Title read. Considered.

Committee AM1841, found on page 582, was considered.

Senator Ashford renewed his amendment, AM1912, found on page 666, to the committee amendment.

**SPEAKER FLOOD PRESIDING****PRESIDENT SHEEHY PRESIDING**

Pending.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 25, 2008, at 10:20 a.m. were the following: LBs 606e, 606Ae, 797e, 822, and 1096.

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

**NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Wednesday, April 02, 2008 1:15 p.m.

Jirak, James - Commission for the Blind and Visually Impaired

(Signed) Joel Johnson, Chairperson

**AMENDMENT - Print in Journal**

Senator Synowiecki filed the following amendment to LB1147:  
AM2391

(Amendments to Standing Committee amendments, AM1999)

- 1 1. Insert the following new sections:
- 2 Sec. 15. The Legislature finds that:
- 3 (1) The Nebraska Investment Council was created by the
- 4 Legislature in Laws 1967, LB 335. Additional legislation was
- 5 passed in Laws 1969, LB 1345, which provided for centralization of
- 6 the investment of state funds and addressed types of authorized
- 7 investments and since then the statutory framework of the council
- 8 has been modified periodically by the Legislature;
- 9 (2) The laws of Nebraska provide that the appointed
- 10 members of the council and the state investment officer are deemed

11 fiduciaries with respect to investment of the assets (a) in the  
12 retirement systems and the Nebraska educational savings plan trust  
13 and as fiduciaries are required to discharge their duties with  
14 respect to such assets solely in the best interest of the members  
15 and beneficiaries of such plans and (b) of other state funds solely  
16 in the best interest of the residents of Nebraska;

17 (3) As fiduciaries, the appointed members of the council  
18 and the officer must act with the care, skill, prudence, and  
19 diligence under the circumstances then prevailing that a prudent  
20 person acting in like capacity and familiar with such matters would  
21 use in the conduct of an enterprise of like character with like  
22 aims by diversifying the investments of assets in the various plans  
1 so as to minimize the risk of large losses;

2 (4) The council managed over fifteen billion three  
3 hundred million dollars of assets as of September 30, 2007.  
4 Those assets have quadrupled since 1995. The assets managed by the  
5 council produced almost one billion five hundred million dollars  
6 in investment earnings in 2006 and almost seven billion dollars of  
7 investment earnings since December 31, 1995;

8 (5) The council has the responsibility of the management  
9 of portfolios for over thirty state entities. The financial  
10 markets and investment strategies that must be employed to  
11 achieve satisfactory returns have become more complex and the  
12 best practices of similar state government investment agencies have  
13 evolved since the creation of the council; and

14 (6) Pursuant to section 72-1249.02, the operating costs  
15 of the council are charged to the income of each fund managed  
16 by the council, and such charges are transferred to the State  
17 Investment Officer's Cash Fund. Management, custodial, and service  
18 costs that are a direct expense of state funds are paid from the  
19 income of such funds.

20 Sec. 16. The Nebraska Investment Council shall enter  
21 into a contract with a qualified independent organization familiar  
22 with similar state investment offices to complete a comprehensive  
23 review of the current statutory, regulatory, and organizational  
24 situation of the council, review best practices of similar state  
25 investment offices, and make recommendations to the council, the  
26 Governor, and the Legislature for changes needed to ensure that  
27 the council has adequate authority to independently execute its  
1 fiduciary responsibilities to the members and beneficiaries of the  
2 retirement systems and the Nebraska educational savings plan trust  
3 and the residents of Nebraska with regards to other state funds.

4 Sec. 17. The Legislature shall appropriate funds to the  
5 State Investment Officer for the State Investment Officer's Cash  
6 Fund to carry out the provisions of sections 15 to 17 of this act.

7 2. Renumber the remaining section.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 988.** Placed on Select File with amendment. ER8211 is available in the Bill Room.

**LEGISLATIVE BILL 988A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**VISITORS**

Visitors to the Chamber were Judy and Spencer Jesz from Omaha; Patrick Schiffer from Germany; 23 fourth-grade students, teacher, and sponsors from Karen Western Elementary, Ralston; Senator Engel's sister-in-law, Joleen Jones, and niece and nephew-in-law, Jeff and Kerri Mogensen, and their children, Matt, Megan, Michael, and Max, from South Sioux City; members of Tri-Diocese Council of Catholic Women from across the state; Senator Wightman's wife and granddaughters, Jan, Kate, and Celia Wightman, from Lexington; 60 fourth-grade students from St. Columbkille School, Papillion; and 40 fourth-grade students and teacher from Lost Creek Elementary, Columbus.

**RECESS**

At 11:59 a.m., on a motion by Senator Langemeier, 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 Christensen, Dubas, Engel, Flood, Heidemann, Loudon, Synowiecki, and Wallman who were excused until they arrive.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 766.** Placed on Final Reading Second.

**LEGISLATIVE BILL 959.** Placed on Final Reading.  
ST9076

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

1. In the Rogert amendment, AM2451, section 74 has been renumbered as section 77.

2. In the E & R amendments, ER8207, on page 1, line 21, "122," has been inserted after the last comma.

3. In the Standing Committee amendments, AM2145:

a. On page 2, line 15, "87" and all amendments thereto have been struck and "91" inserted; and

b. On page 39, line 3, "\$4,124,276" has been struck and "\$4,124,776" inserted.

4. On page 1, line 6, "to reduce an appropriation; to provide for a transfer of funds; to state intent; to require reports;" has been inserted after the semicolon.

**LEGISLATIVE BILL 960.** Placed on Final Reading.

**LEGISLATIVE BILL 961.** Placed on Final Reading.

ST9075

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

1. In the Erdman amendment, AM2448:

a. Sections 6 and 7 have been renumbered as sections 9 and 10, respectively; and

b. On page 1, line 3, "act" has been struck and "section" inserted; and in line 6 "6" has been struck and "9" inserted.

2. In the Hudkins amendment, AM2394, section 1 has been renumbered as section 2.

3. In the Heideman amendment, AM2419, section 2 has been renumbered as section 5.

4. In the Erdman amendment, AM2427:

a. Section 2 has been renumbered as section 3; and

b. On page 2, line 4, "Administrative" has been struck and "Administration" inserted.

5. In the E & R amendments, ER8210, on page 4, line 21, "effective date of this act" has been struck and "operative date of this section" inserted.

6. On page 1, the matter beginning with "the" in line 1 through line 6 and all amendments thereto have been struck and "state funds; to amend section 54-857, Reissue Revised Statutes of Nebraska, sections 2-958.01, 29-3921, and 84-510, Revised Statutes Cumulative Supplement, 2006, sections 71-7608 and 81-3119, Revised Statutes Supplement, 2007, Laws 2007, LB 321, section 281, and section 71-7611, Revised Statutes Supplement, 2007, as amended by section 2, Legislative Bill 480, One Hundredth Legislature, Second Session, 2008; to provide for and change amounts of transfers of funds; to provide for a study; to change authorized use of certain funds; to change allocation provisions for the Nebraska Tobacco Settlement Trust Fund; to prohibit the pledge of certain funds for bond repayment; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 1019.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1063.** Senator Ashford renewed his amendment, AM1912, found on page 666 and considered in this day's Journal, to the committee amendment.

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

Senator Erdman moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The motion to cease debate prevailed with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a roll call vote on the Ashford amendment.

The Ashford amendment was adopted with 25 ayes, 5 nays, 17 present and not voting, and 2 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

The committee amendment, as amended, lost with 20 ayes, 28 nays, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

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

Voting in the affirmative, 20:

Aguilar	Dierks	Kruse	Nantkes	Rogert
Ashford	Howard	Lathrop	Pedersen	Schimek
Avery	Johnson	McDonald	Preister	Synowiecki
Chambers	Kopplin	McGill	Raikes	Wallman

Voting in the negative, 28:

Adams	Erdman	Hansen	Langemeier	Pirsch
Burling	Fischer	Harms	Lautenbaugh	Stuthman
Carlson	Flood	Heidemann	Louden	White
Christensen	Friend	Hudkins	Nelson	Wightman
Cornett	Fulton	Janssen	Pahls	
Engel	Gay	Karpisek	Pankonin	

Excused and not voting, 1:

Dubas

Failed to advance to Enrollment and Review Initial with 20 ayes, 28 nays, and 1 excused and not voting.

The Chair declared the call raised.

### MESSAGE FROM THE GOVERNOR

March 25, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 606e and 606Ae were received in my office. I signed and delivered them to the Secretary of State today, March 25, 2008.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

### GENERAL FILE

**LEGISLATIVE BILL 986.** Title read. Considered.

Committee AM1998, found on page 681, was considered.

### SENATOR FRIEND PRESIDING

### PRESIDENT SHEEHY PRESIDING

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

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.



**LEGISLATIVE BILL 986A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 888.** Title read. Considered.

Committee AM2003, found on page 681, 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 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1068.** Title read. Considered.

Committee AM1983, found on page 729, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Pedersen filed the following amendment to LB880:  
AM2068

(Amendments to Standing Committee amendments, AM1787)

1 1. Insert the following new sections:

2 Sec. 5. Section 2-3225, Revised Statutes Supplement,  
3 2007, is amended to read:

4 2-3225 ~~(1)(a) Each~~ (1)(a)(i) Each district encompassing a  
5 city of the metropolitan class shall have the power and authority  
6 to levy a tax of not to exceed three and one-half cents on each one  
7 hundred dollars of taxable valuation annually on all of the taxable  
8 property within such district unless a higher levy is authorized  
9 pursuant to section 77-3444.

10 (ii) Except as provided in subdivision (1)(a)(i) of this  
11 section, each district shall have the power and authority to levy  
12 a tax of not to exceed four and one-half cents on each one  
13 hundred dollars of taxable valuation annually on all of the taxable  
14 property within such district unless a higher levy is authorized  
15 pursuant to section 77-3444.

16 (b) Each district shall also have the power and authority  
17 to levy a tax equal to the dollar amount by which its restricted  
18 funds budgeted to administer and implement ground water management  
19 activities and integrated management activities under the Nebraska  
20 Ground Water Management and Protection Act exceed its restricted  
21 funds budgeted to administer and implement ground water management  
22 activities and integrated management activities for FY2003-04, not

1 to exceed one cent on each one hundred dollars of taxable valuation  
2 annually on all of the taxable property within the district.

3 (c) In addition to the power and authority granted in  
4 subdivisions (1)(a) and (b) of this section, each district located  
5 in a river basin, subbasin, or reach that has been determined  
6 to be fully appropriated pursuant to section 46-714 or designated  
7 overappropriated pursuant to section 46-713 by the Department of  
8 Natural Resources shall also have the power and authority to  
9 levy a tax equal to the dollar amount by which its restricted  
10 funds budgeted to administer and implement ground water management  
11 activities and integrated management activities under the Nebraska  
12 Ground Water Management and Protection Act exceed its restricted  
13 funds budgeted to administer and implement ground water management  
14 activities and integrated management activities for FY2005-06, not  
15 to exceed three cents on each one hundred dollars of taxable  
16 valuation on all of the taxable property within the district for  
17 fiscal year 2006-07 and each fiscal year thereafter through fiscal  
18 year 2011-12.

19 (d) In addition to the power and authority granted in  
20 subdivisions (a) through (c) of this subsection, a district with  
21 jurisdiction that includes a river subject to an interstate compact  
22 among three or more states and that also includes one or more  
23 irrigation districts within the compact river basin may annually  
24 levy a tax not to exceed ten cents per one hundred dollars of  
25 taxable valuation of all taxable property in the district for the  
26 payment of principal and interest on bonds and refunding bonds  
27 issued pursuant to section 2-3226.01. Such levy is not includable  
1 in the computation of other limitations upon the district's tax  
2 levy.

3 (2) The proceeds of the tax levies authorized in  
4 subdivisions (1)(a) through (c) of this section shall be used,  
5 together with any other funds which the district may receive from  
6 any source, for the operation of the district. When adopted by the  
7 board, the tax levies authorized in subdivisions (1)(a) through (d)  
8 of this section shall be certified by the secretary to the county  
9 clerk of each county which in whole or in part is included within  
10 the district. Such levy shall be handled by the counties in the  
11 same manner as other levies, and proceeds shall be remitted to the  
12 district treasurer. Such levy shall not be considered a part of the  
13 general county levy and shall not be considered in connection with  
14 any limitation on levies of such counties.

15 Sec. 8. Section 77-3442, Revised Statutes Supplement,  
16 2007, is amended to read:

17 77-3442 (1) Property tax levies for the support of local  
18 governments for fiscal years beginning on or after July 1, 1998,  
19 shall be limited to the amounts set forth in this section except as  
20 provided in section 77-3444.

21 (2)(a) Except as provided in subdivision (2)(e) of this  
22 section, school districts and multiple-district school systems,

23 except learning communities and school districts that are members  
24 of learning communities, may levy a maximum levy of one dollar and  
25 five cents per one hundred dollars of taxable valuation of property  
26 subject to the levy.

27 (b) For each fiscal year, learning communities may levy  
1 a maximum levy for the general fund budgets of member school  
2 districts equal to the local effort rate prescribed in section  
3 79-1015.01 for such fiscal year. The proceeds from the levy  
4 pursuant to this subdivision shall be distributed pursuant to  
5 section 79-1073.

6 (c) Except as provided in subdivision (2)(e) of this  
7 section, for each fiscal year, school districts that are members  
8 of learning communities may levy for purposes of such districts'  
9 general fund budget and special building funds a maximum combined  
10 levy of the difference of one dollar and five cents on each one  
11 hundred dollars of taxable property subject to the levy minus  
12 the learning community levies pursuant to subdivisions (2)(b) and  
13 (2)(g) of this section for such learning community.

14 (d) Excluded from the limitations in subdivisions (2)(a)  
15 and (2)(c) of this section are amounts levied to pay for  
16 sums agreed to be paid by a school district to certificated  
17 employees in exchange for a voluntary termination of employment  
18 and amounts levied to pay for special building funds and sinking  
19 funds established for projects commenced prior to April 1, 1996,  
20 for construction, expansion, or alteration of school district  
21 buildings. For purposes of this subsection, commenced means any  
22 action taken by the school board on the record which commits  
23 the board to expend district funds in planning, constructing, or  
24 carrying out the project.

25 (e) Federal aid school districts may exceed the maximum  
26 levy prescribed by subdivision (2)(a) or (2)(c) of this section  
27 only to the extent necessary to qualify to receive federal aid  
1 pursuant to Title VIII of Public Law 103-382, as such title existed  
2 on September 1, 2001. For purposes of this subdivision, federal  
3 aid school district means any school district which receives ten  
4 percent or more of the revenue for its general fund budget from  
5 federal government sources pursuant to Title VIII of Public Law  
6 103-382, as such title existed on September 1, 2001.

7 (f) For school fiscal year 2002-03 through school fiscal  
8 year 2007-08, school districts and multiple-district school systems  
9 may, upon a three-fourths majority vote of the school board of  
10 the school district, the board of the unified system, or the  
11 school board of the high school district of the multiple-district  
12 school system that is not a unified system, exceed the maximum  
13 levy prescribed by subdivision (2)(a) of this section in an amount  
14 equal to the net difference between the amount of state aid that  
15 would have been provided under the Tax Equity and Educational  
16 Opportunities Support Act without the temporary aid adjustment  
17 factor as defined in section 79-1003 for the ensuing school fiscal

18 year for the school district or multiple-district school system  
19 and the amount provided with the temporary aid adjustment factor.  
20 The State Department of Education shall certify to the school  
21 districts and multiple-district school systems the amount by which  
22 the maximum levy may be exceeded for the next school fiscal year  
23 pursuant to this subdivision (f) of this subsection on or before  
24 February 15 for school fiscal years 2004-05 through 2007-08.

25 (g) For each fiscal year, learning communities may levy a  
26 maximum levy of two cents on each one hundred dollars of taxable  
27 property subject to the levy for special building funds for member  
1 school districts. The proceeds from the levy pursuant to this  
2 subdivision shall be distributed pursuant to section 79-1073.01.

3 (h) For each fiscal year, learning communities may levy  
4 a maximum levy of five cents on each one hundred dollars of  
5 taxable property subject to the levy for elementary learning center  
6 facilities and for up to fifty percent of the estimated cost for  
7 capital projects approved by the learning community coordinating  
8 council pursuant to section 79-2111.

9 (3) Community colleges may levy a maximum levy calculated  
10 pursuant to the Community College Foundation and Equalization Aid  
11 Act on each one hundred dollars of taxable property subject to the  
12 levy.

13 (4)(a) Natural resources districts may levy a maximum  
14 levy of three and one-half or four and one-half cents per one  
15 hundred dollars of taxable valuation of property subject to the  
16 levy as provided in section 2-3225.

17 (b) Natural resources districts shall also have the power  
18 and authority to levy a tax equal to the dollar amount by which  
19 their restricted funds budgeted to administer and implement ground  
20 water management activities and integrated management activities  
21 under the Nebraska Ground Water Management and Protection Act  
22 exceed their restricted funds budgeted to administer and implement  
23 ground water management activities and integrated management  
24 activities for FY2003-04, not to exceed one cent on each one  
25 hundred dollars of taxable valuation annually on all of the taxable  
26 property within the district.

27 (c) In addition, natural resources districts located in  
1 a river basin, subbasin, or reach that has been determined to  
2 be fully appropriated pursuant to section 46-714 or designated  
3 as overappropriated pursuant to section 46-713 by the Department  
4 of Natural Resources shall also have the power and authority to  
5 levy a tax equal to the dollar amount by which their restricted  
6 funds budgeted to administer and implement ground water management  
7 activities and integrated management activities under the Nebraska  
8 Ground Water Management and Protection Act exceed their restricted  
9 funds budgeted to administer and implement ground water management  
10 activities and integrated management activities for FY2005-06, not  
11 to exceed three cents on each one hundred dollars of taxable  
12 valuation on all of the taxable property within the district for

13 fiscal year 2006-07 and each fiscal year thereafter through fiscal  
14 year 2011-12.

15 (5) Educational service units may levy a maximum levy of  
16 one and one-half cents per one hundred dollars of taxable valuation  
17 of property subject to the levy.

18 (6)(a) Incorporated cities and villages which are not  
19 within the boundaries of a municipal county may levy a maximum levy  
20 of forty-five cents per one hundred dollars of taxable valuation  
21 of property subject to the levy plus an additional five cents per  
22 one hundred dollars of taxable valuation to provide financing for  
23 the municipality's share of revenue required under an agreement  
24 or agreements executed pursuant to the Interlocal Cooperation Act  
25 or the Joint Public Agency Act. The maximum levy shall include  
26 amounts levied to pay for sums to support a library pursuant  
27 to section 51-201, museum pursuant to section 51-501, visiting  
1 community nurse, home health nurse, or home health agency pursuant  
2 to section 71-1637, or statue, memorial, or monument pursuant to  
3 section 80-202.

4 (b) Incorporated cities and villages which are within the  
5 boundaries of a municipal county may levy a maximum levy of ninety  
6 cents per one hundred dollars of taxable valuation of property  
7 subject to the levy. The maximum levy shall include amounts paid  
8 to a municipal county for county services, amounts levied to pay  
9 for sums to support a library pursuant to section 51-201, a museum  
10 pursuant to section 51-501, a visiting community nurse, home health  
11 nurse, or home health agency pursuant to section 71-1637, or a  
12 statue, memorial, or monument pursuant to section 80-202.

13 (7) Sanitary and improvement districts which have been in  
14 existence for more than five years may levy a maximum levy of forty  
15 cents per one hundred dollars of taxable valuation of property  
16 subject to the levy, and sanitary and improvement districts which  
17 have been in existence for five years or less shall not have  
18 a maximum levy. Unconsolidated sanitary and improvement districts  
19 which have been in existence for more than five years and are  
20 located in a municipal county may levy a maximum of eighty-five  
21 cents per hundred dollars of taxable valuation of property subject  
22 to the levy.

23 (8) Counties may levy or authorize a maximum levy of  
24 fifty cents per one hundred dollars of taxable valuation of  
25 property subject to the levy, except that five cents per one  
26 hundred dollars of taxable valuation of property subject to the  
27 levy may only be levied to provide financing for the county's  
1 share of revenue required under an agreement or agreements executed  
2 pursuant to the Interlocal Cooperation Act or the Joint Public  
3 Agency Act. The maximum levy shall include amounts levied to pay  
4 for sums to support a library pursuant to section 51-201 or museum  
5 pursuant to section 51-501. The county may allocate up to fifteen  
6 cents of its authority to other political subdivisions subject  
7 to allocation of property tax authority under subsection (1) of

8 section 77-3443 and not specifically covered in this section to  
9 levy taxes as authorized by law which do not collectively exceed  
10 fifteen cents per one hundred dollars of taxable valuation on any  
11 parcel or item of taxable property. The county may allocate to  
12 one or more other political subdivisions subject to allocation  
13 of property tax authority by the county under subsection (1) of  
14 section 77-3443 some or all of the county's five cents per one  
15 hundred dollars of valuation authorized for support of an agreement  
16 or agreements to be levied by the political subdivision for the  
17 purpose of supporting that political subdivision's share of revenue  
18 required under an agreement or agreements executed pursuant to the  
19 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
20 allocation by a county would cause another county to exceed its  
21 levy authority under this section, the second county may exceed the  
22 levy authority in order to levy the amount allocated.

23 (9) Municipal counties may levy or authorize a maximum  
24 levy of one dollar per one hundred dollars of taxable valuation  
25 of property subject to the levy. The municipal county may allocate  
26 levy authority to any political subdivision or entity subject to  
27 allocation under section 77-3443.

1 (10) Property tax levies for judgments, except judgments  
2 or orders from the Commission of Industrial Relations, obtained  
3 against a political subdivision which require or obligate a  
4 political subdivision to pay such judgment, to the extent such  
5 judgment is not paid by liability insurance coverage of a  
6 political subdivision, for preexisting lease-purchase contracts  
7 approved prior to July 1, 1998, for bonded indebtedness approved  
8 according to law and secured by a levy on property, and for  
9 payments by a public airport to retire interest-free loans from the  
10 Department of Aeronautics in lieu of bonded indebtedness at a lower  
11 cost to the public airport are not included in the levy limits  
12 established by this section.

13 (11) The limitations on tax levies provided in this  
14 section are to include all other general or special levies  
15 provided by law. Notwithstanding other provisions of law, the  
16 only exceptions to the limits in this section are those provided by  
17 or authorized by sections 77-3442 to 77-3444.

18 (12) Tax levies in excess of the limitations in this  
19 section shall be considered unauthorized levies under section  
20 77-1606 unless approved under section 77-3444.

21 (13) For purposes of sections 77-3442 to 77-3444,  
22 political subdivision means a political subdivision of this state  
23 and a county agricultural society.

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

Senator Lautenbaugh filed the following amendment to LB880:  
AM2469

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Insert the following new section:  
 2 Sec. 6. Section 2-3235, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:  
 4 2-3235 (1) Each district shall have the power and  
 5 authority to cooperate with or to enter into agreements with  
 6 and, within the limits of appropriations available, to furnish  
 7 financial or other aid to any cooperator, any agency, governmental  
 8 or otherwise, or any owner or occupier of lands within the district  
 9 for the carrying out of projects for benefit of the district as  
 10 authorized by law, subject to such conditions as the board may  
 11 deem necessary. This section shall not be construed to give a  
 12 district encompassing a city of the metropolitan class the power  
 13 or authority to cooperate with or enter into agreements with,  
 14 or to furnish financial or other aid to, any person who is in  
 15 the business of selling or leasing, offering for sale or lease,  
 16 or advertising for sale or lease, residential or commercial real  
 17 property, when the cooperation, agreement, or financial or other  
 18 aid relates to real property taken by the district through the use  
 19 of eminent domain under section 2-3234.  
 20 (2) As a condition to the extending of any benefits to  
 21 or the performance of work upon any lands not owned or controlled  
 22 by this state or any of its agencies, the directors may require  
 1 contributions in money, services, materials, or otherwise to any  
 2 operations conferring such benefits and may require landowners to  
 3 enter into and perform such agreements or covenants as to the  
 4 permanent use of such lands as will tend to prevent or control  
 5 erosion thereon.  
 6 (3) Each district may make available, on such terms as  
 7 it shall prescribe, to landowners within the district specialized  
 8 equipment, materials, and services which are not readily available  
 9 from other sources and which will assist such landowners to carry  
 10 on operations upon their lands for the conservation of soil and  
 11 water resources and for the prevention and control of soil erosion.  
 12 Whenever reasonably possible, purchases or contracts for such  
 13 equipment shall be made from retail establishments.  
 14 2. Amend the repealer and renumber the remaining sections  
 15 accordingly.

Senator Preister filed the following amendment to LB880:  
 AM2472

- (Amendments to Standing Committee amendments, AM1787)  
 1 1. Insert the following new section:  
 2 Section 1. (1) Each county encompassing a city of the  
 3 metropolitan class, each county which is adjacent to a county  
 4 encompassing a city of the metropolitan class and which includes  
 5 part of a natural resources district encompassing a city of the  
 6 metropolitan class, and each city located in a county described in  
 7 this subsection shall:  
 8 (a) Develop a program for pollution prevention and good

- 9 housekeeping for county or city operations, giving consideration  
 10 to use of appropriate storm water best management practices to  
 11 minimize contamination of storm water discharges;  
 12 (b) Mandate low-impact development for all new  
 13 development and renovations to existing developments, with the  
 14 costs of low-impact development to be paid by the person developing  
 15 the property and not by the city or county; and  
 16 (c) Adopt ordinances and policies to implement and  
 17 enforce low-impact development mandates, including provisions for  
 18 finances and civil penalties for noncompliance.  
 19 (2) For purposes of this section, low-impact development  
 20 means development that involves storm water management measures  
 21 that manage rainfall where it falls, utilizing design techniques  
 22 that infiltrate, filter, store, evaporate, and temporarily detain  
 1 storm water, limiting storm water runoff to the first one-half inch  
 2 at a minimum.

Senator Preister filed the following amendment to LB880:  
 AM2473

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Insert the following new section:  
 2 Sec. 5. Data, statistics, modeling, research, studies,  
 3 surveys, investigations, analyses, critiques, evaluations,  
 4 opinions, recommendations, reports, and other information  
 5 assembled, collected, discovered, found, obtained, possessed,  
 6 presented, produced, or provided by any person pursuant to a  
 7 contract with a natural resources district encompassing a city  
 8 of the metropolitan class or subcontract with a contractor or  
 9 subcontractor of such district is a public record.  
 10 2. Insert the following new amendments:  
 11 "3. On page 3, line 4, strike "4" and insert "5".".  
 12 3. Renumber the remaining sections and amendments  
 13 accordingly.

Senator Pankonin filed the following amendment to LB902:  
 AM2505

- 1 1. On page 24, line 14, strike the new matter; and  
 2 in lines 15 through 20 strike the new matter and reinstate the  
 3 stricken matter.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB888. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 28 fifth-grade students and teachers from Raymond Central School, Valparaiso.



The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

**ADJOURNMENT**

At 5:23 p.m., on a motion by Senator Synowiecki, the Legislature adjourned until 9:00 a.m., Wednesday, March 26, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SEVENTH DAY - MARCH 26, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 26, 2008

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

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

The roll was called and all members were present except Senators Aguilar, Dubas, Engel, Erdman, Fischer, Flood, Hudkins, Lautenbaugh, Louden, Pedersen, Schimek, and Stuthman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-sixth day was approved.

**AMENDMENT - Print in Journal**

Senator McDonald filed the following amendment to LB1055:  
AM2396

(Amendments to E & R amendments, ER8183)

- 1 1. On page 5, strike lines 5 through 21, show the old
- 2 matter as stricken, and insert the following new subdivision:
- 3 "(3)(a) Dangerous dog means a dog that, according to
- 4 the records of an animal control authority: (i) Has killed a
- 5 human being; (ii) has inflicted injury on a human being that
- 6 requires medical treatment; (iii) has killed a domestic animal
- 7 without provocation; or (iv) has been previously determined to be a
- 8 potentially dangerous dog by an animal control authority, the owner
- 9 has received notice of such determination, and the dog inflicts an
- 10 injury on a human being that does not require medical treatment,
- 11 injures a domestic animal, or threatens the safety of humans or
- 12 domestic animals.
- 13 (b)(i) A dog shall not be defined as a dangerous dog
- 14 under subdivision (3)(a)(ii) of this section if the individual was
- 15 tormenting, abusing, or assaulting the dog at the time of the

16 injury or has, in the past, been observed or reported to have  
 17 tormented, abused, or assaulted the dog.

18 (ii) A dog shall not be defined as a dangerous dog  
 19 under subdivision (3)(a)(iv) of this section if the injury, damage,  
 20 or threat was sustained by an individual who, at the time, was  
 21 committing a willful trespass as defined in section 20-203, 28-520,  
 22 or 28-521, was committing any other tort upon the property of the  
 1 owner of the dog, was tormenting, abusing, or assaulting the dog,  
 2 or has, in the past, been observed or reported to have tormented,  
 3 abused, or assaulted the dog, or was committing or attempting  
 4 to commit a crime:"; and in line 26 after "(5)" insert "Medical  
 5 treatment means treatment administered by a physician or other  
 6 licensed health care professional;

7 (6)".

8 2. On page 6, line 2, strike "(6)", show as stricken, and  
 9 insert "(7)"; in line 3 after "(i)" insert "inflicts an injury on  
 10 a human being that does not require medical treatment, (ii)"; in  
 11 line 5 strike "or (ii)", show as stricken, and insert ", or (iii)";  
 12 and reinstate the stricken matter beginning with "upon" in line 5  
 13 through "grounds" in line 6.

14 3. On page 8, lines 10 and 11, strike the new matter.

## GENERAL FILE

**LEGISLATIVE BILL 958A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 1058.** Title read. Considered.

Committee AM1866, found on page 586, was considered.

Senator McDonald renewed her amendment, AM2122, found on page 850, to the committee amendment.

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

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1065.** Title read. Considered.

Committee AM1991, found on page 687, was considered.

Senator Louden renewed his amendment, AM2307, found on page 979, to the committee amendment.

### SENATOR SCHIMEK PRESIDING

Senator Louden offered the following motion:

MO151

Unanimous consent to bracket until April 5, 2008.

No objections. So ordered.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 736A.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 736, One Hundredth Legislature, Second Session, 2008.

### AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendment to LB1065:  
AM2498

- 1 1. On page 7, strike beginning with "A" in line 3 through
- 2 the period in line 8.

Senator Preister filed the following amendment to LB1065:  
AM2490

- 1 1. On page 2, lines 17 and 25; page 4, line 24; page 5,
- 2 lines 7 and 13; and page 6, lines 2, 15, and 18, strike "ten" and
- 3 insert "sixty-five".

Senator Friend filed the following amendment to LB988:  
AM2431

(Amendments to E & R amendments, ER8211)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 79-458, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 79-458 (1) Any freeholder or freeholders, person in
- 5 possession or constructive possession as vendee pursuant to a
- 6 contract of sale of the fee, holder of a school land lease under
- 7 section 72-232, or entrant upon government land who has not yet
- 8 received a patent therefor may file a petition ~~on or before July~~
- 9 ~~15 for 2007 and~~ on or before June 1 for all other years with
- 10 a board consisting of the county assessor, county clerk, and
- 11 county treasurer, asking to have any tract or tracts of land
- 12 described in the petition set off from an existing ~~Class II or III~~

13 school district in which the land is situated and attached to ~~an~~  
 14 ~~accredited-a different school~~ district which is contiguous to such  
 15 tract or tracts of land if:

16 ~~(a)-(a)(i)~~ The school district in which the land is  
 17 situated is a Class II or III school district which has had an  
 18 average daily membership in grades nine through twelve of less  
 19 than sixty for the two consecutive school fiscal years immediately  
 20 preceding the filing of the petition;

21 ~~(b)-The (ii)~~ Such Class II or III school district has  
 22 voted pursuant to section 77-3444 to exceed the maximum levy  
 1 established pursuant to subdivision (2)(a) of section 77-3442,  
 2 which vote is effective for the school fiscal year in which the  
 3 petition is filed or for the following school fiscal year;

4 ~~(e)-(iii)~~ The high school in such Class II or III school  
 5 district is within fifteen miles on a maintained public highway or  
 6 maintained public road of another public high school; and

7 ~~(d)-(iv)~~ Neither school district is a member of a  
 8 learning community; or-

9 (b) Except as provided in subsection (7) of this section,  
 10 the school district in which the land is situated, regardless of  
 11 the class of school district, has approved a budget for the school  
 12 fiscal year in which the petition is filed that will cause the  
 13 combined levies for such school fiscal year, except levies for  
 14 bonded indebtedness approved by the voters of such school district  
 15 and levies for the refinancing of such bonded indebtedness, to  
 16 exceed the greater of (i) one dollar and twenty cents per one  
 17 hundred dollars of taxable valuation of property subject to the  
 18 levy or (ii) the maximum levy authorized by a vote pursuant to  
 19 section 77-3444.

20 For purposes of determining whether a tract of land is  
 21 contiguous, all petitions currently being considered by the board  
 22 shall be considered together as a whole.

23 (2) The petition shall state the reasons for the proposed  
 24 change and shall show with reference to the land of each  
 25 petitioner: (a) That (i) the land described in the petition is  
 26 either owned by the petitioner or petitioners or that he, she,  
 27 or they hold a school land lease under section 72-232, are in  
 1 possession or constructive possession as vendee under a contract  
 2 of sale of the fee simple interest, or have made an entry on  
 3 government land but have not yet received a patent therefor and  
 4 (ii) such tract of land includes all such contiguous land owned or  
 5 controlled by each petitioner; (b) that ~~the land described in the~~  
 6 ~~petition is located in a Class II or III district that is not a~~  
 7 ~~member of a learning community, the district has had an average~~  
 8 ~~daily membership in grades nine through twelve of less than sixty~~  
 9 ~~for the two consecutive school fiscal years immediately preceding~~  
 10 ~~the filing of the petition, the district has voted to exceed the~~  
 11 ~~maximum levy established pursuant to subdivision (2)(a) of section~~  
 12 ~~77-3442 as provided in subdivision (1)(b) of this section, and the~~

13 ~~land is to be attached to an accredited school district which is~~  
14 ~~contiguous to such tract or tracts of land and which is not a~~  
15 ~~member of a learning community; conditions of subdivision (1)(a) or~~  
16 ~~(1)(b) of this section have been met; and (c) that such petition is~~  
17 approved by a majority of the members of the school board of the  
18 district to which such land is sought to be attached.

19 (3) The petition shall be verified by the oath of each  
20 petitioner. Notice of the filing of the petition and of the hearing  
21 on such petition before the board constituted as prescribed in  
22 subsection (1) or (4) of this section shall be given at least  
23 ten days prior to the date of such hearing by one publication  
24 in a legal newspaper of general circulation in each district and  
25 by posting a notice on the outer door of the schoolhouse in each  
26 district affected thereby, and such notice shall designate the  
27 territory to be transferred. Following the filing of a petition  
1 pursuant to this section, such board shall hold a public hearing  
2 on the petition and, ~~on or before November 1 following the filing~~  
3 ~~of the petition,~~ shall approve or disapprove the petition on or  
4 before July 15 following the filing of the petition based on  
5 a determination of whether the petitioner has complied with all  
6 requirements of this section. If such board approves the petition,  
7 such board shall change the boundaries of the school districts so  
8 as to set off the land described in the petition and attach it to  
9 such district pursuant to the petition with an effective date of  
10 August 15 following the filing of the petition, which actions shall  
11 cause such transfer to be in effect for levies set for the year in  
12 which such transfer takes effect.

13 (4) Petitions requesting transfers of property across  
14 county lines shall be addressed jointly to the county clerks of  
15 the counties concerned, and the petitions shall be acted upon  
16 by the county assessors, county clerks, and county treasurers of  
17 the counties involved as one board, with the county clerk of the  
18 county from which the land is sought to be transferred acting as  
19 chairperson of the board.

20 (5) Appeals may be taken from the action of such board  
21 or, when such board fails to ~~agree, act on the petition, on or~~  
22 ~~before August 1 following the filing of the petition,~~ to the  
23 district court of the county in which the land is located ~~within~~  
24 ~~twenty days after entry of such action on the records of the board~~  
25 ~~by the county clerk of the county in which the land is located~~  
26 ~~or within twenty days after November 1 if such board fails to act~~  
27 ~~upon such petition, on or before August 10 following the filing~~  
1 of the petition, in the same manner as appeals are now taken from  
2 the action of the county board in the allowance or disallowance of  
3 claims against the county. If an appeal is taken from the action of  
4 the board approving the petition or failing to act on the petition,  
5 the transfer shall occur effective August 15 following the filing  
6 of the petition, which actions shall cause such transfer to be in  
7 effect for levies set for the year in which such transfer takes

8 effect, unless action by the district court prevents such transfer.

9 (6) This section does not apply to any school district  
10 located on an Indian reservation and substantially or totally  
11 financed by the federal government.

12 ~~(7) If approved by the board, the transfer shall take  
13 place on January 1 next following the filing of the petition.~~

14 (7) For school districts that have approved a budget for  
15 school fiscal year 2007-08 that will cause the combined levies,  
16 except levies for bonded indebtedness approved by the voters of  
17 the school district and levies for the refinancing of such bonded  
18 indebtedness, to exceed the greater of (a) one dollar and twenty  
19 cents per one hundred dollars of taxable valuation of property  
20 subject to the levy or (b) the maximum levy authorized by a vote  
21 pursuant to section 77-3444, the school boards of such school  
22 districts may adopt a binding resolution stating that the combined  
23 levies, except levies for bonded indebtedness approved by the  
24 voters of the school district and levies for the refinancing of  
25 such bonded indebtedness, for school fiscal year 2008-09 shall not  
26 exceed the greater of (i) one dollar and twenty cents per one  
27 hundred dollars of taxable valuation of property subject to the  
1 levy or (ii) the maximum levy authorized by a vote pursuant to  
2 section 77-3444. On or before May 9, 2008, such binding resolutions  
3 shall be filed with the Auditor of Public Accounts and the county  
4 assessors, county clerks, and county treasurers for all counties in  
5 which the school district has territory. If such binding resolution  
6 is filed on or before May 9, 2008, land shall not be set off and  
7 attached to another district pursuant to subdivision (2)(b) of this  
8 section in 2008.

9 (8) Nothing in this section shall be construed to detach  
10 obligations for voter-approved bonds from any tract of land.

11 2. On page 8, after line 15, insert the following new  
12 subsection:

13 "(14) For school districts that file a binding resolution  
14 on or before May 9, 2008, with the county assessors, county clerks,  
15 and county treasurers for all counties in which the school district  
16 has territory pursuant to subdivision (7) of section 79-458, if the  
17 combined levies, except levies for bonded indebtedness approved by  
18 the voters of the school district and levies for the refinancing  
19 of such bonded indebtedness, are in excess of the greater of (a)  
20 one dollar and twenty cents per one hundred dollars of taxable  
21 valuation of property subject to the levy or (b) the maximum  
22 levy authorized by a vote pursuant to section 77-3444, all school  
23 district levies, except levies for bonded indebtedness approved by  
24 the voters of the school district and levies for the refinancing of  
25 such bonded indebtedness, shall be considered unauthorized levies  
26 under section 77-1606.".

27 3. On page 12, after line 14, insert the following new  
1 subsection:

2 "(5) The withdrawal of a participating school district



3 from a unified system or dissolution of a unified system shall  
4 occur only if each participating school district in such unified  
5 system either will be merged with at least one other school  
6 district or will continue participation in such unified system  
7 with at least one other participating school district following  
8 such withdrawal or dissolution. The withdrawal of a participating  
9 school district from a unified system or dissolution of a unified  
10 system shall be accomplished and the rights and liabilities of  
11 the participating school districts determined through an action for  
12 declaratory judgment pursuant to the Uniform Declaratory Judgments  
13 Act. An action under the act praying for the withdrawal of a  
14 participating school district, dissolution of the unified system,  
15 or a declaration of the rights and liabilities of the participating  
16 school districts may be brought by the school board of any  
17 participating school district. The court shall have jurisdiction  
18 to determine all matters relating to the rights and liabilities  
19 of the participating school districts, including, but not limited  
20 to, the allocation among the participating school districts of  
21 (a) the certificated staff employed by the unified system among  
22 the participating school districts, (b) the real and personal  
23 property acquired by and held in the name of the unified system,  
24 (c) the local, state, and federal revenue of the unified system,  
25 including state aid to be paid to the unified system for the year  
26 following the withdrawal of a participating school district or the  
27 dissolution of the unified system, and (d) the liability for the  
1 repayment pursuant to subsection (8) of section 79-1010 of any  
2 incentive aid received by the unified system and its participating  
3 school districts, which liability shall be subtracted from the  
4 state aid of the participating school districts to which such  
5 repayment is allocated for the school fiscal years following the  
6 last school fiscal year of participation of a withdrawing school  
7 district or the operation of the dissolved unified system. The  
8 State Department of Education shall implement and enforce all terms  
9 of any decree of declaratory judgment entered pursuant to this  
10 section.

11 (6) After the effective date of this act, the State  
12 Committee for the Reorganization of School Districts shall not  
13 approve or order into effect any new unified system under  
14 this section. The committee may approve and order into effect  
15 the addition of school districts to a unified system or the  
16 continuation of a unified system if the continuing unified system  
17 will consist of at least two school districts which are continuing  
18 participation in the unified system."

19 4. Renumber the remaining sections, correct internal  
20 references, and amend the repealer accordingly.

Senator Preister filed the following amendment to LB1065:  
AM2495

1 1. On page 6, line 19, after the period insert: "If  
2 the governing board denies a request for net metering above ten  
3 kilowatts, the board shall provide to the person making the request  
4 a written explanation for the denial which includes, at a minimum:  
5 (a) The number of current or approved customer-generators in the  
6 local distribution system and the size of each customer-generator's  
7 qualified generation unit; and (b) a detailed calculation of the  
8 estimated financial impact of the requester's proposed qualified  
9 generation unit on the local distribution system."

### GENERAL FILE

**LEGISLATIVE BILL 916.** Title read. Considered.

Committee AM1932, found on page 681, was considered.

Senator Janssen renewed his amendment, AM2241, found on page 862, to the committee amendment.

The Janssen amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Cornett offered the following amendment:  
AM2515

1 1. On page 12, line 25, after "tax" insert "If any or  
2 all of the charge for installation is free to the customer and is  
3 paid by a third-party service provider, any tax due on that part  
4 of the activation commission, finder's fee, installation charge, or  
5 similar payment made by the third-party service provider shall be  
6 paid by the third-party service provider and collected and remitted  
7 by the installer".  
8 2. On page 18, line 6, after "products" insert ",  
9 community antenna services, Internet services, and satellite  
10 services"; and in lines 7 and 9 after "product" insert "or  
11 service".

The Cornett amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 965.** Title read. Considered.

Committee AM1750, found on page 486, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Raikes offered the following amendment:

AM2511

- 1 1. Insert the following new sections:
- 2 Sec. 17. Section 77-1704.02, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-1704.02 (1) Any county treasurer shall accept payments
- 5 of five hundred dollars or more for the partial discharge of
- 6 current or delinquent real property taxes, personal property taxes,
- 7 or both or any charges for interest, publication, penalties, or
- 8 other charges by reason of the delinquency of such taxes. Such
- 9 partial payment shall be in an amount of at least five hundred
- 10 dollars unless the partial payment is for the remaining obligation.
- 11 The county treasurer shall distribute partial payments to the
- 12 entities levying taxes on the property in proportion to the total
- 13 amount of taxes levied on the property by each entity levying
- 14 taxes on such property. Partial payment shall stop the accumulation
- 15 of interest with regard to the amount of payment made. Partial
- 16 payments for delinquent taxes shall be applied to the oldest
- 17 delinquencies first. Partial payment of delinquent taxes shall not
- 18 affect any collection procedure that is underway or available to
- 19 the county until the delinquency is fully satisfied.
- 20 ~~(1)-(2)~~ Any county board may pass a resolution to allow
- 21 payments ~~for the~~ of amounts less than five hundred dollars for
- 22 the partial discharge of current or delinquent real property
- 23 taxes, personal property taxes, or both or any charges for
- 1 interest, publication, penalties, or other charges by reason of
- 2 the delinquency of such taxes to be held in escrow by the
- 3 county treasurer or may contract with another party to hold such
- 4 payments in escrow. Upon passage of such a resolution or such
- 5 other effective date as the resolution may provide, the county
- 6 treasurer shall accept payments in accordance with the resolution
- 7 or any subsequent amendments thereto and hold such amounts until
- 8 the accumulated payments are sufficient to pay at least one-half
- 9 the taxes currently due on the property or the full amount of
- 10 delinquency and any interest, penalties, or other charges due to
- 11 the delinquency. The resolution of the county board may require
- 12 a minimum, limited, or periodic payment amount as a condition
- 13 for acceptance of payments to be held in escrow. The resolution
- 14 may also require that an escrow agreement be executed between the
- 15 person making payment and the county treasurer as a condition for
- 16 accepting payments.
- 17 ~~(2)-(3)~~ Payments held in escrow under this section may be
- 18 held in a designated bank account or may be commingled with other
- 19 county funds. Such amounts are the property of the person making

20 payment and shall be held in trust for the benefit of such person  
 21 and be accounted for with respect to the property for which the  
 22 current or delinquent taxes are to be paid. The county may pay  
 23 interest on amounts held in escrow at a rate to be determined by  
 24 the county board or may retain any interest received. Upon sale  
 25 of the property, any amounts held in escrow with respect to that  
 26 property shall be returned to the person that made the payment or  
 27 applied as directed by such person.

1 ~~(3)-(4)~~ Payments held in escrow for payment of delinquent  
 2 taxes shall be applied to the oldest delinquencies first. Payments  
 3 held in escrow for payment of delinquent taxes shall not affect any  
 4 collection procedure that is underway or available to the county  
 5 until the delinquency is fully satisfied.

6 Sec. 18. Section 77-1716, Reissue Revised Statutes of  
 7 Nebraska, is amended to read:

8 77-1716 The county treasurer ~~may, shall,~~ at any time  
 9 prior to January 1 of each year, send by mail to the last-known  
 10 address a notice to each person on the personal tax roll and each  
 11 person owing real estate taxes on mobile homes, cabin trailers,  
 12 manufactured homes, or similar property assessed and taxed as  
 13 improvements to leased land, advising such taxpayer of the amount  
 14 of such taxes owed for that year. At any time ~~after May 1 and~~  
 15 ~~before September 1 next following,~~ on or before May 15 in counties  
 16 with more than one hundred thousand inhabitants, as of the last  
 17 federal decennial census, or on or before June 15 in all other  
 18 counties, the county treasurer is required to notify by mail, at  
 19 the last-known address, any taxpayer, whose personal or real estate  
 20 tax under this section is delinquent, on account of such taxpayer  
 21 not having paid the taxes, or the first installment thereof, on  
 22 ~~May 1, or before such dates,~~ as required by law, of the amount  
 23 of such delinquent tax. The delinquency notice shall also recite  
 24 that unless the entire tax is paid by September 1, next following,  
 25 a distress warrant will be issued therefor. One dollar shall be  
 26 charged by the county treasurer as a cost to the taxpayer to defray  
 27 the cost of sending the delinquency notice. The failure of the  
 1 taxpayer to receive the notice shall not affect the validity of the  
 2 distress warrant.

3 Sec. 19. Section 77-1719.03, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:

5 77-1719.03 In any case ~~where in which~~ any distress  
 6 warrant includes taxes for one year or more, the sheriff may,  
 7 in his or her discretion, accept partial payment and shall pay  
 8 the same, as received, to the county treasurer, who shall accept  
 9 the same and receipt the sheriff therefor. ~~Pursuant to section~~  
 10 ~~77-1704.02, the~~ The county treasurer may accept the partial payment  
 11 and hold such amounts until the accumulated payments are sufficient  
 12 to pay the full amount of the delinquency for one year and any  
 13 interest, penalties, or other charges due to the delinquency, in  
 14 the manner provided in section 77-1704.02. Notwithstanding any

15 partial payment, the sheriff shall make levy and return thereof, on  
 16 the distress warrant, as required by law.

17 Sec. 20. Except for delinquent taxes on mobile homes,  
 18 cabin trailers, manufactured homes, or similar property assessed  
 19 and taxed as improvements to leased land, the county treasurer  
 20 shall, at any time on or before May 15 in counties with more than  
 21 one hundred thousand inhabitants, as of the last federal decennial  
 22 census, or on or before June 15 in all other counties, notify by  
 23 mail, at the last-known address, any taxpayer whose real estate  
 24 tax is delinquent, on account of such taxpayer not having paid the  
 25 taxes, or the first installment thereof, on or before such dates,  
 26 as required by law, of the amount of such delinquent tax. The  
 27 notice shall also recite that unless the entire tax is paid on or  
 1 before the first Monday of March after the tax becomes delinquent,  
 2 the real estate will be sold or foreclosed on as provided by law  
 3 in order to pay the delinquent real estate taxes. One dollar shall  
 4 be charged by the county treasurer as a cost to the taxpayer to  
 5 defray the cost of sending the delinquency notice. The failure of  
 6 the taxpayer to receive the notice shall not affect the validity of  
 7 a sale under Chapter 77, article 18.

8 Sec. 23. Section 77-1802, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 77-1802 (1) The county treasurer shall, not less than  
 11 four nor more than six weeks prior to the first Monday of March  
 12 in each year, make out a list of all real property subject to  
 13 sale and the amount of all delinquent taxes against each item,  
 14 describing the property as it is described on the tax list, with an  
 15 accompanying notice stating that so much of such property described  
 16 in the list as may be necessary for that purpose will, on the first  
 17 Monday of March next thereafter, be sold by such county treasurer  
 18 at public auction at his or her office for the taxes, interest, and  
 19 costs thereon.

20 (2) The county treasurer shall also notify by mail, at  
 21 the last-known address, each owner of the real property subject  
 22 to sale the amount of all delinquent taxes against each item,  
 23 describing the property as it is described on the tax list with an  
 24 accompanying notice stating that so much of such property described  
 25 in the list as may be necessary for that purpose will, on the first  
 26 Monday of March next thereafter, be sold by such county treasurer  
 27 at public auction at his or her office for taxes, interest, and  
 1 costs thereon.

2 2. Renumber the remaining sections and correct internal  
 3 references and the repealer accordingly,

## SENATOR AGUILAR PRESIDING

Senator Raikes withdrew his amendment.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present

and not voting, and 4 excused and not voting.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1172A.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1172, One Hundredth Legislature, Second Session, 2008.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 286.** Introduced by Louden, 49.

**PURPOSE:** To study return flow issues as they affect surface water irrigation in the State of Nebraska.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 287.** Introduced by Louden, 49.

**PURPOSE:** To examine Nebraska state forests as potential renewable energy resources.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 288.** Introduced by Louden, 49.

PURPOSE: To study the effects of water depletion across the State of Nebraska as well as the causes of such depletion.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 289.** Introduced by Louden, 49.

PURPOSE: To examine public power issues relating to the generation of power in the State of Nebraska.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 290.** Introduced by Louden, 49.

PURPOSE: To study the possibility of recycling construction waste and deconstruction materials.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 291.** Introduced by Louden, 49.

**PURPOSE:** To examine the application process for obtaining an instream flow right by either a natural resources district or the Game and Parks Commission.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 880.** Title read. Considered.

Committee AM1787, found on page 633, was considered.

Senator Pedersen asked unanimous consent to withdraw his amendment, AM2101, found on page 904, and replace it with his substitute amendment, AM2068, found on page 1073, to the committee amendment. No objections. So ordered.

Pending.

### COMMITTEE REPORTS

Nebraska Retirement Systems

**LEGISLATIVE BILL 968.** Placed on General File with amendment. AM2080

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 79-933, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 79-933 (1) Upon retirement under section 79-931, a member
- 6 or emeritus member shall receive a school retirement allowance
- 7 which shall consist of the sum of: ~~(1)~~ (a) A savings annuity which
- 8 shall be the actuarial equivalent, as determined by the retirement
- 9 board, of the member's accumulated contributions at the time of
- 10 his or her retirement or, in the case of an emeritus member, the
- 11 savings annuity fixed by the retirement board at the time of his or
- 12 her original retirement; and ~~(2)~~ (b) a service annuity to be paid
- 13 by the State of Nebraska.
- 14 (2) The amount of any individual service annuity for (a)



15 a full-time school employee hired on or before April 1, 1988, who  
 16 retires with thirty-five or more years of service or who retires  
 17 under the provisions of disability retirement, (b) a full-time  
 18 school employee who provided compensated service after April 1,  
 19 1988, but prior to July 19, 1996, if the service annuity commences  
 20 on or after the member's sixty-fifth birthday, who retires with  
 21 thirty-five or more years of service, or who retires under the  
 22 provisions of disability retirement, or (c) an emeritus member  
 23 shall be three dollars and fifty cents per month for each year  
 1 of creditable service commencing with his or her retirement on or  
 2 after May 19, 1981. For employees not enumerated in subdivision (a)  
 3 or (b) of this subsection or for employees hired on or after July  
 4 19, 1996, —except that if the service annuity commences prior to  
 5 the member's sixty-fifth birthday, it shall be on an actuarially  
 6 reduced basis. Each school employee or emeritus member who retired  
 7 before July 1, 1973, and who is receiving a service annuity as of  
 8 that date shall have such service annuity adjusted by the increase  
 9 in the cost of living as determined by the difference between the  
 10 Consumer Price Index for Urban Wage Earners and Clerical Workers  
 11 from the date the service annuity commenced and July 1, 1973,  
 12 except that such annuity shall not exceed three dollars and fifty  
 13 cents monthly per year of service based on the same number of years  
 14 of service that is currently being used to determine his or her  
 15 service annuity. Such increased service annuity shall commence on  
 16 July 1, 1973.  
 17 Sec. 2. Original section 79-933, Reissue Revised Statutes  
 18 of Nebraska, is repealed.

(Signed) John Synowiecki, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 1034.** Placed on General File.

**LEGISLATIVE BILL 1129.** Placed on General File.

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.

Ralph Holzfaster - Nebraska Railway Council

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

(Signed) Deb Fischer, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 292.** Introduced by Adams, 24.

**PURPOSE:** To review Nebraska's current landscape of support for families with children age birth to five years who are at risk of failure in school and to advise on ways in which Nebraska can further support families and the positive development of children in their first five years.

Decades of scientific research demonstrate that the first five years in a child's life is the most crucial time for brain development. What happens in the first five years can set children on a trajectory of success or failure both in school and later in life. Guided by the principles that (1) learning begins at birth, (2) parents are a child's first and best teacher, (3) quality environments make a difference, (4) lack of quality environments can actually be harmful, and (5) a significant number of children arrive at kindergarten ill-prepared to learn, this interim study shall examine Nebraska's current investment in the first five years of a child's life and recommend additional support that will continue to ensure Nebraska's children have the best start in life.

The issues to be addressed by this study shall include the following:

- (1) Identify the strengths and gaps in quality services for at-risk children age birth to five years;
- (2) Identify the status of current funding invested in at-risk children age birth to five years and potential funding sources that could ensure full funding of age birth to five years services, quality support, and accountability;
- (3) An analysis of other states' funding in early childhood; and
- (4) Other issues as deemed pertinent by the committee.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Executive Board of the Legislative Council shall designate two members of the Health and Human Services Committee of the Legislature and two members of the Appropriations Committee of the Legislature to participate in this study with the Education Committee of the Legislature.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature for the introduction of legislation in 2009.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 293.** Introduced by Adams, 24.

**PURPOSE:** The Legislature finds that a work force well-educated in science and math disciplines is needed to compete in the global market. In order to create an interest and desire for science and math in postsecondary and job

skills training, efforts toward development of that interest need to begin in kindergarten and be sustained through grade twelve.

To promote these goals for workforce development in the science, technology, engineering, and math fields, this interim study shall address the following issues:

(1) The consideration of the establishment of pilot projects in both urban and rural Nebraska, with long-term support of ten years or greater;

(2) The development of public and private partnerships with the state and business community of Nebraska to fund math and science projects and programs;

(3) Funding options; and

(4) An assessment of current resources in the state that could be used for this initiative, including the University of Nebraska-Lincoln's Center for Science, Mathematics and Computer Education, the Strategic Air and Space Museum and facilities, research-based industries, and the Nebraska Math and Science Partnerships Grant Program.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 294.** Introduced by Adams, 24.

**PURPOSE:** To study alternative salary compensation and funding systems for teachers in Nebraska public schools.

Salaries for Nebraska teachers rank forty-fifth nationally and next-to-last among the states bordering Nebraska. Beginning teacher salaries ranked forty-eighth for the most recent year for which national data is available. Nebraska schools, which rank high on national assessments such as the National Assessment of Educational Progress and the ACT, are in danger of losing their ability to recruit and retain high-quality teachers. Recently, significant numbers of beginning and experienced Nebraska teachers have left the state to achieve a greater level of economic security for themselves and their families.

Traditionally, teacher salary compensation has been based on what is known as the single index salary schedule with vertical increments for years of experience and horizontal increments for graduate postsecondary education. These locally negotiated salary schedules have resulted in starting and career teacher salaries with disparities of thirty-five to forty percent across the state.

Many states have developed alternative compensation systems which recognize the additional salary schedule compensation indices such as specialized knowledge, advanced teaching skills, and extra teaching

assignments, as well as educational and socioeconomic challenges of teaching in low-income schools with at-risk students. Some states have examined and developed additional salary incentives for positive movement of students on assessments of student achievement.

Teacher salaries are funded by local school boards through school district general fund budgets which are derived primarily through property taxes, approximately fifty-two percent, and secondarily through general, unrestricted state aid, approximately thirty-two percent. Both school district property tax levies and school budgets are capped under state law, restricting local school districts' abilities to address teacher salary compensation issues.

A number of states have addressed the issue of how to achieve or maintain competitive teacher salaries through specific state funding for teacher salaries and dedicated state revenue used to fund enhancement in teacher salaries, known as the trust fund concept.

This study shall examine alternative salary schedule systems and alternative funding systems for the enhancement of teacher salary compensation in Nebraska.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 295.** Introduced by Adams, 24.

**PURPOSE:** The purpose of this study is to examine regional models of delivering education in Nebraska's rural communities, particularly in those communities experiencing population decline. Several potential case studies of regional cooperation exist in the state.

The study may include, but need not be limited to, the following:

(1) Analysis of demographic trends in rural communities and rural schools and the impact of those trends on future educational needs;

(2) Identification of regional education models that would serve to expand rural opportunities, enhance educational quality, and improve cost-effectiveness through distance education, regional cooperation, staff-sharing, and other such strategies;

(3) Analysis of the applicability and adaptation of the learning community concept or other regional models to rural schools and communities;

(4) Analysis of current policies that serve as a disincentive to form rural learning communities or other regional education models which may enhance rural educational quality and cost-effectiveness; and

(5) Consideration of incentives that would encourage school districts to consider such models.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 986.** Placed on Select File with amendment.  
ER8212

- 1 1. On page 1, line 3, after the second semicolon insert
- 2 "to provide for grants; to delete obsolete provisions;".

**LEGISLATIVE BILL 986A.** Placed on Select File.

**LEGISLATIVE BILL 888.** Placed on Select File.

**LEGISLATIVE BILL 1068.** Placed on Select File with amendment.  
ER8213 is available in the Bill Room.

**LEGISLATIVE BILL 958A.** Placed on Select File.

**LEGISLATIVE BILL 1058.** Placed on Select File with amendment.  
ER8214

- 1 1. On page 1, strike beginning with the last comma in
- 2 line 2 through "Fund" in line 6; and in line 8 after the semicolon
- 3 insert "to harmonize provisions;".

(Signed) Amanda McGill, Chairperson

### VISITORS

Visitors to the Chamber were Roberta Knutson from Axtell and Kirsten and Grant Stoll from Lincoln; 37 fourth-grade students from Arlington; and 40 fourth-grade students and teachers from Washington Elementary, Norfolk.

### RECESS

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

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Lautenbaugh and White who were excused; and Senators Ashford, Engel, Erdman, Langemeier, Nantkes, and Raikes who were excused until they arrive.

**AMENDMENTS - Print in Journal**

Senator Dubas filed the following amendment to LB880:  
AM2471

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Insert the following new section:
- 2 Sec. 5. In undertaking any water project, a natural
- 3 resources district encompassing a city of the metropolitan class
- 4 shall not, directly or indirectly, cooperate with, enter into an
- 5 agreement with, or pay any person which the district has, directly
- 6 or indirectly, cooperated with, entered into an agreement with
- 7 or paid to study, analyze, evaluate, model, or investigate the
- 8 feasibility or propriety of such water project.
- 9 2. Insert the following new amendment:
- 10 "3. On page 3, line 4, strike "4" and insert "5".
- 11 3. Renumber the remaining sections and amendments
- 12 accordingly.

Senator Pedersen filed the following amendment to LB880:  
AM2474

(Amendments to Standing Committee amendments, AM1787)

- 1 1. Strike all amendments and insert the following new
- 2 amendments:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 Section 1. (1) The Papillion Creek Watershed Improvement
- 6 Task Force is created. The task force shall consist of the
- 7 following members:
- 8 (a) The chairperson of the Committee on Natural Resources
- 9 of the Legislature or his or her designee;
- 10 (b) The chairperson of the Committee on Revenue of the
- 11 Legislature or his or her designee;
- 12 (c) A member of the Douglas County Board of
- 13 Commissioners, appointed by that board;
- 14 (d) A member of the Sarpy County Board of Commissioners,
- 15 appointed by that board;
- 16 (e) A member of the Washington County Board of
- 17 Supervisors, appointed by that board;
- 18 (f) A mayor of one city or village located in Douglas

19 County, of one city or village located in Sarpy County, and of  
 20 one city or village located in Washington County, appointed by the  
 21 county board of the county in which the city or village is located;

22 (g) A member of the Papio-Missouri River Natural  
 1 Resources District board of directors, designated by that board;  
 2 and

3 (h) One landowner from each of Douglas, Sarpy, and  
 4 Washington counties, appointed by the county board of the county  
 5 in which the landowner resides. Such landowner shall not be in the  
 6 business of selling or leasing real estate.

7 (2) The appointed members of the task force shall be  
 8 appointed within thirty days after the effective date of this act.

9 (3) The task force shall meet and organize within thirty  
 10 days after the appointment of the members listed in subsection (1)  
 11 of this section. The task force shall then appoint two additional  
 12 members, one engineer and one biologist. The task force shall meet  
 13 monthly at a time and place to be fixed by the task force for the  
 14 consideration of the issues described in section 2 of this act and  
 15 for the transaction of such other business as properly comes before  
 16 it. Special meetings may be called by the chairperson or at the  
 17 request of two or more members of the task force. Any appointed  
 18 task force member absent from three consecutive meetings may be  
 19 dismissed.

20 (4) The members of the task force shall elect a  
 21 chairperson who shall be the deciding vote in the event of a  
 22 tie vote.

23 Sec. 2. The Papillion Creek Watershed Improvement Task  
 24 Force:

25 (1) Shall consider an objective study of the measures  
 26 needed to address water quality and quantity in the Papillion Creek  
 27 watershed;

1 (2) Shall make recommendations on any legislation needed  
 2 to ensure that all counties and cities in the Papillion Creek  
 3 watershed implement zoning appropriate to address water quality and  
 4 quantity;

5 (3) Shall make recommendations on any legislation needed  
 6 to ensure that counties and cities in the Papillion Creek watershed  
 7 implement zoning appropriate to address residential and commercial  
 8 construction in the watershed flood plain;

9 (4) May consult with engineering authorities and  
 10 organizations concerned with water quality and quantity in the  
 11 Papillion Creek watershed;

12 (5) Shall recommend to the Legislature any legislation  
 13 needed to ensure that the applicable natural resources district has  
 14 the authority to implement measures to address water quality and  
 15 quantity in the Papillion Creek watershed; and

16 (6) Shall recommend to the Legislature any legislation  
 17 needed to ensure proper funding for the kinds and types of projects  
 18 that will address concerns raised about water quality and quantity

19 in the Papillion Creek watershed.

20 Sec. 3. The members of the Papillion Creek Watershed  
 21 Improvement Task Force shall be reimbursed for their actual and  
 22 necessary expenses pursuant to sections 81-1174 to 81-1177.

23 Sec. 4. (1) The Papillion Creek Watershed Improvement  
 24 Task Force shall present its recommendations in a report to the  
 25 Committee on Natural Resources of the Legislature and Committee on  
 26 Revenue of the Legislature in a joint hearing scheduled for the  
 27 purpose of receiving this report.

1 (2) The hearing under subsection (1) of this section  
 2 shall be held no later than December 15, 2008.

3 Sec. 5. The report required under section 4 of this act  
 4 and all underlying data shall be considered a matter of public  
 5 record and shall be made available to all members of the Papillion  
 6 Creek Watershed Improvement Task Force and the public at least  
 7 two weeks prior to presentation of the report to the Committee on  
 8 Natural Resources of the Legislature and Committee on Revenue of  
 9 the Legislature."

Senator Friend filed the following amendment to LB880:

AM2497

(Amendments to Standing Committee amendments, AM1787)

1 1. Insert the following new section:

2 Sec. 2. Watershed enhancement bonds authorized by section  
 3 1 of this act may be issued only (1) after the question of their  
 4 issuance has been submitted to the electors of each county and city  
 5 located within a natural resources district that contains a city of  
 6 the metropolitan class at a general or special election, of which  
 7 three weeks' notice has been published in a legal newspaper in or  
 8 of general circulation in each such city or county, and (2) if a  
 9 majority of those voting at the election have voted in favor of  
 10 the issuance of the bonds. Publication of the notice required by  
 11 this section in a newspaper described in this section constitutes  
 12 compliance with the notice requirements of this section.

13 2. Strike amendment 3 and insert the following new  
 14 amendments:

15 "3. On page 3, line 4, strike "4" and insert "5".

16 4. Renumber the remaining sections and correct internal  
 17 references accordingly."

18 3. On page 1, line 4; and page 3, line 2, strike "2" and  
 19 insert "3".

Senator Hudkins filed the following amendment to LB880:

AM2476

(Amendments to Standing Committee amendments, AM1787)

1 1. On page 3, strike beginning with "No" in line 7  
 2 through line 11 and insert: "No such project shall include a dam,  
 3 reservoir, or water quality basin having a permanent pool."



**GENERAL FILE**

**LEGISLATIVE BILL 846.** Title read. Considered.

Committee AM1731, found on page 627, was considered.

Senator Fischer renewed her amendment, AM2355, found on page 978, to the committee amendment.

**SENATOR FRIEND PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Pending.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR281 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR281.

**GENERAL FILE**

**LEGISLATIVE BILL 846.** The Fischer amendment, AM2355, found on page 978 and considered in this day's Journal, to the committee amendment, was renewed.

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

Senator Schimek renewed the Schimek-Kruse amendment, AM2324, found on page 1046, to the committee amendment.

Senator Schimek withdrew the Schimek-Kruse amendment.

Pending.

**AMENDMENTS - Print in Journal**

Senator Harms filed the following amendment to LB1092:  
AM2385

(Amendments to Standing Committee amendments, AM1974)

- 1 1. On page 1, lines 3 and 18, strike "purchased new"
- 2 and insert "which is manufactured on or after January 1, 2012, and
- 3 which is purchased"; and in lines 4 and 5 and 18 strike "on or
- 4 after January 1, 2010.".

5 2. On page 3, line 14, after the period insert "The State  
 6 Department of Education shall develop and make available to each  
 7 school district a program of instruction in the proper use of lap  
 8 belts, shoulder belts, or lap-shoulder belts.".

Senator Harms filed the following amendment to LB1092:  
 AM2403

(Amendments to Standing Committee amendments, AM1974)

1 1. Insert the following new section:

2 Section 1. Section 60-6,267, Revised Statutes Supplement,  
 3 2007, is amended to read:

4 60-6,267 (1) Any person in Nebraska who drives any motor  
 5 vehicle which has or is required to have an occupant protection  
 6 system shall ensure that:

7 (a) All children up to six years of age being transported  
 8 by such vehicle use a child passenger restraint system of a  
 9 type which meets Federal Motor Vehicle Safety Standard 213 as  
 10 developed by the National Highway Traffic Safety Administration, as  
 11 such standard existed on January 1, 2007, and which is correctly  
 12 installed in such vehicle; and

13 (b) All children six years of age and less than eighteen  
 14 years of age being transported by such vehicle use an occupant  
 15 protection system.

16 This subsection shall apply to every motor vehicle which  
 17 is equipped with an occupant protection system or is required to be  
 18 equipped with restraint systems pursuant to Federal Motor Vehicle  
 19 Safety Standard 208, as such standard existed on January 1, 2007,  
 20 except school buses, taxicabs, mopeds, motorcycles, and any motor  
 21 vehicle designated by the manufacturer as a 1963 year model or  
 22 earlier which is not equipped with an occupant protection system.

1 (2) Whenever any licensed physician determines, through  
 2 accepted medical procedures, that use of a child passenger  
 3 restraint system by a particular child would be harmful by reason  
 4 of the child's weight, physical condition, or other medical reason,  
 5 the provisions of subsection (1) of this section shall be waived.  
 6 The driver of any vehicle transporting such a child shall carry  
 7 on his or her person or in the vehicle a signed written statement  
 8 of the physician identifying the child and stating the grounds for  
 9 such waiver.

10 (3) The drivers of authorized emergency vehicles shall  
 11 not be subject to the requirements of subsection (1) of this  
 12 section when operating such authorized emergency vehicles pursuant  
 13 to their employment.

14 (4) A driver of a motor vehicle shall not be subject to  
 15 the requirements of subsection (1) of this section if the motor  
 16 vehicle is being operated in a parade or exhibition and the parade  
 17 or exhibition is being conducted in accordance with applicable  
 18 state law and local ordinances and resolutions.

19 (5) The Department of Motor Vehicles shall develop and

20 implement an ongoing statewide public information and education  
21 program regarding the use of child passenger restraint systems and  
22 occupant protection systems and the availability of distribution  
23 and discount programs for child passenger restraint systems.

24 (6) All persons being transported by a motor vehicle  
25 operated by a holder of a provisional operator's permit or a school  
26 permit shall use such motor vehicle's occupant protection system.

27 2. Renumber the remaining sections and correct the  
1 repealer accordingly.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 296.** Introduced by Avery, 28; Cornett, 45; Gay, 14; Kopplin, 3; Pankonin, 2.

**PURPOSE:** To study the impact on Nebraska's current military installations and missions of a future Base Realignment and Closure (BRAC) Commission. The United States Department of Defense routinely examines existing military installations and missions overseas and in the United States to seek ways to increase military efficiency. Once an installation or mission is placed on the commission's list for closure or realignment, it is extremely difficult to have it removed from the list.

The BRAC process may be beneficial to a community by receiving either newly created missions or existing missions from another base. Whether a base gains or loses missions often depends on the determination of the United States Department of Defense as to the base's current and potential value. Nebraska is currently vulnerable to the BRAC process, and losing an installation or mission would likely prove detrimental to the local economy. In order to examine the impact on Nebraska, this interim study shall include the formation of a BRAC Task Force to be established by the Government, Military and Veterans Affairs Committee of the Legislature. The issues to be studied by the BRAC Task Force shall include, but not be limited to, (1) identifying the military installations and missions in Nebraska most vulnerable to the Base Realignment and Closure process, (2) identifying the military installations and missions in Nebraska most likely to benefit from the BRAC process, and (3) reviewing the actions taken by other states to protect their military installations and missions. The task force shall make recommendations as to what actions, if any, Nebraska should take to protect its military installations and missions and recommendations as to what actions, if any, Nebraska should take to increase the likelihood of benefiting from future base realignment and closure processes. The task force shall issue a written report with the recommendations to the committee.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 297.** Introduced by Nantkes, 46.

**PURPOSE:** The purpose of this resolution is to study matters relating to the inspection requirements for Class B swimming pools and the standards, testing, and certification of certified swimming pool operators. The study shall include an examination of the requirements in other states.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 846.** Committee AM1731, found on page 627 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 12 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 846A.** Title read. Considered.

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

Advanced to Enrollment and Review Initial with 27 ayes, 10 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1154.** Title read. Considered.

Committee AM2449, found on page 1057, was considered.

Senator Gay offered the following amendment to the committee amendment:

AM2517 is available in the Bill Room.

**SENATOR LANGEMEIER PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Gay moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Gay requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 11:

Dierks	Gay	Karpisek	Pankonin
Dubas	Hansen	Kopplin	Stuthman
Fulton	Hudkins	Langemeier	

Voting in the negative, 19:

Adams	Burling	Johnson	Nantkes	Rogert
Aguilar	Chambers	Kruse	Pahls	Schimek
Ashford	Friend	Lathrop	Preister	Synowiecki
Avery	Howard	McGill	Raikes	

Present and not voting, 16:

Carlson	Erdman	Heidemann	Nelson
Christensen	Fischer	Janssen	Pirsch
Cornett	Flood	Louden	Wallman
Engel	Harms	McDonald	Wightman

Excused and not voting, 3:

Lautenbaugh	Pedersen	White
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The Gay amendment lost with 11 ayes, 19 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Kopplin offered the following amendment to the committee amendment:

AM2516

(Amendments to Standing Committee amendments, AM2449)

- 1 1. On page 22, line 14, strike "The", show as stricken,
- 2 and insert "Beginning with school fiscal year 2010-11 and for each
- 3 school fiscal year thereafter, the".

Senator Kopplin withdrew his amendment.

**SENATOR LANGEMEIER PRESIDING**

The committee amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

**AMENDMENT - Print in Journal**

Senator Hudkins filed the following amendment to LB846:  
AM2063

- 1 1. On page 21, line 7; and page 23, line 15, strike
- 2 "Sixty-six" and insert "Fifty-three and one-third".
- 3 2. On page 21, lines 9 and 11; and page 23, lines 17 and
- 4 19, strike "Seventeen" and insert "Twenty-three and one-third".

**MOTIONS - Print in Journal**

Senator Stuthman filed the following motion to LB1092:  
MO153  
Bracket until April 16, 2008.

Senator Stuthman filed the following motion to LB1092:  
MO154  
Indefinitely postpone.

**GENERAL FILE**

**LEGISLATIVE BILL 736.** Title read. Considered.

Committee AM2148, found on page 953, was considered.

**PRESIDENT SHEEHY PRESIDING**

The committee amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 895.** Title read. Considered.

Committee AM2082, found on page 716, was considered.

Senator Flood renewed his amendment, AM2119, found on page 801, to the

committee amendment.

The Flood amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Janssen renewed the Janssen et al. amendment, AM2344, found on page 981, to the committee amendment.

The Janssen et al. amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 4 nays, 7 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1022.** Title read. Considered.

Committee AM2085, found on page 922, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 830.** Title read. Considered.

Committee AM2357, found on page 1025, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

### **AMENDMENT - Print in Journal**

Senator Cornett filed the following amendment to LB1082:  
AM2514

- 1 1. Insert the following new section:
- 2 Sec. 4. The changes made by this legislative bill to
- 3 the Nebraska Workers' Compensation Act apply only to injuries that
- 4 occurred on or after the effective date of this act.
- 5 2. On page 4, line 17, strike "section 1" and insert
- 6 "sections 1 and 4".
- 7 3. Renumber the remaining section accordingly.

**VISITORS**

Visitors to the Chamber were 27 fourth-grade students, teachers, and sponsors from Yutan; Dan Hoins and Brian Liesveld from Papillion; Michelle and Carter Svehla from Lincoln; and Bob and Nancy Giese from South Sioux City.

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

**ADJOURNMENT**

At 8:15 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, March 27, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-EIGHTH DAY - MARCH 27, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 27, 2008

**PRAYER**

The prayer was offered by Father Paul Rutten, Madonna Rehabilitation Hospital, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Carlson and White who were excused; and Senators Ashford, Avery, Dubas, Erdman, Heidemann, Hudkins, Karpisek, Lautenbaugh, Louden, and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 298.** Introduced by Aguilar, 35.

**PURPOSE:** To study issues under the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**GENERAL FILE**

**LEGISLATIVE BILL 806.** Title read. Considered.

Committee AM1754, found on page 501, was considered.

Senator Johnson offered the following amendment to the committee amendment:

AM2549

(Amendments to Standing Committee amendments, AM1754)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendment:
- 3 "1. On page 22, strike beginning with "may" in line 19
- 4 through "from" in line 21, show the old matter as stricken, and
- 5 insert "to"; and in line 24 after "animal" insert "shall not charge
- 6 an additional deposit for such animal".

The Johnson amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

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

**LEGISLATIVE BILL 819.** Title read. Considered.

**PRESIDENT SHEEHY PRESIDING**

Committee AM1791, found on page 545, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 953.** Title read. Considered.

Committee AM1941, found on page 669, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 995.** Title read. Considered.

Committee AM2118, found on page 995, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:

FA236

P. 3, line 3 after "cemeteries" and in line 11 after "cemetery" insert "and the inhabitants thereof".

The Chambers amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:

FA237

P. 3, line 6 after "collected" insert "from cemetery residents".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:

FA238

P. 2, line 3 strike and show as stricken "less" and insert "fewer"; and in line 7 strike "less" and insert "fewer".

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

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 745.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1082.** Title read. Considered.

Committee AM2252, found on page 886, was considered.

Senator Cornett offered the following amendment to the committee amendment:

AM2550

(Amendments to Standing Committee amendments, AM2252)

- 1 1. On page 2, strike line 2 and insert "or an
- 2 out-of-hospital emergency care provider as defined in section
- 3 38-1208".

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

Senator Cornett requested a roll call vote on her amendment.

Voting in the affirmative, 25:

Adams	Cornett	Janssen	McDonald	Preister
Aguilar	Dierks	Johnson	McGill	Raikes
Ashford	Flood	Karpisek	Nantkes	Rogert
Avery	Fulton	Kopplin	Pankonin	Schimek
Chambers	Howard	Lathrop	Pirsch	Wallman

Voting in the negative, 0.

Present and not voting, 16:

Burling	Hansen	Lautenbaugh	Pedersen
Erdman	Harms	Louden	Stuthman
Fischer	Heidemann	Nelson	Synowiecki
Gay	Hudkins	Pahls	Wightman

Excused and not voting, 8:

Carlson	Dubas	Friend	Langemeier
Christensen	Engel	Kruse	White

The Cornett amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 299.** Introduced by Pankonin, 2; Pahls, 31; Pirsch, 4.

**PURPOSE:** To examine changes being implemented by insurance companies doing business in Nebraska to reduce private insurance benefits covering prosthetic limbs as part of necessary medical care and to consider whether or not legislation should be introduced to address the changes. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance, representatives from the insurance industry, and the Amputee Coalition of Nebraska and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 300.** Introduced by Janssen, 15.

PURPOSE: In 2004, LB 826 was passed by the Legislature to clarify the law setting the boundaries of Nebraska game refuges in response to a court action. As passed, the authority to determine the boundaries and to make the initial boundary determination was given to the Department of Natural Resources. Since the implementation of the law, concerns remain about the setting of these boundaries, specifically in Garden County.

The purpose of this resolution is to review the action that led to the introduction and passage of LB 826, any actions taken by the Department of Natural Resources after the passage of the bill, the impact of those actions, and the possible need to review and amend the changes made in LB 826.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**MOTION - Print in Journal**

Senator Harms filed the following motion to LB1092:  
MO155

Unanimous consent to bracket until April 5, 2008.

**AMENDMENTS - Print in Journal**

Senator Lautenbaugh filed the following amendment to LB1082:  
FA239

Amend AM2252

Strike in line 4 page 1 beginning with "an employee" through line 7, and insert "a first responder if said first responder:"

Senator Kruse filed the following amendment to LB1068:  
AM2554

(Amendments to E & R amendments, ER8213)

- 1 1. Insert the following new section:  
2 Section 1. Section 13-1210, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:  
4 13-1210 (1) The Department of Roads shall annually  
5 certify the amount of operating costs eligible for funding under  
6 the public transportation assistance program established under  
7 section 13-1209.  
8 (2) The department shall submit an annual report to the  
9 chairperson of the Appropriations Committee of the Legislature  
10 on or before December 1 of each year regarding funds requested  
11 by each applicant for eligible operating costs in the current  
12 fiscal year pursuant to subsection (2) of section 13-1209 and  
13 the total amount of state grants projected to be awarded in  
14 the current fiscal year pursuant to the public transportation  
15 assistance program. The report shall separate into two categories  
16 the requests and grants awarded for handicapped vans, otherwise  
17 known as paratransit vehicles, and requests and grants awarded for  
18 handicapped-accessible fixed route bus systems.  
19 2. Renumber the remaining sections and correct the  
20 repealer accordingly.

### VISITORS

Visitors to the Chamber were Dehnia Herrick from Lincoln; 30 first-through twelfth-grade students and teacher from West Fairview School, Milford; Senator Kopplin's wife and daughter, Mary Lou Kopplin and Deb Siemers, from Gretna; 47 fourth- and fifth-grade students, teachers, and sponsors from Shell Creek Elementary, Columbus; and members of the Columbus Junior City Council from Columbus.

### RECESS

At 11:58 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

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

### ROLL CALL

The roll was called and all members were present except Senators Carlson and White who were excused; and Senators Ashford, Christensen, Dierks, Engel, Erdman, Fischer, Flood, Heidemann, Janssen, McDonald, Preister, Raikes, and Snowiecki who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 907.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

**LEGISLATIVE BILL 786.** Title read. Considered.

Committee AM2084, found on page 728, was considered.

Senator Howard offered the following motion:  
MO156

Unanimous consent to bracket until April 6, 2008.

No objections. So ordered.

**COMMITTEE REPORT**

## Business and Labor

The Business and Labor 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.

Bernard J. McGinn - Commission of Industrial Relations

Aye: 5 Senators Cornett, Lathrop, McGill, Rogert, Wallman. Nay: 0.  
Absent: 2 Senators Chambers, White.

**AMENDMENTS - Print in Journal**

Senator Louden filed the following amendment to LB986:  
AM2522

(Amendments to Standing Committee amendments, AM1998)

- 1 1. Insert the following new sections:
- 2 Sec. 7. On or before January 31, 2009, and each January
- 3 31 thereafter, an electronic device retailer shall remit to the
- 4 department a recycling fee equal to two dollars per electronic
- 5 device sold by the retailer in the previous calendar year.
- 6 Sec. 13. Section 81-1504.01, Revised Statutes Supplement,
- 7 2007, is amended to read:
- 8 81-1504.01 The Department of Environmental Quality shall
- 9 provide the following information to the Governor and to the Clerk
- 10 of the Legislature by December 1 of each year:
- 11 (1) A report by type of service or aid provided by the
- 12 use and distribution of federal funds received by the department.
- 13 The report shall also include user fees, permit fees, license
- 14 fees, and application fees authorized by the federal Environmental
- 15 Protection Agency as follows:

16 (a) Actual expenditure of each grant or authorized fees  
 17 for the most recently completed state fiscal year, including state  
 18 matching funds;

19 (b) Current budget and planned use and distribution of  
 20 each grant and authorized fees for the current state fiscal year,  
 21 including state matching funds;

22 (c) A summary of the projected funding level of each  
 1 grant and authorized fees and the impact of federal mandates and  
 2 regulations upon the future use of each grant and authorized fees;  
 3 and

4 (d) Program summaries including statistical summaries  
 5 when applicable for the most recently completed state fiscal year  
 6 and program activity goals for the current state fiscal year;

7 (2) A summary of regulations of the federal Environmental  
 8 Protection Agency which the department is required to implement and  
 9 which do not include federal funding assistance and the possible  
 10 financial impact to the state and political subdivisions;

11 (3) A report by type of service or aid provided by the  
 12 use and distribution of state general and cash funds, including  
 13 user fees, permit fees, license fees, and application fees, to  
 14 carry out activities that are not funded by federal grants as  
 15 follows:

16 (a) Actual expenditure of state funds, by agency  
 17 sections, for the most recently completed state fiscal year,  
 18 including a breakdown of expenditures by personal services,  
 19 operations, travel, capital outlay, and consulting and contractual  
 20 services;

21 (b) Current budget and planned use and distribution of  
 22 state funds, by agency sections, for the current state fiscal  
 23 year, including a breakdown of expenditures for personal services,  
 24 operations, travel, capital outlay, and consulting and contractual  
 25 services;

26 (c) A summary of projected program funding needs based  
 27 upon the statutory requirements and public demand for services and  
 1 the department's assessment of anticipated needs statewide; and

2 (d) Program summaries including statistical summaries  
 3 when applicable for the most recently completed state fiscal year  
 4 and program activity goals for the current state fiscal year;

5 (4) A report regarding staff turnover by job class and  
 6 the department's assessment of its ability to hire and retain  
 7 qualified staff considering the state's personnel pay plan;

8 (5) A report listing the method used by each new or  
 9 existing licensee, permittee, or other person who is required by  
 10 the department to establish proof of financial responsibility; ~~and~~

11 (6) A report for the previous state fiscal year relating  
 12 to the purpose of the Nebraska Litter Reduction and Recycling  
 13 Act and of funds credited to the Nebraska Litter Reduction and  
 14 Recycling Fund; and -

15 (7) A report for the previous state fiscal year relating



16 to the funds credited to the Waste Reduction and Recycling  
 17 Incentive Fund pursuant to sections 6 and 7 of this act.

18 2. On page 1, line 3, strike "11" and insert "12".

19 3. On page 2, after line 14 insert the following new  
 20 subdivision:

21 "(4) Electronic device retailer means a person who sells  
 22 electronic devices in this state under a brand or label that is not  
 23 owned by the retailer;"; and renumber the remaining subdivisions  
 24 accordingly.

25 4. On page 4, lines 10 and 12, after "manufacturer"  
 26 insert "or electronic device retailer".

27 5. On page 5, line 18, strike "section 6" and insert  
 1 "sections 6 and 7".

2 6. Renumber the remaining sections and correct the  
 3 repealer accordingly.

Senator Loudon filed the following amendment to LB986:  
 AM2555

(Amendments to Standing Committee amendments, AM1998)

1 1. On page 4, line 14, strike "(1)"; strike lines 18

2 through 24; in line 25 strike "(1)"; and strike line 27.

3 2. On page 5, strike line 1; in line 5 strike "(a)" and

4 insert "(1)"; in line 7 strike "(b)" and insert "(2)"; in line 9

5 strike "(c)" and insert "(3)"; and strike lines 11 through 16.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 301.** Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to study issues regarding the Comprehensive Health Insurance Pool (CHIP) and consider whether amendments should be recommended to the CHIP Act, Neb. Rev. Stat. sections 44-4201 to 44-4235. The study should include an examination of: The funding of the net loss of CHIP; the determination of annual premium rates; the extent of CHIP policy coverage; provider reimbursement methodology; eligibility for pool coverage; and cost containment strategies. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 302.** Introduced by Pahls, 31.

**PURPOSE:** The purpose of this resolution is to direct the Executive Board of the Legislative Council to conduct a study on the following issues:

(1) The availability of rooms for school children who visit the State Capitol building to conveniently gather and eat lunch when they visit and the possibility of designating rooms for such purposes;

(2) The availability of rooms for senators to meet with school children and other groups who are visiting the State Capitol building and the possibility of designating rooms for such purposes;

(3) The restrictions on senators who wish to use the Warner Chamber to meet with school children or other groups who are touring the State Capitol building;

(4) Making the State Capitol building and its environs a place where the public feels welcome;

(5) How the experience of visiting the State Capitol building influences the public's perceptions of the Legislature;

(6) The difference in the coordination of tours when the Legislature is in session and when it is not in session;

(7) The coordination of school tours of the State Capitol building conducted by the capitol tour office and senators' offices; and

(8) The needs of the capitol tour office or other agencies affected by guests in the State Capitol building to efficiently and adequately meet the needs and issues identified in this resolution.

The board may study any other issue related to such issues.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 303.** Introduced by Pahls, 31.

**PURPOSE:** The purpose of this resolution is to direct the Health and Human Services Committee of the Legislature to conduct a study on the following issues:

(1) The benefits of establishing a laboratory at the University of Nebraska Medical Center to conduct medical research on umbilical cord blood and tissue as proposed in LB 1003 (2008);

(2) Designating a sustainable funding source for the construction, development, staffing, maintenance, and accreditation of such a laboratory;

(3) Finding a sustainable source of umbilical cord blood and tissue to support a laboratory and medical research;

(4) The relationship between the issues identified in this study and LB 606 (2008); and

(5) Whether a laboratory in Nebraska could cooperate with a laboratory or an umbilical cord blood bank in another state to support the mission of the laboratory in this state.

The committee may study any other issue related to such issues.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 304.** Introduced by Pahls, 31.

PURPOSE: The purpose of this resolution is to direct the Education Committee of the Legislature to conduct a study on the following issues:

(1) Determination of the number of public school teachers who retire early;

(2) Determination of the options for a public school teacher who opts to retire early to obtain affordable health insurance upon retiring;

(3) Determination of the level of responsibility or the role of public school districts to provide health insurance to their retirees until the retirees are eligible for other health care coverage;

(4) Determination of the cost of premiums to the retired teachers and the districts that would offer such coverage; and

(5) Determination of the reasons teachers who retire early are dropped from health care insurance coverage by a public school district.

The committee may study any other issue related to such issues.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 305.** Introduced by Pahls, 31.

**PURPOSE:** The purpose of this resolution is to study whether Nebraska should enact legislation to require issuers of group health benefit plans to provide the plan sponsor with information regarding claims paid and the amount of premiums by line of coverage. The study should include an examination of issues raised during consideration of LB 1002 (2008) by the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**GENERAL FILE****LEGISLATIVE BILL 308.** Title read. Considered.

Committee AM2016, found on page 716, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 1072.** Title read. Considered.

Committee AM1843, found on page 643, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Friend renewed his amendment, AM2275, found on page 915.

**SPEAKER FLOOD PRESIDING**

The Friend amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

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

**LEGISLATIVE BILL 928.** Title read. Considered.

Committee AM2435, found on page 1028, was considered.

Senator Johnson offered the following amendment to the committee amendment:

AM2557

(Amendments to Standing Committee amendments, AM2435)

- 1 1. On page 42, line 20, strike "dispensing" and insert
- 2 "administration"; and in line 21 strike "dispensed or".
- 3 2. On page 44, line 12, strike "package insert" and
- 4 insert "in written patient information"; and in line 15 strike "or"
- 5 and after "dispensing" insert ", or administering".

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

Senator Chambers offered the following amendment to the committee amendment:

FA250

Amend AM2435

Strike section 32.

## **SENATOR ERDMAN PRESIDING**

The Chambers amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

## **COMMITTEE REPORTS**

### Enrollment and Review

**LEGISLATIVE BILL 916.** Placed on Select File with amendment. ER8215 is available in the Bill Room.

**LEGISLATIVE BILL 965.** Placed on Select File with amendment. ER8216 is available in the Bill Room.

**LEGISLATIVE BILL 846.** Placed on Select File with amendment. ER8217 is available in the Bill Room.

**LEGISLATIVE BILL 846A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1016.** Title read. Considered.

Committee AM2322, found on page 973, was considered.

Senator Friend requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM2578

1 1. Strike the original sections and insert the following  
2 sections:

3 Section 1. Sections 1 to 10 of this act shall be known  
4 and may be cited as the Contractor Employee Classification and  
5 Public Contract Duty Act.

6 Sec. 2. For purposes of the Contractor Employee  
7 Classification and Public Contract Duty Act:

8 (1) Construction has the same meaning as in section  
9 48-2103;

10 (2) Contractor means a sole proprietor, partnership,  
11 firm, corporation, limited liability company, association, or other  
12 legal form engaged in the business of construction and includes a  
13 general contractor or subcontractor;

14 (3) Interested party means a person with an interest in  
15 compliance with the act, including an employee, the Department of  
16 Labor, or the Department of Revenue; and

17 (4) Performing services means the performance of  
18 construction labor for remuneration.

19 Sec. 3. (1) An individual performing services is an  
20 employee of a contractor unless the following are true, in which  
21 case the individual is an independent contractor:

22 (a) The individual has been and will continue to be free  
23 from control or direction over the performance of the service, both  
1 under the contract and in fact;

2 (b) The individual is engaged in an independently  
3 established trade, occupation, profession, or business;

4 (c) The individual makes performance of the service  
5 available to the general public;

6 (d) When appropriate, the individual furnishes the tools  
7 and equipment necessary to provide service; and

8 (e) The contractor does not represent the individual as  
9 an employee to customers.

10 (2) An individual performing services is presumed to be  
11 an independent contractor if:

12 (a) The individual has registered as a contractor

13 pursuant to the Contractor Registration Act at least six months  
 14 prior to commencing construction work for the contractor;

15 (b) The individual has been assigned a combined tax rate  
 16 pursuant to subdivision (4) of section 48-649 or the employees of  
 17 the individual are exempted from unemployment insurance coverage  
 18 pursuant to subdivision (6) of section 48-604; and

19 (c) The individual is listed on the data base established  
 20 by the Department of Revenue under subsection (3) of section  
 21 77-2753 as found in AM2244 to LB 1001 (2008).

22 (3) The Department of Revenue shall establish and operate  
 23 a hotline for contractors to call to confirm compliance under  
 24 subsection (2) of this section.

25 Sec. 4. It is a violation of the Contractor Employee  
 26 Classification and Public Contract Duty Act for a contractor to  
 27 designate an individual as an independent contractor who would be  
 1 properly classified as an employee under section 3 of this act.

2 Sec. 5. In addition to any other remedies available  
 3 to the Department of Labor and the Department of Revenue, an  
 4 interested party aggrieved by a violation of the Contractor  
 5 Employee Classification and Public Contract Duty Act may bring  
 6 an action in the district court in the county where an alleged  
 7 violation occurred. All interested parties shall be joined in such  
 8 action and shall have the right to be represented by counsel  
 9 of their own choosing. The cause of action provided for in this  
 10 section is available for the following:

11 (1) The amount of combined tax, with interest, that would  
 12 have been paid by the contractor under the Employment Security  
 13 Law, based upon the contractor's combined tax rate at the time  
 14 of employment, if the individual working for such contractor would  
 15 have been properly classified as an employee under section 3 of  
 16 this act;

17 (2) The amount of state income tax that would have been  
 18 withheld by the contractor, based upon the rates at the time of  
 19 employment, if the individual working for the contractor would have  
 20 been properly classified as an employee under section 3 of this  
 21 act;

22 (3) The difference in the compensation paid to the  
 23 individual by the contractor as compared to the average prevailing  
 24 rate of compensation for like work, as determined by the Department  
 25 of Labor, during the time of employment;

26 (4) In the case of unlawful retaliation, all legal and  
 27 equitable relief as may be appropriate; and

1 (5) Attorney's fees and costs.  
 2 Amounts recovered by settlement or judgment shall be  
 3 equitably divided as agreed upon by the interested parties or, in  
 4 the absence of an agreement, as determined by the district court  
 5 where the action was pending or might have been brought.

6 Sec. 6. It is a violation of the Contractor Employee  
 7 Classification and Public Contract Duty Act for a contractor, or

8 an agent of a contractor, to retaliate through discharge or in  
9 any other manner against an individual for exercising any right  
10 granted under the act. Rights granted under the act include making  
11 a complaint to the contractor or a governmental agency, bringing an  
12 action under the act, or participating in an investigation of an  
13 alleged violation of the act.

14 Sec. 7. Every contractor shall post in a conspicuous  
15 place at the job site in English and Spanish the following notice:

16 (1) Every individual working for a contractor has the  
17 right to be properly classified by the contractor as an employee  
18 rather than an independent contractor if the individual does not  
19 meet the requirements of an independent contractor under the state  
20 law known as the Contractor Employee Classification and Public  
21 Contract Duty Act;

22 (2) If you as an individual working for a contractor have  
23 been improperly classified, you may bring a lawsuit against the  
24 contractor under the state law known as the Contractor Employee  
25 Classification and Public Contract Duty Act. Your lawsuit may  
26 include claims for:

27 (a) The amount of combined tax, with interest, that  
1 should have been paid by the contractor under the Employment  
2 Security Law as provided in such state law;

3 (b) The amount of state income tax that should have been  
4 withheld by the contractor as provided in such state law;

5 (c) The difference in the compensation paid to you as  
6 compared to the average prevailing rate of compensation for like  
7 work;

8 (d) In the case of unlawful retaliation by the contractor  
9 against you, all legal and equitable relief as may be appropriate;  
10 and

11 (e) Your expenses for attorney's fees and court and other  
12 costs relating to the lawsuit;

13 (3) It is a violation of the state law known as the  
14 Contractor Employee Classification and Public Contract Duty Act for  
15 a contractor, or an agent of the contractor, to retaliate through  
16 discharge or in any other manner against you for exercising any  
17 right granted under the act. Rights granted under such state law  
18 include making a complaint to the contractor or a governmental  
19 agency, bringing an action under the act, or participating in an  
20 investigation of an alleged violation of such state law; and

21 (4) If you believe you have not been properly classified  
22 as an employee by the contractor you work for, contact an attorney,  
23 the Department of Labor, or the Department of Revenue.

24 Sec. 10. The Contractor Employee Classification and  
25 Public Contract Duty Act shall not be construed to affect or  
26 apply to a common-law or statutory action providing for recovery in  
27 tort and shall not be construed to affect or change the common-law  
1 interpretation of independent contractor status as it relates to  
2 tort liability or a workers' compensation claim.



The second committee amendment is as follows:  
AM2579

- 1 1. Insert the following sections:  
2 Sec. 8. The state or any political subdivision entering  
3 into a contract for construction shall require that each contractor  
4 who performs construction services pursuant to the contract  
5 submit an affidavit attesting that each individual performing  
6 services for such contractor is properly classified under the  
7 Contractor Employee Classification and Public Contract Duty Act,  
8 such contractor has a completed federal I-9 immigration form on  
9 file for each individual performing services, and such contractor  
10 has no reasonable basis to believe that such individual is an  
11 undocumented worker.  
12 Sec. 9. Any contractor who knowingly provides a false  
13 affidavit under section 8 of this act to the state or a political  
14 subdivision shall be subject to the penalties for perjury and upon  
15 a second or subsequent violation shall not be permitted to contract  
16 with the state or any political subdivision for a period of three  
17 years after the date of discovery of the falsehood.

The first committee amendment, AM2578, found in this day's Journal, was renewed.

Pending.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 928A.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 928, One Hundredth Legislature, Second Session, 2008; and to reduce an appropriation.

**LEGISLATIVE BILL 308A.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 308, One Hundredth Legislature, Second Session, 2008.

### SELECT FILE

**LEGISLATIVE BILL 988.** ER8211, found on page 1069, was adopted.

Senator Raikes asked unanimous consent to withdraw his amendment, AM2410, found on page 1020, and replace it with his substitute amendment, AM2545. No objections. So ordered.  
AM2545 is available in the Bill Room.

**SENATOR SCHIMEK PRESIDING****SENATOR FRIEND PRESIDING**

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

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

The Chair declared the call raised.

Senator Kopplin reoffered his amendment, AM2433, found on page 1017.

**SENATOR LANGEMEIER PRESIDING****SENATOR SCHIMEK PRESIDING**

Senator Kopplin withdrew his amendment.

Senator Friend withdrew and refiled his amendment, AM2431, found on page 1085.

Senator Raikes offered the following amendment:  
AM2547

(Amendments to E & R amendments, ER8211)

- 1 1. Insert the following new section:
- 2 Sec. 21. (1) For school fiscal year 2008-09, aid
- 3 stabilization shall be calculated for each local system and
- 4 disbursed in an amount equal to the difference of the state
- 5 aid paid to such local system for school fiscal year 2007-08
- 6 pursuant to section 79-1022 minus two and one-half percent of the
- 7 need calculated for the school fiscal year for which aid is being
- 8 calculated and minus the sum of the calculated equalization aid,
- 9 allocated income tax funds, and net option funding for such school
- 10 fiscal year, except that aid stabilization shall not be less than
- 11 zero.
- 12 (2) For school fiscal year 2009-10, aid stabilization
- 13 shall be calculated for each local system and disbursed in an
- 14 amount equal to the difference of the state aid paid to such
- 15 local system for school fiscal year 2007-08 pursuant to section
- 16 79-1022 minus five percent of the need calculated for the school
- 17 fiscal year for which aid is being calculated and minus the sum
- 18 of the calculated equalization aid, allocated income tax funds, and
- 19 net option funding for such school fiscal year, except that aid
- 20 stabilization shall not be less than zero.

21 2. On page 12, line 17, strike "20" and insert "21".

22 3. On page 46, line 21, before "For" insert "(1)"; and  
 1 in line 27 after "least" insert "ninety-six cents per one hundred  
 2 dollars of taxable valuation for aid calculated for school fiscal  
 3 year 2008-09 and at least".

4 4. On page 47, line 1, after "valuation" insert "for aid  
 5 calculated for school fiscal year 2009-10 and each school fiscal  
 6 year thereafter"; in line 10 before "The" insert "(2)"; in line 13  
 7 after "calculated" insert ".".

8 (3) The percentages to be used in the calculation of  
 9 averaging adjustments for school fiscal year 2008-09 shall be as  
 10 follows:

11 (a) If such levy was at least ninety-six cents per one  
 12 hundred dollars of taxable valuation but less than ninety-seven  
 13 cents per one hundred dollars of taxable valuation, the percentage  
 14 shall be ten percent;

15 (b) If such levy was at least ninety-seven cents per one  
 16 hundred dollars of taxable valuation but less than ninety-eight  
 17 cents per one hundred dollars of taxable valuation, the percentage  
 18 shall be twenty percent;

19 (c) If such levy was at least ninety-eight cents per  
 20 one hundred dollars of taxable valuation but less than ninety-nine  
 21 cents per one hundred dollars of taxable valuation, the percentage  
 22 shall be thirty percent;

23 (d) If such levy was at least ninety-nine cents per one  
 24 hundred dollars of taxable valuation but less than one dollar per  
 25 one hundred dollars of taxable valuation, the percentage shall be  
 26 forty percent;

27 (e) If such levy was at least one dollar per one hundred  
 1 dollars of taxable valuation but less than one dollar and one cent  
 2 per one hundred dollars of taxable valuation, the percentage shall  
 3 be fifty percent;

4 (f) If such levy was at least one dollar and one cent per  
 5 one hundred dollars of taxable valuation but less than one dollar  
 6 and two cents per one hundred dollars of taxable valuation, the  
 7 percentage shall be sixty percent;

8 (g) If such levy was at least one dollar and two  
 9 cents per one hundred dollars of taxable valuation but less than  
 10 one dollar and three cents per one hundred dollars of taxable  
 11 valuation, the percentage shall be seventy percent;

12 (h) If such levy was at least one dollar and three cents  
 13 per one hundred dollars of taxable valuation but less than one  
 14 dollar and four cents per one hundred dollars of taxable valuation,  
 15 the percentage shall be eighty percent; and

16 (i) If such levy was at least one dollar and four cents  
 17 per one hundred dollars of taxable valuation, the percentage shall  
 18 be ninety percent.

19 (4) The percentages to be used in the calculation of  
 20 averaging adjustments for school fiscal year 2009-10 and each

- 21 school fiscal year thereafter shall be"; in line 14 strike "(1)"  
 22 and insert "(a)"; in line 18 strike "(2)" and insert "(b)"; in line  
 23 22 strike "(3)" and insert "(c)"; and in line 26 strike "(4)" and  
 24 insert "(d)".  
 25 5. On page 48, line 3, strike "(5)" and insert "(e)";  
 26 and in line 23 after "equal" insert "ten percent for school fiscal  
 27 years 2008-09 and 2009-10 and" and after "percent" insert "for each  
 1 school fiscal year thereafter".  
 2 6. Renumber the remaining sections and correct internal  
 3 references accordingly.

The Raikes amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Pending.

### AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB777:  
 AM2587

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 77-1359, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:  
 5 77-1359 The Legislature finds and declares that  
 6 agricultural land and horticultural land shall be a separate and  
 7 distinct class of real property for purposes of assessment. The  
 8 assessed value of agricultural land and horticultural land shall  
 9 not be uniform and proportionate with all other real property, but  
 10 the assessed value shall be uniform and proportionate within the  
 11 class of agricultural land and horticultural land.  
 12 For purposes of sections 77-1359 to 77-1363:  
 13 (1) Agricultural land and horticultural land means a  
 14 parcel of land, excluding any building or enclosed structure  
 15 and the land associated with such building or enclosed structure  
 16 located on the parcel, which is primarily used for agricultural or  
 17 horticultural purposes, including wasteland lying in or adjacent to  
 18 and in common ownership or management with other agricultural land  
 19 and horticultural land; ~~–Agricultural land and horticultural land~~  
 20 ~~does not include any land directly associated with any building or~~  
 21 ~~enclosed structure;~~  
 22 (2) Agricultural or horticultural purposes means used for  
 23 the commercial production of any plant or animal product in a  
 1 raw or unprocessed state that is derived from the science and  
 2 art of agriculture, aquaculture, or horticulture. Agricultural or  
 3 horticultural purposes includes the following uses of land:  
 4 (a) Land retained or protected for future agricultural or  
 5 horticultural purposes under a conservation easement as provided  
 6 in the Conservation and Preservation Easements Act except when the

7 parcel or a portion thereof is being used for purposes other than  
 8 agricultural or horticultural purposes; and  
 9 (b) Land enrolled in a federal or state program in which  
 10 payments are received for removing such land from agricultural or  
 11 horticultural production;

12 (3) Farm home site means not more than one acre of  
 13 land contiguous to a farm site which includes an inhabitable  
 14 residence and improvements used for residential purposes, and such  
 15 improvements include utility connections, water and sewer systems,  
 16 and improved access to a public road; and

17 (4) Farm site means the portion of land contiguous to  
 18 land actively devoted to agriculture which includes improvements  
 19 that are agricultural or horticultural in nature, including any  
 20 uninhabitable or unimproved farm home site.

21 Sec. 2. This act becomes operative on January 1, 2009.

22 Sec. 3. Original section 77-1359, Revised Statutes  
 23 Cumulative Supplement, 2006, is repealed.

## COMMITTEE REPORTS

### Education

**LEGISLATIVE BILL 1079.** Placed on General File with amendment.  
 AM2506

1 1. On page 7, line 13, after "means" insert "For  
 2 the second school fiscal year immediately preceding the school  
 3 fiscal year in which aid is to be paid as reported on the annual  
 4 financial report prior to December 1 of the school fiscal year  
 5 immediately preceding the school fiscal year in which aid is to  
 6 be paid (a) for school fiscal years prior to school fiscal year  
 7 2009-10."; in line 18 reinstate the stricken matter; and in line  
 8 23 strike the underscored comma and insert "; and (b) for school  
 9 fiscal year 2009-10 and each school fiscal year thereafter, the  
 10 total general fund expenditures minus categorical funds, tuition  
 11 paid, transportation fees paid to other districts, adult education,  
 12 summer school, community services, redemption of the principal  
 13 portion of general fund debt service, retirement incentive plans,  
 14 staff development assistance, transfers from other funds into the  
 15 general fund.".

**LEGISLATIVE BILL 1151.** Placed on General File with amendment.  
 AM2509

1 1. On page 9, line 6, strike "school fiscal year" and  
 2 insert "and second school fiscal years".  
 3 2. On page 10, line 4, after "purchased" insert "either  
 4 by, or on behalf of, the school district or educational service  
 5 unit seeking reimbursement".  
 6 3. On page 11, line 3, after the semicolon insert  
 7 "(c) For purchases made on behalf of a school district or  
 8 educational service unit, evidence that such purchase was made on

9 behalf of such school district or educational service unit and that  
 10 such school district or educational service unit paid directly or  
 11 indirectly for such purchase;"; and in line 4 strike "(c)", show as  
 12 stricken, and insert "(d)".

**LEGISLATIVE BILL 1153.** Placed on General File with amendment.  
 AM2510

1 1. Strike the original sections and insert the following  
 2 new section:

3 Section 1. At the request of a parent or guardian, a  
 4 school district shall issue a certificate of attendance to a  
 5 student who receives special education services under the Special  
 6 Education Act, who has reached seventeen years of age, and who  
 7 has not completed his or her individualized education plan. A  
 8 school district shall allow a student who receives a certificate  
 9 of attendance under this section to participate in the high school  
 10 graduation ceremony of such high school with students receiving  
 11 high school diplomas. A student may receive only one certificate of  
 12 attendance and may participate in only one graduation ceremony  
 13 based on such certificate. The receipt of a certificate of  
 14 attendance pursuant to this section shall not affect a school  
 15 district's obligation to continue to provide special education  
 16 services to a student receiving such certificate.

17 This section does not preclude a student from receiving  
 18 a high school diploma by meeting the school district's graduation  
 19 requirements established pursuant to section 79-729 or in his  
 20 or her individualized education plan or receiving a diploma of  
 21 high school equivalency under section 79-730 upon completing the  
 22 requirements of such section. The school district may allow a  
 23 student who has previously participated in a graduation ceremony  
 1 based on a certificate of attendance to participate in an  
 2 additional graduation ceremony when such student receives a high  
 3 school diploma.

(Signed) Ron Raikes, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 988.** Senator Raikes offered the following  
 amendment:  
 AM2548

(Amendments to E & R amendments, ER8211)

1 1. Insert the following new section:

2 Sec. 7. Section 79-1005.01, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:

4 79-1005.01 For state aid calculated for all school fiscal  
 5 years except school fiscal years 2002-03 through 2007-08:

6 (1) An amount equal to the amount appropriated to  
 7 the School District Income Tax Fund for distribution in school

8 fiscal year 1992-93 shall be disbursed as option payments as  
9 determined under section 79-1009 and as allocated income tax  
10 funds as determined in this section and sections 79-1008.01,  
11 79-1015.01, 79-1017.01, and 79-1018.01, except as provided in  
12 section 79-1008.02. Funds not distributed as allocated income tax  
13 funds due to minimum levy adjustments shall not increase the amount  
14 available to local systems for distribution as allocated income tax  
15 funds;

16 (2) Not later than November 15 of each year, the Tax  
17 Commissioner shall certify to the department for the preceding tax  
18 year the income tax liability of resident individuals for each  
19 local system. The 1996 income tax liability of resident individuals  
20 of Class I districts that are affiliated with multiple high school  
21 districts shall be divided between local systems based on the  
22 percentage of the Class I district's valuation affiliated with each  
1 high school district; and

2 (3) Using the data certified by the Tax Commissioner  
3 pursuant to subdivision (2) of this section, the department  
4 shall calculate the allocation percentage and each local system's  
5 allocated income tax funds. The allocation percentage shall be an  
6 amount equal to the amount appropriated to the School District  
7 Income Tax Fund for distribution in school fiscal year 1992-93  
8 minus the total amount paid for option students pursuant to  
9 section 79-1009 and, for aid calculated for school fiscal year  
10 2008-09, minus twenty million dollars with the difference divided  
11 by the aggregate statewide income tax liability of all resident  
12 individuals certified pursuant to subdivision (2) of this section.  
13 Each local system's allocated income tax funds shall be calculated  
14 by multiplying the allocation percentage times the local system's  
15 income tax liability certified pursuant to subdivision (2) of this  
16 section.

17 2. On page 47, line 5, after "adjustment" insert  
18 "for aid calculated for school fiscal year 2008-09 shall equal  
19 seventy-five percent of the product of the district's formula  
20 students multiplied by the percentage specified in this section for  
21 such district of the difference between the statewide average basic  
22 funding per formula student minus such district's basic funding per  
23 formula student. The averaging adjustment for aid calculated for  
24 school fiscal year 2009-10 and each school fiscal year thereafter".

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

The Raikes amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Senator Raikes offered the following amendment:

AM2585

(Amendments to E & R amendments, ER8211)

1 1. Insert the following new section:

2 Section 1. Section 44-4317, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 44-4317 (1)(a) Any public agency which has the authority  
5 to levy a tax shall be authorized to levy a tax, to contract  
6 indebtedness, and to issue general obligation bonds payable from  
7 such a tax levy to pay the premium costs of general liability  
8 insurance, property insurance, workers' compensation insurance,  
9 health, dental, or accident insurance, life insurance, and any  
10 other insurance to protect against any of the losses described in  
11 section 44-4304 and to pay all costs and expenses associated with  
12 membership in a risk management pool, including, but not limited  
13 to, standard insurance coverages, group self-insurance coverages,  
14 assessments levied by the pool, retirement of debt incurred by the  
15 pool, and operating expenses of the pool.

16 (b) A member of a risk management pool which has the  
17 authority to levy a tax shall be authorized to enter into  
18 agreements obligating the member to make payments beyond its  
19 current budget year for any of such purposes.

20 (c) Taxes levied by a public agency other than an  
21 educational service unit or school district for the payment of the  
22 principal of, premium of, or interest on such a general obligation  
1 bond of such public agency, the payment of such insurance premium  
2 costs, and the payment of all costs and expenses associated with  
3 membership in a risk management pool may be levied in excess of any  
4 tax limitation imposed by statute.

5 (d) Except as permitted in subdivision (1)(e) of this  
6 section, taxes levied by an educational service unit or school  
7 district on or after the effective date of this act for the  
8 payment of the principal of, premium of, or interest on such a  
9 general obligation bond of such public agency, the payment of such  
10 insurance premium costs, and the payment of all costs and expenses  
11 associated with membership in a risk management pool shall be  
12 subject to the levy limit applicable to such public agency under  
13 section 77-3442.

14 (e) Taxes levied by an educational service unit or school  
15 district prior to fiscal year 2012-13 for the payment of the  
16 principal of, premium of, or interest on such a general obligation  
17 bond of such educational service unit or school district issued  
18 prior to the effective date of this act shall be excluded from the  
19 levy limit applicable to such public agency under section 77-3442.

20 (2) Nothing in the Intergovernmental Risk Management  
21 Act shall be construed or interpreted as permitting the State  
22 of Nebraska, represented by the Risk Manager, to enter into any  
23 agreement or contract or do any act in contravention of the  
24 Constitution of the State of Nebraska.



25 2. On page 7, line 27, before the comma insert "except  
 26 as provided in section 44-4317 for bonded indebtedness issued by  
 27 educational service units and school districts".

1 3. Renumber the remaining sections and correct internal  
 2 references and the repealer accordingly.

Senator Langemeier offered the following amendment to the Raikes amendment:  
 AM2588

(Amendments to AM2585)

1 1. On page 2, line 15, strike "prior to fiscal year  
 2 2012-13".

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

The Raikes amendment, as amended, was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Senator Raikes offered the following amendment:  
 AM2507

(Amendments to E & R amendments, ER8211)

1 1. On page 19, line 27, strike "years".  
 2 2. On page 20, line 1, strike "and 2009-10"; in line 22  
 3 strike "and" and insert the following new subdivision:  
 4 "(c) For school fiscal year 2009-10, as reported for the  
 5 second school fiscal year immediately preceding the school fiscal  
 6 year in which aid is to be paid on the annual financial report  
 7 submitted prior to December 1 of the school fiscal year immediately  
 8 preceding the school fiscal year in which aid is to be paid,  
 9 the total general fund expenditures minus (i) the amount of all  
 10 receipts to the general fund, to the extent that such receipts  
 11 are not included in local system formula resources, from early  
 12 childhood education tuition, summer school tuition, educational  
 13 entities as defined in section 79-1201.01 for providing distance  
 14 education courses through the Educational Service Unit Coordinating  
 15 Council to such educational entities, private foundations,  
 16 individuals, associations, charitable organizations, the textbook  
 17 loan program authorized by section 79-734, and federal impact aid,  
 18 (ii) the amount of expenditures for categorical funds, tuition  
 19 paid, transportation fees paid to other districts, adult education,  
 20 community services, redemption of the principal portion of general  
 21 fund debt service, retirement incentive plans authorized by section  
 22 79-855, and staff development assistance authorized by section  
 1 79-856, (iii) the amount of any transfers from the general fund  
 2 to any bond fund and transfers from other funds into the general  
 3 fund, and (iv) any legal expenses in excess of fifteen-hundredths  
 4 of one percent of the formula need for the school fiscal year in  
 5 which the expenses occurred; and"; and in line 23 strike "(c)" and

6 insert "(d)".  
 7 3. On page 21, line 17, strike "and"; and in line 19  
 8 strike the underscored semicolon and insert ", and (iv) any legal  
 9 expenses in excess of fifteen-hundredths of one percent of the  
 10 formula need for the school fiscal year in which the expenses  
 11 occurred.".

The Raikes amendment was adopted with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

Senator Friend reoffered his amendment, AM2431, found on page 1085 and considered in this day's Journal.

The Friend amendment was adopted with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Senator Dierks requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 28 ayes, 12 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 988A.** Senator Raikes offered the following amendment:

AM2567

1 1. On page 2, line 7, strike "1,022,930,676" and insert  
 2 "1,027,559,109"; in line 11 strike "1,287,657,601" and insert  
 3 "1,292,286,034"; in line 17 strike "\$1,022,930,676" and insert  
 4 "\$1,027,559,109"; and in line 26 strike "\$818,898,810" and insert  
 5 "\$823,527,243".  
 6 2. On page 5, after line 24, insert the following:  
 7 "It is the intent of the Legislature that the changes  
 8 made by Legislative Bill 959, section 69, to Laws 2007, LB321,  
 9 section 49, are null and void and are superseded by the changes  
 10 made by this legislative bill.".  
 11 3. Strike the Raikes amendment, AM2407.

The Raikes amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 1154.** Placed on Select File with amendment.  
 ER8220

1 1. In the Standing Committee amendments, AM2449:  
 2 a. On page 55, line 12, after "program" insert an  
 3 underscored comma;

- 4 b. On page 56, lines 12 and 27, after "(2)" insert "or  
 5 (3)";  
 6 c. On page 63, line 5, strike "with", show as stricken,  
 7 and insert "within"; and  
 8 d. On page 65, line 5, before the period insert  
 9 "training"; in line 24 strike "and 13-519" and insert ", 13-519,  
 10 and 79-201"; and in line 25 strike "79-201,".  
 11 2. On page 1, strike beginning with "learning" in line  
 12 1 through the first semicolon in line 10 and insert "education;  
 13 to amend sections 79-234, 79-1202, 79-1225, 81-1203, and 81-1204,  
 14 Reissue Revised Statutes of Nebraska, sections 13-508, 13-519,  
 15 and 79-201, Revised Statutes Cumulative Supplement, 2006, and  
 16 sections 32-546.01, 32-604, 77-3442, 79-611, 79-769, 79-1028,  
 17 79-1073, 79-1241.03, 79-2102, 79-2102.01, 79-2104, 79-2107,  
 18 79-2110, 79-2111, 79-2113, 79-2115, 79-2117, and 79-2118, Revised  
 19 Statutes Supplement, 2007; to change provisions relating to  
 20 learning community coordinating councils, educational service  
 21 units, budgets, tax levies, diversity plans, open enrollment, state  
 22 aid, and job training grants; to require reporting by school  
 23 districts; to provide for nonvoting learning community coordinating  
 1 council members; to provide for an advisory committee;".

**LEGISLATIVE BILL 736.** Placed on Select File with amendment.  
 ER8218

- 1 1. On page 1, strike lines 2 through 6 and insert  
 2 "sections 60-498.02, 60-4,118.06, and 60-6,209, Reissue Revised  
 3 Statutes of Nebraska, sections 60-480, 60-497.01, 60-4,115,  
 4 60-601, 60-6,197.01, 60-6,211.05, and 83-1,127.02, Revised Statutes  
 5 Cumulative Supplement, 2006, and section 60-6,197.03, Revised  
 6 Statutes Supplement, 2007; to provide for an ignition interlock  
 7 permit; to change penalty provisions; to change provisions relating  
 8 to installation and use of an ignition interlock device; to provide  
 9 fees; to create a fund; to harmonize provisions; to provide an  
 10 operative date; and to repeal the original sections."

**LEGISLATIVE BILL 895.** Placed on Select File with amendment.  
 ER8219 is available in the Bill Room.

(Signed) Amanda McGill, Chairperson

**AMENDMENTS - Print in Journal**

Senator Erdman filed the following amendment to LB765:  
 AM2526

- 1 1. Insert the following new section:  
 2 Sec. 2. Section 71-5829.06, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 71-5829.06 All rehabilitation beds which require a

5 certificate of need are subject to a moratorium, ~~except under~~  
 6 ~~the following condition:~~ unless one of the following exceptions  
 7 applies:

8 (1) If the average occupancy for all rehabilitation beds  
 9 located in Nebraska has exceeded ninety percent occupancy during  
 10 the most recent three consecutive calendar quarters as reported  
 11 at the time of the filing of the application, the department may  
 12 grant an exception to the moratorium and issue a certificate of  
 13 need. If the department determines the average occupancy for all  
 14 rehabilitation beds located in Nebraska does not exceed ninety  
 15 percent occupancy during the most recent three consecutive calendar  
 16 quarters as reported at the time of the filing of the application,  
 17 the department shall deny the application; or-

18 (2) If the average occupancy for all rehabilitation beds  
 19 within a health planning region exceeds eighty percent occupancy  
 20 during the most recent three consecutive calendar quarters as  
 21 reported at the time of the filing of the application and no other  
 22 comparable services are otherwise available in the health planning  
 23 region, the department shall grant an exception to the moratorium  
 1 and issue a certificate of need for up to three rehabilitation  
 2 beds.

3 2. In the Standing Committee amendments, AM1755:

4 a. On page 2, line 25, strike "or"; and

5 b. On page 3, line 4, after "period" insert "; or

6 (8) Any relocation of rehabilitation beds in Nebraska  
 7 from one health care facility to another health care facility".

8 3. On page 3, line 12, strike "section 71-5829.03" and  
 9 insert "sections 71-5829.03 and 71-5829.06"; and in line 13 strike  
 10 "is" and insert "are".

11 4. Renumber the remaining section accordingly.

Senator Cornett filed the following amendment to LB1055:  
 AM2444

(Amendments to E & R amendments, ER8183)

1 1. Insert the following new sections:

2 Section 1. Section 28-101, Revised Statutes Supplement,  
 3 2007, is amended to read:

4 28-101 Sections 28-101 to 28-1350 and section 3 of this  
 5 act shall be known and may be cited as the Nebraska Criminal Code.

6 Sec. 2. Section 28-1008, Revised Statutes Supplement,  
 7 2007, is amended to read:

8 28-1008 For purposes of sections 28-1008 to 28-1017 and  
 9 section 3 of this act

10 (1) Abandon means to leave any animal in one's care,  
 11 whether as owner or custodian, for any length of time without  
 12 making effective provision for its food, water, or other care as is  
 13 reasonably necessary for the animal's health;

14 (2) Animal means any vertebrate member of the animal  
 15 kingdom. The term does not include an uncaptured wild creature;

16 (3) Cruelly mistreat means to knowingly and intentionally  
 17 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or  
 18 otherwise inflict harm upon any animal;

19 (4) Cruelly neglect means to fail to provide any animal  
 20 in one's care, whether as owner or custodian, with food, water, or  
 21 other care as is reasonably necessary for the animal's health;

22 (5) Humane killing means the destruction of an animal by  
 1 a method which causes the animal a minimum of pain and suffering;

2 (6) Law enforcement officer means any member of the  
 3 Nebraska State Patrol, any county or deputy sheriff, any member  
 4 of the police force of any city or village, or any other public  
 5 official authorized by a city or village to enforce state or  
 6 local animal control laws, rules, regulations, or ordinances.  
 7 Law enforcement officer also includes any inspector under the  
 8 Commercial Dog and Cat Operator Inspection Act to the extent that  
 9 such inspector may exercise the authority of a law enforcement  
 10 officer under section 28-1012 while in the course of performing  
 11 inspection activities under the Commercial Dog and Cat Operator  
 12 Inspection Act;

13 (7) Mutilation means intentionally causing permanent  
 14 injury, disfigurement, degradation of function, incapacitation, or  
 15 imperfection to an animal. Mutilation does not include conduct  
 16 performed by a veterinarian licensed to practice veterinary  
 17 medicine and surgery in this state or conduct that conforms to  
 18 accepted veterinary practices;

19 ~~(7)-(8)~~ Police animal means a horse or dog owned or  
 20 controlled by the State of Nebraska for the purpose of assisting a  
 21 Nebraska state trooper in the performance of his or her official  
 22 enforcement duties; ~~and~~

23 (9) Repeated beating means intentional successive strikes  
 24 to an animal by a person resulting in serious bodily injury or  
 25 death to the animal;

26 ~~(8)-(10)~~ Serious injury or illness includes any injury  
 27 or illness to any animal which creates a substantial risk of death  
 1 or which causes broken bones, prolonged impairment of health, or  
 2 prolonged loss or impairment of the function of any bodily organ;  
 3 ~~and-~~

4 (11) Torture means intentionally subjecting an animal  
 5 to extreme pain, suffering, or agony. Torture does not include  
 6 conduct performed by a veterinarian licensed to practice veterinary  
 7 medicine and surgery in this state or conduct that conforms to  
 8 accepted veterinary practices.

9 Sec. 3. (1)(a) Any person convicted of a Class IV felony  
 10 under section 28-1005 or 28-1009 shall not own, possess, or reside  
 11 with any animal for not less than fifteen years from the date of  
 12 conviction. Any person violating this subdivision shall be guilty  
 13 of a Class I misdemeanor.

14 (b) Any person convicted of a Class I misdemeanor under  
 15 subdivision (2)(a) of section 28-1009 or a Class III misdemeanor

16 under section 28-1010 shall not own, possess, or reside with any  
 17 animal for not less than five years from the date of conviction.  
 18 Any person violating this subdivision shall be guilty of a Class IV  
 19 misdemeanor.

20 (c) Any animal involved in a violation of subdivisions  
 21 (a) and (b) of this subsection shall be subject to seizure by law  
 22 enforcement.

23 (d) A court may extend the time restrictions for owning,  
 24 possessing, or residing with any animal under this subsection as  
 25 the court deems reasonable and necessary.

26 (2) The time restrictions in subdivisions (1)(a) and (b)  
 27 of this section shall not apply to any person convicted under  
 1 section 28-1005 or 28-1009 if a licensed physician confirms in  
 2 writing that ownership or possession of or residence with an animal  
 3 is essential to the health of such person.

4 Sec. 4. Section 28-1013, Revised Statutes Supplement,  
 5 2007, is amended to read:

6 28-1013 Sections 28-1008 to 28-1017 and section 3 of this  
 7 act shall not apply to:

8 (1) Care or treatment of an animal by a veterinarian  
 9 licensed under the Nebraska Veterinary Practice Act until December  
 10 1, 2008, and the Veterinary Medicine and Surgery Practice Act on  
 11 and after December 1, 2008;

12 (2) Commonly accepted care or treatment of a police  
 13 animal by a law enforcement officer in the normal course of his or  
 14 her duties;

15 (3) Research activity carried on by any research facility  
 16 currently meeting the standards of the federal Animal Welfare Act,  
 17 7 U.S.C. 2131 et seq., as such act existed on January 1, 2003;

18 (4) Commonly accepted practices of hunting, fishing, or  
 19 trapping;

20 (5) Commonly accepted practices occurring in conjunction  
 21 with rodeos, animal racing, or pulling contests;

22 (6) Humane killing of an animal by the owner or by his or  
 23 her agent or a veterinarian upon the owner's request;

24 (7) Commonly accepted practices of animal husbandry with  
 25 respect to farm animals, including their transport from one  
 26 location to another and nonnegligent actions taken by personnel  
 27 or agents of the Nebraska Department of Agriculture or the United  
 1 States Department of Agriculture in the performance of duties  
 2 prescribed by law;

3 (8) Use of reasonable force against an animal, other than  
 4 a police animal, which is working, including killing, capture, or  
 5 restraint, if the animal is outside the owned or rented property  
 6 of its owner or custodian and is injuring or posing an immediate  
 7 threat to any person or other animal;

8 (9) Killing of house or garden pests;

9 (10) Commonly followed practices occurring in conjunction  
 10 with the slaughter of animals for food or byproducts; and

11 (11) Commonly accepted animal training practices.

12 Sec. 5. Section 28-1014, Revised Statutes Cumulative  
13 Supplement, 2006, is amended to read:

14 28-1014 Any city, village, or county may adopt and  
15 promulgate rules, regulations, and ordinances which are not  
16 inconsistent with the provisions of sections 28-1008 to 28-1017  
17 and section 3 of this act for the protection of the public, public  
18 health, and animals within its jurisdiction.

19 Sec. 6. Section 28-1015, Revised Statutes Cumulative  
20 Supplement, 2006, is amended to read:

21 28-1015 When an animal is owned by a minor child, the  
22 parent of such minor child with whom the child resides or legal  
23 guardian with whom the child resides shall be subject to the  
24 penalties provided under sections 28-1008 to 28-1017 and section 3  
25 of this act if the animal is abandoned or cruelly neglected.

26 Sec. 7. Section 28-1016, Revised Statutes Cumulative  
27 Supplement, 2006, is amended to read:

1 28-1016 Nothing in sections 28-1008 to 28-1017 and  
2 section 3 of this act shall be construed as amending or changing  
3 the authority of the Game and Parks Commission as established in  
4 the Game Law or to prohibit any conduct authorized or permitted by  
5 such law.

6 2. On page 10, line 9, after the last comma insert  
7 "sections 28-1014, 28-1015, and 28-1016, Revised Statutes  
8 Cumulative Supplement, 2006, and sections 28-101, 28-1008, and  
9 28-1013, Revised Statutes Supplement, 2007,".

10 3. Renumber the remaining sections and correct internal  
11 references accordingly.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 983A.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 983, One Hundredth Legislature, Second Session, 2008.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Lautenbaugh asked unanimous consent to add his name as cointroducer to LB920. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 50 students and teachers from St. Libory 1-R School/Champman, Grand Island; and 20 twelfth-grade students, teacher, and sponsors from Cambridge.

The Doctor of the Day was Dr. Jeffrey Meade from Auburn.

**ADJOURNMENT**

At 8:30 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Friday, March 28, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-NINTH DAY - MARCH 28, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 28, 2008

**PRAYER**

The prayer was offered by Pastor Jim Miller, Grace United Methodist Church, Hastings.

**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 White who was excused; and Senators Ashford, Dierks, Dubas, Hansen, Hudkins, Karpisek, Loudon, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 27, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Radcliffe, Walter H. of Radcliffe & Associates  
Liberty Healthcare Corporation

Vetter, Marilyn  
Takeda Pharmaceuticals America

Zalenski, Susan D.  
Johnson & Johnson

**COMMITTEE REPORT**  
Executive Board

**LEGISLATIVE RESOLUTION 283.** Reported to the Legislature for further consideration with the following amendment:

AM2582

1 1. Strike the original resolution and insert the  
2 following:  
3 The United States Department of Justice issued a report  
4 on March 7, 2008, to Governor Heineman detailing the findings  
5 from its 2007 investigation of the Beatrice State Developmental  
6 Center ("BSDC") pursuant to the Civil Rights of Institutionalized  
7 Persons Act, 42 U.S.C. 1997. The department concluded that numerous  
8 conditions and practices at BSDC violated the constitutional and  
9 federal statutory rights of its residents. In particular, the  
10 department found that BSDC failed to provide its residents with  
11 adequate: (1) Protection from harm; (2) training and associated  
12 behavioral and mental health services; (3) health care, including  
13 nutritional and physical management; and (4) discharge planning  
14 and placement in the most integrated setting. In its report, the  
15 department listed the minimum remedial measures required to protect  
16 the constitutional and statutory rights of the BSDC residents,  
17 including increasing the number of employees and ensuring that  
18 center residents can live and work in the most integrated  
19 setting possible. The report specifically expressed grave concerns  
20 regarding staffing difficulties at BSDC and the relationship  
21 of those staffing concerns to reports of abuse, neglect, and  
22 substandard care.

23 The Legislature recognizes that it is essential that  
1 citizens under the twenty-four-hour care and supervision of the  
2 State of Nebraska be provided with qualified care from trained  
3 employees. This care is jeopardized when employees are mandated to  
4 work overtime for unnecessarily long hours.

5 In addition to the United States Department of Justice  
6 investigation, BSDC has not complied with the care standards set by  
7 the federal Centers for Medicare and Medicaid Service for the past  
8 eighteen months. Federal funding of the BSDC has continued only  
9 because the state has filed an appeal of the federal government's  
10 plan to terminate the state's Medicare and Medicaid funding for  
11 the facility. The safety, quality of life, and rights of the BSDC  
12 residents are of the utmost concern to the State of Nebraska and it  
13 is clear the facility has reached a critical point in its ability  
14 to care for its residents.

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

17 1. That the Legislature hereby calls for the Executive  
18 Board of the Legislative Council to meet forthwith and appoint  
19 a special committee of the Legislature to be known as the  
20 Developmental Disabilities Special Investigative Committee of the

21 Legislature. The committee shall consist of seven members of the  
22 Legislature appointed by the Executive Board. The committee shall  
23 elect a chairperson and vice-chairperson from the membership of  
24 the committee. The Executive Board is hereby authorized to provide  
25 the committee with a legal counsel, committee clerk, and other  
26 staff as required by the committee from existing legislative  
27 staff. The Executive Board is also authorized to hire outside  
1 legal counsel, consultants, and investigators as required by the  
2 committee. The committee shall be an investigative committee and is  
3 hereby authorized to hold hearings and issue subpoenas as is deemed  
4 necessary by the committee.

5 2. The Developmental Disabilities Special Investigative  
6 Committee of the Legislature is hereby authorized to study the  
7 quality of care and related staffing issues at the Beatrice State  
8 Developmental Center. The committee shall also investigate the  
9 placement and quality of care statewide for the developmentally  
10 disabled in Nebraska, including the determination of whether  
11 adequate funding and capacity exists for persons to be served  
12 in the community, options for service provisions for current  
13 residents of the Beatrice State Developmental Center at other  
14 twenty-four-hour care facilities in the state, and the staffing  
15 practices at twenty-four-hour care facilities and the relationship  
16 of those practices to the quality of care provided to the  
17 developmentally disabled. The committee shall also study the  
18 Department of Health and Human Services with respect to such  
19 facilities, including how and why services to the developmentally  
20 disabled were permitted to decline to the current level as  
21 documented by the United States Department of Justice report.  
22 The committee shall utilize existing studies and reports and  
23 legislation developed to address the current conditions. The  
24 committee shall not be limited to such studies, reports, or  
25 legislation. The committee shall issue a report with its findings  
26 and recommendations to the Legislature no later than December 15,  
27 2008.

(Signed) L. Patrick Engel, Chairperson

### **MOTIONS - Approve Appointments**

Senator Fischer moved the adoption of the Transportation and  
Telecommunications Committee report for the confirmation of the following  
appointment(s) found on page 1097:

Nebraska Railway Council  
Ralph Holzfaster

Voting in the affirmative, 30:

Adams	Cornett	Gay	Langemeier	Nelson
Aguilar	Engel	Harms	Lathrop	Pirsch
Avery	Erdman	Howard	Lautenbaugh	Raikes
Burling	Fischer	Janssen	McDonald	Stuthman
Carlson	Friend	Johnson	McGill	Wallman
Christensen	Fulton	Kruse	Nantkes	Wightman

Voting in the negative, 0.

Present and not voting, 10:

Chambers	Heidemann	Pahls	Pedersen	Rogert
Flood	Kopplin	Pankonin	Preister	Schimek

Excused and not voting, 9:

Ashford	Dubas	Hudkins	Louden	White
Dierks	Hansen	Karpisek	Synowiecki	

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Senator Cornett moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1119:

Commission of Industrial Relations  
Bernard J. McGinn

Voting in the affirmative, 31:

Adams	Engel	Hudkins	McGill	Stuthman
Aguilar	Erdman	Janssen	Nantkes	Wallman
Ashford	Friend	Johnson	Nelson	Wightman
Avery	Fulton	Karpisek	Pahls	
Carlson	Gay	Langemeier	Pedersen	
Chambers	Hansen	Lathrop	Pirsch	
Cornett	Harms	Lautenbaugh	Rogert	

Voting in the negative, 1:

Howard

Present and not voting, 12:

Burling	Flood	Kruse	Preister
Christensen	Heidemann	McDonald	Raikes
Fischer	Kopplin	Pankonin	Schimek

Excused and not voting, 5:

Dierks            Dubas            Louden            Synowiecki    White

The appointment was confirmed with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 736A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 928A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 308A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1055.** ER8183, found on page 875, was adopted.

Senator Cornett withdrew her amendment, AM2395, found on page 989.

Senator McDonald renewed her amendment, AM2396, found on page 1083.

The McDonald amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Senator Cornett renewed her amendment, AM2444, found on page 1140.

The Cornett amendment was adopted with 28 ayes, 2 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1157.** Senator Dubas asked unanimous consent to withdraw her amendment, AM2363, found on page 979, and replace it with her substitute amendment, AM2591. No objections. So ordered.  
AM2591

(Amendments to Standing Committee amendments, AM2093)

- 1    1. On page 1, line 10, after "a" insert
- 2    "criterion-referenced".
- 3    2. On page 5, lines 8 and 9 and 18 and 19, strike "three"

- 4 through "school" and insert "selected by the state board".  
 5 3. On page 6, strike beginning with "The" in line 17  
 6 through line 19.

Senator Avery moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Senator Dubas moved for a call of the house. The motion prevailed with 42 ayes, 1 nay, and 6 not voting.

Senator Dubas requested a roll call vote on her amendment.

Voting in the affirmative, 14:

Carlson	Fischer	Karpisek	Pedersen	Stuthman
Dierks	Gay	Louden	Preister	Wallman
Dubas	Hudkins	Pankonin	Rogert	

Voting in the negative, 29:

Adams	Cornett	Hansen	Langemeier	Pahls
Aguilar	Engel	Harms	Lathrop	Pirsch
Ashford	Erdman	Howard	Lautenbaugh	Raikes
Avery	Flood	Janssen	McDonald	Synowiecki
Burling	Friend	Johnson	McGill	Wightman
Chambers	Fulton	Kruse	Nantkes	

Present and not voting, 5:

Christensen	Heidemann	Kopplin	Nelson	Schimek
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Excused and not voting, 1:

White

The Dubas amendment lost with 14 ayes, 29 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Dierks renewed his motion, MO144, found on page 979, to indefinitely postpone.

Senator Dierks withdrew his motion.

Senator Christensen offered the following amendment:

FA251

Amend AM2093

On page 8, after line 5, insert "(14) The state board shall appoint committees of teachers, from each appropriate subject area, and administrators to assist in the development of statewide assessment instruments required by the act."

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 306.** Introduced by Janssen, 15.

**PURPOSE:** In recent years, latex allergy has become an emerging issue. As a result, many states have passed legislation that prohibits the use of latex in public places, such as hospitals, schools, and restaurants. The purpose of this resolution is to review the impact of such laws in other states, the prevalence of the use of latex in public places in Nebraska, and efforts made by groups or industries to restrict or eliminate the use of latex.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 307.** Introduced by Wightman, 36; Gay, 14; Harms, 48.

**PURPOSE:** The purpose of this interim study is to examine Nebraska's aid to dependent children program, and more specifically, how the state is meeting its federal work participation rate requirements and whether improvements might be made in the administration of the program so that recipients might be allowed to participate in postsecondary education as their core work activity beyond twelve months.

While it is state policy that higher education is one of the most effective means to help move families permanently out of poverty and participation in postsecondary education is one of the most effective parts of the aid to dependent children program, the Department of Health and Human Services has raised concerns about its ability to meet the federal Temporary Assistance for Needy Families work participation rate requirements if postsecondary education is defined as a bachelor's degree or an associate's degree.

In order to further this interim study, the Department of Health and Human Services shall provide the committees with the following information:

(1) The actual work participation rate for Nebraska's Temporary Assistance for Needy Families program for the previous calendar year and the estimated work participation rate for the current calendar year;

(2) An explanation and supporting documentation of how the department arrived at the work participation estimate;

(3) The number of work-eligible aid to dependent children program recipients who are not counted as meeting the federal work participation rate and the activities in which these persons are involved;

(4) The number of Nebraska's aid to dependent children program recipients who are engaged in a bachelor's degree program as a work activity;

(5) The number of Nebraska's aid to dependent children program recipients who are engaged in an associate's degree program as a work activity;

(6) The percentage of Nebraska's aid to dependent children program recipients, broken down by work activity, who obtained employment paying a wage equal to or exceeding one hundred percent of the federal poverty guideline, one hundred fifty percent of the federal poverty guideline, and two hundred percent of the federal poverty guideline; and

(7) The percentage of aid to dependent children program recipients, broken down by work activity, who remain employed after twelve months, twenty-four months, and thirty-six months after leaving Nebraska's aid to dependent children program.

Further, the interim study will:

(1) Examine whether the department should be statutorily required to track and report any of the aforementioned information, especially to the extent that such information is not currently tracked;

(2) Evaluate the impact on the work participation rate requirements of implementing work components that are inconsistent with federal definitions which cannot be counted toward the required performance requirements;

(3) Evaluate the implementation of the four-month transitional grant implemented in Laws 2006, LB 351, and its impact on meeting the work participation rate requirements;

(4) Evaluate how monitoring of private sector Temporary Assistance for Needy Families case management contracts impact meeting mandated federal performance requirements; and

(5) Evaluate how final federal Temporary Assistance for Needy Families regulations that go into effect October 1, 2009, will impact the work participation rate requirements.

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

1. That the Health and Human Services and the Appropriations Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.



2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 308.** Introduced by Nantkes, 46; Fulton, 29; Gay, 14.

**PURPOSE:** To conduct a comprehensive study that examines the costs associated with the learning community created pursuant to section 79-2102. The study shall include, but not be limited to:

(1) Identification of funds appropriated from the General Fund to aid in carrying out the provisions of Laws 2006, LB 1024, including the identification of the amount of such appropriation specific to the learning community;

(2) Identification of funds appropriated from the General Fund to aid in carrying out the provisions of Laws 2007, LB 641, including the identification of the amount of such appropriation specific to the learning community;

(3) Identification of changes in actual and estimated aid expenditures under the Tax Equity and Educational Opportunities Support Act in FY2006-07, FY2007-08, FY2008-09, FY2009-10, and FY2010-11 compared to FY2005-06 and the identification of which changes can be attributed to the enactment of Laws 2006, LB 1024, Laws 2007, LB 641, and LB 988, One Hundredth Legislature, Second Session, 2008; and

(4) Identification of the actual and estimated aid distributed pursuant to section 79-2103 to the learning community for FY2008-09 through FY2012-13.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 309.** Introduced by Nantkes, 46.

**PURPOSE:** The purpose of this resolution is to study whether Nebraska should enact the Uniform Limited Partnership Act (2001) as approved and recommended to the states by the National Conference of Commissioners on Uniform State Laws. This act would replace the current Nebraska Uniform Limited Partnership Act, Neb. Rev. Stat. sections 67-233 to 67-296, which is based on the Revised Uniform Limited Partnership Act (1976) and

(1985). In order to carry out the purpose of this resolution, the committee should seek and consider the input of the Secretary of State, the practicing bar, and other interested persons as it deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 310.** Introduced by Karpisek, 32.

PURPOSE: The purpose of this study is to examine the mandatory retirement age and lack of purchase of service provisions in the Nebraska State Patrol Retirement System.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 311.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Karpisek, 32; Loudon, 49.

PURPOSE: The purpose of this study is to examine the public employee retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System, the County Employees Retirement System, the School Employees' Retirement System, the Nebraska State Patrol Retirement System, and the judges retirement system. The study may also examine the Class V School Employees Retirement System administered under the Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits, contributions, and the administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 312.** Introduced by Pedersen, 39.

**PURPOSE:** The purpose of this resolution is to study whether the Legislature should adopt a statewide 24/7 sobriety program and the best means for doing so. Specifically, the committee should study the methods and costs of monitoring alcohol and drug use, including continuous alcohol monitoring devices. The study should include a review of issues raised during consideration of LB 1167 (2008), which is currently pending in the Judiciary Committee of the Legislature. In order to carry out the purpose of this resolution, the study committee should seek and consider the input of the Office of Probation Administration and interested persons as the committee deems necessary and beneficial.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 313.** Introduced by Fischer, 43.

**PURPOSE:** The purpose of this interim study is to examine and determine the need in Nebraska for a uniform voluntary procedure of dispute resolution between railroads and entities desiring to enter into contractual agreements to construct facilities across railroad tracks for the provision of electric, telecommunications, advanced telecommunications, and cable services.

The study shall include an examination of existing statutory authority for resolving such disputes and consider whether further authority is needed to supplement the existing authority of the Public Service Commission to enable the commission to establish a voluntary uniform procedure to provide for the timely, fair, and efficient resolution of disputes relating to the terms and conditions of crossing agreements between crossing entities and railroads.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### SELECT FILE

**LEGISLATIVE BILL 1157.** The Christensen amendment, FA251, found in this day's Journal, was renewed.

### SENATOR AGUILAR PRESIDING

The Christensen amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Senator Dubas offered the following amendment:

AM2592

- 1 1. In the Standing Committee amendments, AM2093, on page
- 2 4, lines 6, 14, and 15, strike "Governor" and insert "state board".
- 3 2. In the Raikes amendment, AM2366, on page 1, line
- 4 5, strike "one teacher" and insert "two teachers" and strike "a
- 5 school" and insert "schools".

The Dubas amendment lost with 11 ayes, 17 nays, 20 present and not voting, and 1 excused and not voting.

Senator Karpisek offered the following motion:

MO158

Indefinitely postpone.

Senator Karpisek moved for a call of the house. The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

Senator Karpisek requested a roll call vote, in reverse order, on his motion to indefinitely postpone.

Voting in the affirmative, 11:

Dierks	Gay	Louden	Stuthman
Dubas	Hudkins	Nelson	Wallman
Fischer	Karpisek	Pankonin	

Voting in the negative, 31:

Adams	Cornett	Howard	Lautenbaugh	Schimek
Aguilar	Engel	Janssen	McDonald	Synowiecki
Ashford	Flood	Johnson	McGill	Wightman
Avery	Friend	Kopplin	Nantkes	
Burling	Fulton	Kruse	Pahls	
Carlson	Hansen	Langemeier	Pirsch	
Chambers	Harms	Lathrop	Raikes	

Present and not voting, 6:

Christensen	Heidemann	Preister
Erdman	Pedersen	Rogert

Excused and not voting, 1:

White

The Karpisek motion to indefinitely postpone failed with 11 ayes, 31 nays, 6 present and not voting, and 1 excused and not voting.

Senator Fischer requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 31 ayes, 13 nays, 4 present and not voting, and 1 excused and not voting.

**SPEAKER FLOOD PRESIDING**

The Chair declared the call raised.

**LEGISLATIVE BILL 1157A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 889.** ER8189, found on page 955, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 958.** Senator Erdman requested a machine vote on the adoption of the Enrollment and Review amendment.

ER8191, found on page 965, was adopted with 28 ayes, 1 nay, 19 present and not voting, and 1 excused and not voting.

Senator Ashford moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

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

Voting in the affirmative, 20:

Aguilar	Chambers	Janssen	McDonald	Rogert
Ashford	Engel	Johnson	McGill	Schimek
Avery	Flood	Kruse	Nantkes	Synowiecki
Carlson	Howard	Lathrop	Raikes	Wallman

Voting in the negative, 20:

Adams	Friend	Harms	Lautenbaugh	Pankonin
Burling	Fulton	Karpisek	Louden	Pedersen
Dubas	Gay	Kopplin	Nelson	Pirsch
Erdman	Hansen	Langemeier	Pahls	Stuthman

Present and not voting, 8:

Christensen	Dierks	Heidemann	Preister
Cornett	Fischer	Hudkins	Wightman

Excused and not voting, 1:

White

Failed to advance to Enrollment and Review for Engrossment with 20 ayes, 20 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### AMENDMENT - Print in Journal

Senator Erdman filed the following amendment to LB848: AM2421 is available in the Bill Room.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 1022.** Placed on Select File with amendment. ER8224 is available in the Bill Room.

**LEGISLATIVE BILL 830.** Placed on Select File with amendment. ER8221

- 1 1. In the Standing Committee amendments, AM2357:
- 2 a. Insert the following new section:
- 3 Sec. 10. Original section 68-901, Revised Statutes
- 4 Cumulative Supplement, 2006, is repealed.
- 5 b. On page 2, line 12, strike "38-2840" and insert
- 6 "38-2841".
- 7 2. On page 1, strike beginning with line 3 through

8 "Services" in line 5 and insert "the Medicaid Prescription Drug  
9 Act"; and in lines 6 and 7 strike "to provide severability";.

**LEGISLATIVE BILL 806.** Placed on Select File.

**LEGISLATIVE BILL 819.** Placed on Select File with amendment.  
ER8226 is available in the Bill Room.

**LEGISLATIVE BILL 953.** Placed on Select File with amendment.  
ER8222

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. For purposes of a bankruptcy plan under 11
- 4 U.S.C. chapter 13, a manufactured home or a mobile home shall be
- 5 deemed real property under subdivision (b)(2) of 11 U.S.C. 1322, as
- 6 such section existed on the effective date of this act.
- 7 Sec. 2. Section 60-137, Revised Statutes Supplement,
- 8 2007, is amended to read:
- 9 60-137 (1) The Motor Vehicle Certificate of Title Act
- 10 applies to all vehicles as defined in the act, except:
- 11 (a) Farm trailers;
- 12 (b) Low-speed vehicles;
- 13 (c) Well-boring apparatus, backhoes, bulldozers, and
- 14 front-end loaders; and
- 15 (d) Trucks and buses from other jurisdictions required
- 16 to pay registration fees under the Motor Vehicle Registration Act,
- 17 except a vehicle registered or eligible to be registered as part of
- 18 a fleet of apportionable vehicles under section 60-3,198.
- 19 (2) All new all-terrain vehicles and minibikes sold on or
- 20 after January 1, 2004, shall be required to have a certificate of
- 21 title. An owner of an all-terrain vehicle or minibike sold prior to
- 22 such date may apply for a certificate of title for such all-terrain
- 23 vehicle or minibike as provided in rules and regulations of the
- 1 department.
- 2 (3) An owner of a utility trailer may apply for a
- 3 certificate of title upon compliance with the Motor Vehicle
- 4 Certificate of Title Act.
- 5 (4)(a) Every owner of a manufactured home or mobile home
- 6 shall obtain a certificate of title for the manufactured home or
- 7 mobile home prior to affixing it to real estate.
- 8 (b) If a manufactured home or mobile home has been
- 9 affixed to real estate and a certificate of title was not issued
- 10 before it was so affixed, the owner of such manufactured home or
- 11 mobile home shall apply for and be issued a certificate of title
- 12 at any time for surrender and cancellation as provided in section
- 13 60-169.
- 14 Sec. 3. Section 60-164, Revised Statutes Supplement,
- 15 2007, is amended to read:
- 16 60-164 (1) Except as provided in section 60-165, the

17 provisions of article 9, Uniform Commercial Code, shall never be  
18 construed to apply to or to permit or require the deposit, filing,  
19 or other record whatsoever of a security agreement, conveyance  
20 intended to operate as a mortgage, trust receipt, conditional sales  
21 contract, or similar instrument or any copy of the same covering a  
22 vehicle. Any mortgage, conveyance intended to operate as a security  
23 agreement as provided by article 9, Uniform Commercial Code, trust  
24 receipt, conditional sales contract, or other similar instrument  
25 covering a vehicle, if such instrument is accompanied by delivery  
26 of such manufacturer's or importer's certificate and followed by  
27 actual and continued possession of the same by the holder of  
1 such instrument or, in the case of a certificate of title, if a  
2 notation of the same has been made by the county clerk, designated  
3 county official, or department on the face thereof, shall be  
4 valid as against the creditors of the debtor, whether armed with  
5 process or not, and subsequent purchasers, secured parties, and  
6 other lienholders or claimants but otherwise shall not be valid  
7 against them, except that during any period in which a vehicle is  
8 inventory, as defined in section 9-102, Uniform Commercial Code,  
9 held for sale by a person or corporation that is required to  
10 be licensed as provided in Chapter 60, article 14, and is in  
11 the business of selling such vehicles, the filing provisions of  
12 article 9, Uniform Commercial Code, as applied to inventory, shall  
13 apply to a security interest in such vehicle created by such  
14 person or corporation as debtor without the notation of lien on  
15 the instrument of title. A buyer of a vehicle at retail from a  
16 dealer required to be licensed as provided in Chapter 60, article  
17 14, shall take such vehicle free of any security interest. A  
18 purchase-money security interest, as defined in section 9-103,  
19 Uniform Commercial Code, in a vehicle is perfected against the  
20 rights of judicial lien creditors and execution creditors on and  
21 after the date the purchase-money security interest attaches.

22 (2) Subject to subsection (1) of this section, all liens,  
23 security agreements, and encumbrances noted upon a certificate of  
24 title shall take priority according to the order of time in which  
25 the same are noted thereon by the county clerk, designated county  
26 official, or department. Exposure for sale of any vehicle by the  
27 owner thereof with the knowledge or with the knowledge and consent  
1 of the holder of any lien, security agreement, or encumbrance on  
2 such vehicle shall not render the same void or ineffective as  
3 against the creditors of such owner or holder of subsequent liens,  
4 security agreements, or encumbrances upon such vehicle.

5 (3) The holder of a security agreement, trust  
6 receipt, conditional sales contract, or similar instrument,  
7 upon presentation of such instrument to the department, if the  
8 certificate of title was issued by the department, or to any county  
9 clerk or designated county official, together with the certificate  
10 of title and the fee prescribed for notation of lien, may have  
11 a notation of such lien made on the face of such certificate



12 of title. The county clerk or designated county official or the  
13 department shall enter the notation and the date thereof over the  
14 signature of such officer and the official seal. If noted by a  
15 county clerk or designated county official, he or she shall on that  
16 day notify the department which shall note the lien on its records.  
17 The county clerk or designated county official or the department  
18 shall also indicate by appropriate notation and on such instrument  
19 itself the fact that such lien has been noted on the certificate  
20 of title.

21 (4) A transaction does not create a sale or a security  
22 interest in a vehicle, other than an all-terrain vehicle or a  
23 minibike, merely because it provides that the rental price is  
24 permitted or required to be adjusted under the agreement either  
25 upward or downward by reference to the amount realized upon sale or  
26 other disposition of the vehicle.

27 (5) The county clerk or designated county official or  
1 the department, upon receipt of a lien instrument duly signed by  
2 the owner in the manner prescribed by law governing such lien  
3 instruments together with the fee prescribed for notation of lien,  
4 shall notify the first lienholder to deliver to the county clerk  
5 or designated county official or the department, within fifteen  
6 days after the date of notice, the certificate of title to permit  
7 notation of such other lien and, after notation of such other lien,  
8 the county clerk or designated county official or the department  
9 shall deliver the certificate of title to the first lienholder.  
10 The holder of a certificate of title who refuses to deliver a  
11 certificate of title to the county clerk or designated county  
12 official or the department for the purpose of showing such other  
13 lien on such certificate of title within fifteen days after the  
14 date of notice shall be liable for damages to such other lienholder  
15 for the amount of damages such other lienholder suffered by reason  
16 of the holder of the certificate of title refusing to permit the  
17 showing of such lien on the certificate of title.

18 (6) When a lien is discharged, the holder shall, within  
19 fifteen days after payment is received, note a cancellation of the  
20 lien on the certificate of title over his, her, or its signature  
21 and deliver the certificate of title to the county clerk or  
22 designated county official or the department, which shall note the  
23 cancellation of the lien on the face of the certificate of title  
24 and on the records of such office. If delivered to a county clerk  
25 or designated county official, he or she shall on that day notify  
26 the department which shall note the cancellation on its records.  
27 The county clerk or designated county official or the department  
1 shall then return the certificate of title to the owner or as  
2 otherwise directed by the owner. The cancellation of lien shall be  
3 noted on the certificate of title without charge. If the holder  
4 of the title cannot locate a lienholder, a lien may be discharged  
5 ten years after the date of filing by presenting proof that thirty  
6 days have passed since the mailing of a written notice by certified

7 mail, return receipt requested, to the last-known address of the  
 8 lienholder.  
 9 Sec. 4. Original sections 60-137 and 60-164, Revised  
 10 Statutes Supplement, 2007, are repealed.  
 11 2. On page 1, strike beginning with "liens" in line  
 12 1 through line 6 and insert "mobile homes and manufactured  
 13 homes; to amend sections 60-137 and 60-164, Revised Statutes  
 14 Supplement, 2007; to provide classification under bankruptcy plans,  
 15 certificate of title requirements, and security interest perfection  
 16 as prescribed; and to repeal the original sections."

**LEGISLATIVE BILL 995.** Placed on Select File with amendment.  
 ER8223

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 12-401, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 12-401 The mayor of any city having ~~less-fewer~~ than  
 6 twenty-five thousand inhabitants, by and with the consent of the  
 7 council or a majority thereof, and the ~~chairman~~ chairperson of  
 8 the board of trustees of any village, by and with the consent  
 9 of the village board or a majority thereof, may appoint a board  
 10 of not fewer than three nor more than six members, to be known  
 11 as the cemetery board, from among the citizens at large of such  
 12 city or village, who shall serve without pay and shall have entire  
 13 control and management of any cemetery belonging to such city or  
 14 village. Neither the mayor nor any member of the council; nor  
 15 the ~~chairman~~ chairperson nor any member of the village board of  
 16 trustees may be ~~members~~ a member of the cemetery board. At the  
 17 time of establishing ~~said~~ such cemetery board, ~~two~~ approximately  
 18 one-third of the members shall be appointed for a term of one year,  
 19 ~~two~~ one-third for a term of two years, and ~~two~~ one-third for a  
 20 term of three years, and thereafter ~~two~~ members shall be appointed  
 21 ~~each year for a term~~ for terms of three years. Vacancies in the  
 22 membership of the board other than through the expiration of a term  
 23 shall be filled ~~in like manner as regular members of the board are~~  
 1 appointed for the unexpired portion of the term.

2 Sec. 2. Section 12-402, Revised Statutes Cumulative  
 3 Supplement, 2006, is amended to read:  
 4 12-402 (1) The mayor and council or the board of  
 5 trustees, for the purpose of defraying the cost of the care,  
 6 management, improvement, beautifying, and welfare of such  
 7 cemeteries and the inhabitants thereof, may each year levy a tax  
 8 not exceeding five and two-tenths cents on each one hundred dollars  
 9 upon the taxable value of all the taxable property in such city  
 10 or village subject to taxation for general purposes. The tax shall  
 11 be collected and paid to the city or village as taxes for general  
 12 purposes are collected and paid to the city or village. All taxes  
 13 collected for this purpose shall constitute and be known as the

14 cemetery fund and shall be used for the general care, management,  
 15 improvement, beautifying, and welfare of such cemetery and the  
 16 inhabitants thereof. Warrants upon this fund shall be drawn by the  
 17 cemetery board and shall be paid by the city or village treasurer.  
 18 The city council or the board of trustees may issue a warrant from  
 19 the cemetery fund if a payment is due and the cemetery board is not  
 20 scheduled to meet prior to such due date to authorize the warrant.

21 (2) If the mayor and council or the board of trustees  
 22 sets aside the proceeds from the sale of lots as a perpetual fund,  
 23 the principal of the fund that is attributable to such proceeds, or  
 24 attributable to any money which has come to the fund by donation,  
 25 bequest, or otherwise that does not prohibit such use, may be used  
 26 for the purchase and development of additional land to be used  
 27 for cemetery purposes as long as no more than twenty-five percent  
 1 of such principal is so used in any fiscal year and no more than  
 2 thirty-five percent of such principal is so used in any period of  
 3 ten consecutive fiscal years.

4 (3) This section does not limit the use of any money that  
 5 comes to the city or village by donation, bequest, or otherwise  
 6 that is not designated to be credited to the perpetual fund or that  
 7 allows greater use for purchase or development of additional land  
 8 to be used for cemetery purposes.

9 Sec. 3. Section 12-805, Revised Statutes Cumulative  
 10 Supplement, 2006, is amended to read:

11 12-805 The county board ~~may~~ shall expend money from the  
 12 general fund of the county for the care and maintenance of each  
 13 abandoned ~~and or~~ neglected cemetery. Such amount shall not exceed  
 14 one thousand dollars per cemetery in a calendar year, and Indian  
 15 burial ground as follows: (1) Not to exceed five hundred dollars  
 16 in any one year when the cemetery is totally abandoned; or (2) not  
 17 to exceed four hundred dollars in any one year when the cemetery  
 18 is partially abandoned. Such care and maintenance may include the  
 19 repair or building of fences and annual spraying for the control of  
 20 weeds and brush.

21 Sec. 4. Section 12-806, Reissue Revised Statutes of  
 22 Nebraska, is amended to read:

23 12-806 The county board may include in the budget for the  
 24 next fiscal year an item for care of abandoned ~~and or~~ neglected  
 25 cemeteries as provided in section 12-805.

26 Sec. 5. Section 12-807, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 12-807 The county board shall expend money from the  
 2 general fund of the county for the continuous preservation and  
 3 maintenance, including mowing, of an abandoned and or neglected  
 4 pioneer cemetery when petitioned to do so by thirty-five adult  
 5 residents of the county. The county board shall publish notice of  
 6 such petition in one issue of the official newspaper published and  
 7 of general circulation in the county at least ten days prior to the  
 8 day when the matter will be heard by the county board.

9 Sec. 6. Section 12-808, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 12-808 For purposes of sections 12-807 to 12-810, an  
12 abandoned ~~and or~~ neglected pioneer cemetery shall be defined  
13 according to the following criteria:

14 (1) Such cemetery was founded; or the land upon which  
15 such cemetery is situated was given, granted, donated, sold, or  
16 deeded to the founders of the cemetery prior to January 1, 1900;

17 (2) Such cemetery contains the grave or graves of a  
18 person or persons who were homesteaders, immigrants from a foreign  
19 nation, prairie farmers, pioneers, sodbusters, first generation  
20 Nebraskans, or Civil War veterans; and

21 (3) Such cemetery has been generally abandoned ~~and or~~  
22 neglected for a period of at least ~~twenty-five consecutive~~ years.

23 Sec. 7. Section 12-810, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 12-810 Any county affected by sections 12-807 to 12-810  
26 shall provide for at least one mowing annually of such cemetery  
27 each year, and one of such mowings shall occur within a period  
1 of two weeks prior to Memorial Day. Additional mowings shall be  
2 at the discretion of the county board, and each additional mowing  
3 may be subject to a public hearing at which the need for the  
4 additional mowing shall be presented to the county board. Within  
5 five years after maintenance and preservation of such cemetery  
6 is commenced by such county, a historical marker giving the date  
7 of the establishment of the cemetery and a short history of the  
8 cemetery ~~shall may~~ be placed at the site of such cemetery. One  
9 directional marker showing the way to such cemetery may be placed  
10 on the nearest state highway to such cemetery.

11 Sec. 8. Section 12-1202, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 12-1202 The Legislature hereby finds and declares that:

14 (1) Human burial sites which do not presently resemble  
15 well-tended and well-marked cemeteries are subject to a higher  
16 degree of vandalism and inadvertent destruction than well-tended  
17 and well-marked cemeteries;

18 (2) Although existing law prohibits removal, concealment,  
19 or abandonment of any dead human body and provides for the care  
20 and maintenance of abandoned ~~and or~~ neglected ~~Indian~~ cemeteries  
21 ~~and burial grounds~~ and pioneer cemeteries, additional statutory  
22 guidelines and protections are in the public interest;

23 (3) Existing law on cemeteries reflects the value placed  
24 on preserving human burial sites but does not clearly provide equal  
25 and adequate protection or incentives to assure preservation of all  
26 human burial sites in this state;

27 (4) An unknown number of unmarked human burial sites  
1 containing the remains of pioneers, settlers, and Indians are  
2 scattered throughout the state;

3 (5) No adequate procedure regarding the treatment and

4 disposition of human skeletal remains from unmarked graves exists  
5 to protect the interests of relatives or other interested persons;  
6 and

7 (6) There are scientific, educational, religious, and  
8 cultural interests in the remains of our ancestors and those  
9 interests, whenever possible, should be served.

10 Sec. 9. Section 12-1204, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 12-1204 For purposes of the Unmarked Human Burial Sites  
13 and Skeletal Remains Protection Act:

14 (1) Burial goods shall mean any item or items reasonably  
15 believed to have been intentionally placed with the human skeletal  
16 remains of an individual at the time of burial and which can be  
17 traced with a reasonable degree of certainty to the specific human  
18 skeletal remains with which it or they were buried;

19 (2) Human burial site shall mean the specific place  
20 where any human skeletal remains are buried and the immediately  
21 surrounding area;

22 (3) Human skeletal remains shall mean the body or any  
23 part of the body of a deceased human in any stage of decomposition;

24 (4) Indian tribe shall mean any federally recognized or  
25 state-recognized Indian tribe, band, or community;

26 (5) Professional archaeologist shall mean a person having  
27 a postgraduate degree in archaeology, anthropology, history, or  
1 a related field with a specialization in archaeology and with  
2 demonstrated ability to design and execute an archaeological study  
3 and to present the written results and interpretations of such a  
4 study in a thorough, scientific, and timely manner;

5 (6) Reasonably identified and reasonably identifiable  
6 shall mean identifiable, by a preponderance of the evidence, as to  
7 familial or tribal origin based on any available archaeological,  
8 historical, ethnological, or other direct or circumstantial  
9 evidence or expert opinion;

10 (7) Society shall mean the Nebraska State Historical  
11 Society; and

12 (8) Unmarked human burial shall mean any interment by  
13 whatever means of human skeletal remains for which there exists  
14 no grave marker, including burials located in abandoned ~~and or~~  
15 neglected cemeteries.

16 Sec. 10. Section 12-1401, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 12-1401 (1) The Nebraska State Historical Society shall  
19 establish and maintain the Statewide Cemetery Registry. The  
20 registry shall be located in the office of the Nebraska State  
21 Historical Society and shall be made available to the public.  
22 The purpose of the registry is to provide a central data bank  
23 of accurate and current information regarding the location of  
24 cemeteries, burial grounds, mausoleums, and columbaria in the  
25 state.

26 (2)(a) Each city, village, township, county, church,  
 27 fraternal and benevolent society, cemetery district, cemetery  
 1 association, mausoleum association, and any other person owning,  
 2 operating, or maintaining a cemetery, pioneer cemetery, abandoned  
 3 ~~and or~~ neglected cemetery, ~~Indian burial ground~~, mausoleum, or  
 4 columbarium shall register with the Statewide Cemetery Registry.

5 (b) Except as provided in subdivision (c) of this  
 6 subsection, the registration shall include the following:

7 (i) The location or address of the cemetery, ~~burial~~  
 8 ~~ground~~, mausoleum, or columbarium;

9 (ii) A plat of the cemetery, ~~burial ground~~, mausoleum, or  
 10 columbarium grounds, including any lots, graves, niches, or crypts,  
 11 if available;

12 (iii) The name and address of the person or persons  
 13 representing the entity owning, operating, or maintaining the  
 14 cemetery, ~~burial ground~~, mausoleum, or columbarium;

15 (iv) The inception date of the cemetery, ~~burial ground~~,  
 16 mausoleum, or columbarium, if available; and

17 (v) If the cemetery, ~~burial ground~~, mausoleum, or  
 18 columbarium is abandoned, the abandonment date, if available.

19 (c) The information required in subdivision (b) of this  
 20 subsection regarding the operation and maintenance of a cemetery,  
 21 ~~burial ground~~, mausoleum, or columbarium prior to January 1, 2006,  
 22 shall be required only if such information is reasonably available  
 23 to the registering entity.

24 (d) The entity owning, operating, or maintaining the  
 25 cemetery, ~~burial ground~~, mausoleum, or columbarium may include  
 26 information regarding the history of the operation of the cemetery,  
 27 ~~burial ground~~, mausoleum, or columbarium.

1 (3) The entity owning, operating, or maintaining a  
 2 registered cemetery, ~~burial ground~~, mausoleum, or columbarium shall  
 3 update its entry in the registry every ten years following the  
 4 initial registration by the entity.

5 Sec. 11. Original sections 12-401, 12-806, 12-807,  
 6 12-808, 12-810, 12-1202, and 12-1204, Reissue Revised Statutes  
 7 of Nebraska, and sections 12-402, 12-805, and 12-1401, Revised  
 8 Statutes Cumulative Supplement, 2006, are repealed.

9 Sec. 12. The following section is outright repealed:  
 10 Section 12-806.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 745.** Placed on Select File.

**LEGISLATIVE BILL 907.** Placed on Select File with amendment.  
 ER8225

1 1. On page 1, strike beginning with the first "and"  
 2 in line 5 through "failures" in line 6 and insert "; to change  
 3 provisions relating to names and reinstatement of limited liability  
 4 companies".

**LEGISLATIVE BILL 308.** Placed on Select File with amendment.  
ER8227

- 1 1. On page 1, strike beginning with "section" in line
- 2 1 through line 8 and insert "sections 38-178, 38-2866, 71-448,
- 3 and 71-7454, Revised Statutes Supplement, 2007; to adopt the
- 4 Automated Medication Systems Act; to harmonize provisions; to
- 5 change and eliminate restrictions on drug vending machines; to
- 6 provide operative dates; to repeal the original sections; to
- 7 outright repeal section 71-1,147.15, Reissue Revised Statutes of
- 8 Nebraska, section 38-28,102, Revised Statutes Supplement, 2007, and
- 9 section 9 of this legislative bill; and to declare an emergency."

(Signed) Amanda McGill, Chairperson

### BILLS ON FINAL READING

#### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB959 with 35 ayes, 3 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 959.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 319, section 9; Laws 2007, LB 320, sections 29, 30, and 49; and Laws 2007, LB 321, sections 23, 24, 32, 46, 48, 49, 50, 55, 69, 88, 107, 119, 120, 122, 123, 124, 177, 180, 182, 187, 215, 230, 236, 238, 239, 244, and 245; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce an appropriation; to provide for a transfer of funds; to state intent; to require reports; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 39:

Adams	Cornett	Harms	Louden	Raikes
Aguilar	Dierks	Heidemann	McDonald	Rogert
Ashford	Dubas	Hudkins	Nantkes	Schimek
Avery	Engel	Janssen	Nelson	Stuthman
Burling	Fischer	Johnson	Pahls	Synowiecki
Carlson	Flood	Karpisek	Pankonin	Wallman
Chambers	Fulton	Kopplin	Pedersen	Wightman
Christensen	Hansen	Kruse	Preister	

Voting in the negative, 9:

Erdman	Gay	Langemeier	Lautenbaugh	Pirsch
Friend	Howard	Lathrop	McGill	

Excused and not voting, 1:

White

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB960 with 38 ayes, 4 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 960.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 321, sections 77, 78, 79, 82, 83, 84, 89, 92, 93, 115, 146, 163, 164, 188, 192, 195, 196, 199, 202, 204, 206, 207, 209, 222, 230, 236, 237, 238, 239, 249, 255, 256, and 275; to state intent; to define terms; to make appropriations for the cost of employee pay and benefits; to change appropriations; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.



Excused and not voting, 1:

White

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB961 with 36 ayes, 4 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 961.** With Emergency.

A BILL FOR AN ACT relating to state funds; to amend section 54-857, Reissue Revised Statutes of Nebraska, sections 2-958.01, 29-3921, and 84-510, Revised Statutes Cumulative Supplement, 2006, sections 71-7608 and 81-3119, Revised Statutes Supplement, 2007, Laws 2007, LB 321, section 281, and section 71-7611, Revised Statutes Supplement, 2007, as amended by section 2, Legislative Bill 480, One Hundredth Legislature, Second Session, 2008; to provide for and change amounts of transfers of funds; to provide for a study; to change authorized use of certain funds; to change allocation provisions for the Nebraska Tobacco Settlement Trust Fund; to prohibit the pledge of certain funds for bond repayment; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

White

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1019.** With Emergency.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims; and to declare an emergency.

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

Voting in the affirmative, 46:

Adams	Engel	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Schimek
Ashford	Fischer	Janssen	Nantkes	Stuthman
Avery	Flood	Johnson	Nelson	Synowiecki
Burling	Friend	Karpisek	Pahls	Wallman
Carlson	Fulton	Kopplin	Pankonin	Wightman
Christensen	Gay	Kruse	Pedersen	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lautenbaugh	Preister	
Dubas	Heidemann	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Chambers      Lathrop

Excused and not voting, 1:

White

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 959, 960, 961, and 1019.

**SELECT FILE**

**LEGISLATIVE BILL 973.** ER8182, found on page 871, was adopted.

Senator Raikes withdrew his amendment, AM2340, found on page 978.

Senator Raikes renewed his amendment, AM2388, found on page 986.

The Raikes amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1092.** Senator Harms renewed his motion, MO155, found on page 1117, to ask unanimous consent to bracket until April 5, 2008.

No objections. So ordered.

**LEGISLATIVE BILL 777.** ER8186, found on page 919, was adopted.

Senator Langemeier renewed his amendment, AM2587, found on page 1132.

Senator Hudkins moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Hudkins requested a roll call vote, in reverse order, on the Langemeier amendment.

Voting in the affirmative, 26:

Aguilar	Flood	Janssen	Louden	Stuthman
Ashford	Friend	Johnson	Nelson	Wallman
Avery	Fulton	Karpisek	Pirsch	
Carlson	Gay	Kruse	Preister	
Erdman	Hansen	Langemeier	Rogert	
Fischer	Hudkins	Lautenbaugh	Schimek	

Voting in the negative, 5:

Adams	Kopplin	Nantkes	Pedersen	Raikes
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Present and not voting, 12:

Burling	Engel	Lathrop	Pankonin
Chambers	Harms	McGill	Synowiecki
Dubas	Howard	Pahls	Wightman

Excused and not voting, 6:

Christensen	Dierks	McDonald
Cornett	Heidemann	White

The Langemeier amendment was adopted with 26 ayes, 5 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

**LEGISLATIVE BILL 952.** ER8173, found on page 746, was adopted.

Senator Lathrop offered the following amendment:  
AM2597

(Amendments to E & R amendments, ER8173)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 86-2,112, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 86-2,112 The Attorney General or any county attorney may
- 5 administer oaths and affirmations, subpoena witnesses, and compel
- 6 their attendance, take evidence, and require the production of
- 7 records including books, papers, documents, and tangible things
- 8 which constitute or contain evidence relevant or material to the
- 9 investigation or enforcement of the laws of this state ~~pertaining~~
- 10 ~~to offenses enumerated in section 86-291~~ when it reasonably appears
- 11 that such action is necessary and proper. The attendance of
- 12 witnesses and the production of records shall be required from
- 13 any place within the State of Nebraska. Witnesses summoned by the
- 14 Attorney General or a county attorney shall be paid the same fees
- 15 that are paid witnesses in the courts of the State of Nebraska and
- 16 mileage at the rate provided in section 81-1176.
- 17 2. On page 2, line 2, strike "is" and insert "and section
- 18 86-2,112, Revised Statutes Cumulative Supplement, 2006, are".
- 19 3. Renumber the remaining section accordingly.

The Lathrop amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1049.** ER8179, found on page 828, was adopted.

Senator Erdman renewed his amendment, AM2296, found on page 905.

**SENATOR LANGEMEIER PRESIDING**

The Erdman amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Erdman moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Voting in the affirmative, 32:

Adams	Fischer	Hudkins	McDonald	Raikes
Aguilar	Flood	Janssen	Nantkes	Rogert
Ashford	Friend	Kopplin	Nelson	Wallman
Burling	Fulton	Kruse	Pahls	Wightman
Carlson	Gay	Langemeier	Pedersen	
Chambers	Hansen	Lautenbaugh	Pirsch	
Erdman	Harms	Louden	Preister	

Voting in the negative, 1:

Engel

Present and not voting, 9:

Avery	Johnson	Lathrop	Pankonin	Stuthman
Howard	Karpisek	McGill	Schimek	

Excused and not voting, 7:

Christensen	Dierks	Heidemann	White
Cornett	Dubas	Synowiecki	

Advanced to Enrollment and Review for Engrossment with 32 ayes, 1 nay, 9 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 765.** Senator Erdman renewed his amendment, AM2526, found on page 1139.

The Erdman amendment was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Senator Hudkins offered the following motion:

MO157

Indefinitely postpone.

The Hudkins motion to indefinitely postpone failed with 4 ayes, 26 nays, 11

present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 365.** Placed on General File.

(Signed) John Synowiecki, Chairperson

**AMENDMENTS - Print in Journal**

Senator Stuthman filed the following amendment to LB1174:

FA252

Amend AM2319

On page 4 in lines 15 and 16 strike "the cultivation of land for".

Senator Stuthman filed the following amendment to LB1174:

FA253

Amend AM2319

On page 6 line 7 strike "raising" and replace it with "growing".

Senator Stuthman filed the following amendment to LB1174:

FA254

Amend AM2319

On page 6 line 26 strike "disposed of" and replace with "sold" and in line 27 strike "disposed of" and replace with "sold".

Senator Stuthman filed the following amendment to LB1174:

FA255

Amend AM2319

On page 7 lines 6-8 strike entire subsection (o).

Senator Kopplin filed the following amendment to LB986:

AM2536

(Amendments to Standing Committee amendments, AM1998)

- 1 1. On page 6, strike beginning with "carried" in line
- 2 11 through "year" in line 12 and insert "remitted to the General
- 3 Fund".

Senator Kopplin filed the following amendment to LB986:

AM2535

(Amendments to Standing Committee amendments, AM1998)

- 1 1. On page 6, line 5, after "terminate" insert "three
- 2 months after the date of adoption of the legislation creating the
- 3 federal program".

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 28, 2008, at 12:32 p.m. were the following: LBs 959e, 960e, 961e, and 1019e.

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

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 314.** Introduced by Erdman, 47.

**PURPOSE:** The purpose of this study is to examine means to fully cash fund the duties carried out by the Department of Agriculture under the Noxious Weed Control Act. The study shall seek to identify significant emerging and recurring invasive and noxious vegetation management issues, identify beneficiaries of weed control programs, and identify sources of dissemination of invasive and noxious vegetation. The study shall also seek to identify possible efficiencies in the delivery and funding of weed control programs and services.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 315.** Introduced by Erdman, 47.

**PURPOSE:** The purpose of this study is to review the statutory provisions for disease eradication programs authorized in Chapter 54, article 7, and administered by the Bureau of Animal Industry of the Department of Agriculture. It is a goal of this study to examine such statutes and the activities carried out to provide for consistency in statutory form, in the elements of eradication programs authorized, consistency and uniformity in defining duties and violations, and consistency and uniformity of penalties across eradication programs.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 316.** Introduced by Erdman, 47.

**PURPOSE:** The purpose of this study is to continue the examination initiated by Legislative Resolution 140 (2007) and examine activities and staffing of the Department of Agriculture and the Bureau of Animal Industry funded wholly or in part through federal grant funds under homeland security, livestock disease emergency response, animal identification, or other initiatives of the federal government. It is a goal of this study to identify the need for and feasibility of continuing such activities and staffing if federal funding sources are not continued.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 317.** Introduced by Kopplin, 3.

**PURPOSE:** The crime of stalking continues to be a serious and ongoing problem in Nebraska. Stalkers engage in behaviors intended to harass, terrify, and threaten their victims. Studies have demonstrated that stalking is a pattern of behavior linked to a higher risk of homicide and assault. Recent research showed that nine out of ten women killed by formerly intimate partners had been stalked during the previous year. One-third of women stalked by a current or former partner are sexually assaulted according to the National Institute of Justice. Advances in surveillance technology have made it much easier for stalkers to track their victims and monitor their every move. High-tech stalkers utilize global positioning systems, cellular telephone monitoring devices, and computer spyware. The purpose of this resolution is to study the use of electronic surveillance devices and software by an individual to illegally monitor, harass, threaten, or invade the privacy of another individual without their knowledge or consent and to recommend any statutory changes necessary to combat this insidious and dangerous conduct.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.



2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 318.** Introduced by Kopplin, 3.

**PURPOSE:** The purpose of this study is to examine the participation rate of the food stamp program in Nebraska. Currently only sixty-one percent of eligible Nebraskans participate in the food stamp program. This means that as many as sixty thousand eligible Nebraskans may be struggling to feed themselves and their families. In addition, the state forgoes millions of federal dollars available through the food stamp program that could flow into Nebraska's local economies. It is the goal of this study to assess barriers to participation, including simplification of the food stamp application, and provide potential options for increased utilization of the food stamp program in the State of Nebraska.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 319.** Introduced by Hudkins, 21.

**PURPOSE:** To examine the statutes of the State of Nebraska governing the placement of electric transmission lines and determine whether the Public Service Commission should be statutorily required to provide oversight over the process.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**VISITORS**

Visitors to the Chamber were Mark Hueftle from Holdrege; Kia, Jon, Miles, and Campbell Colborn from Lincoln; 32 fourth-grade students from North Bend; 33 fourth-grade students from Cedar Elementary, Beatrice; and 29 eighth-grade students, teachers, and sponsors from Dundy County-Stratton Schools, Benkelman.

The Doctor of the Day was Dr. Roger Park from Papillion.

**ADJOURNMENT**

At 1:59 p.m., on a motion by Senator Fulton, the Legislature adjourned until 9:00 a.m., Monday, March 31, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTIETH DAY - MARCH 31, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 31, 2008

**PRAYER**

The prayer was offered by Senator Dierks.

**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 Friend, Schimek, and Synowiecki who were excused until they arrive.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 320.** Introduced by Stuthman, 22.

WHEREAS, Doug Kluth, principal of Columbus Middle School, has been named the 2008 Distinguished Middle School Principal of the Year by the Nebraska State Association of Secondary School Principals; and

WHEREAS, Doug has served in many roles in his 28-year career at Columbus Public Schools; and

WHEREAS, this award recognizes Doug's ability to connect with students and staff and the programs he has established in his five years at Columbus Middle School.

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

1. That the Legislature congratulates Doug Kluth, 2008 Distinguished Middle School Principal of the Year.

2. That a copy of this resolution be sent to Doug Kluth at Columbus Middle School.

Laid over.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1094.** With Emergency.

A BILL FOR AN ACT relating to water management; to amend sections 2-3225, 2-3226.01, 2-3226.05, and 84-612, Revised Statutes Supplement, 2007; to provide for payment to certain water rights holders pursuant to forbearance contracts; to create a fund; to transfer funds and provide for repayment; to change provisions relating to river-flow enhancement bonds; to provide for a collection fee; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Adams	Dubas	Howard	Louden	Raikes
Aguilar	Engel	Hudkins	McDonald	Rogert
Ashford	Erdman	Janssen	McGill	Stuthman
Avery	Fischer	Johnson	Nantkes	Wallman
Burling	Flood	Karpisek	Nelson	White
Carlson	Fulton	Kopplin	Pahls	Wightman
Chambers	Gay	Kruse	Pankonin	
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Excused and not voting, 3:

Friend	Schimek	Synowiecki
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 1094A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1094, One Hundredth Legislature, Second Session, 2008; and to declare an emergency.

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

emergency clause attached?" "

Voting in the affirmative, 46:

Adams	Dubas	Howard	Louden	Raikes
Aguilar	Engel	Hudkins	McDonald	Rogert
Ashford	Erdman	Janssen	McGill	Stuthman
Avery	Fischer	Johnson	Nantkes	Wallman
Burling	Flood	Karpisek	Nelson	White
Carlson	Fulton	Kopplin	Pahls	Wightman
Chambers	Gay	Kruse	Pankonin	
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Excused and not voting, 3:

Friend            Schimek            Synowiecki

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### GENERAL FILE

**LEGISLATIVE BILL 880.** Committee AM1787, found on page 633 and considered on page 1096, was renewed.

Senator Pedersen renewed his amendment, AM2068, found on page 1073 and considered on page 1096, to the committee amendment.

Pending.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1094 and 1094A.

### GENERAL FILE

**LEGISLATIVE BILL 880.** Senator Pedersen withdrew his amendment AM2068, found on page 1073 and considered on page 1096 and in this day's Journal.

Senator Kopplin withdrew his amendment, AM2288, found on page 932.

Senator Kopplin renewed his amendment, AM2455, found on page 1057, to the committee amendment.

Pending.

### **COMMITTEE REPORT**

Natural Resources

The Natural Resources 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.

James Gohl - Oil and Gas Conservation Commission

Aye: 6 Senators Carlson, Christensen, Fischer, Hudkins, Loudon, Wallman.  
Nay: 0. Absent: 2 Senators Dubas, Kopplin.

(Signed) LeRoy Loudon, Chairperson

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 31, 2008, at 9:35 a.m. were the following: LBs 1094e and 1094Ae.

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

### **NOTICE OF COMMITTEE HEARING**

General Affairs

Room 1510

Wednesday, April 09, 2008 1:15 p.m.

Culver, Robert "Bob", Jr. - Nebraska Arts Council  
Feller, Helen Abbott - State Racing Commission

(Signed) Vickie McDonald, Chairperson

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 321.** Introduced by Fischer, 43.

**PURPOSE:** To examine issues relating to the Nebraska expressway system. The study shall include a review of the initial establishment of the expressway system outlined in the 1988 and 1989 Highway Needs Study, an analysis of how the Department of Roads views the expressway system in conjunction with its overall needs, and possible funding methods to complete the unfinished 179 miles of the planned 600-mile system.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 322.** Introduced by Fischer, 43.

PURPOSE: To study the current and proposed system that the Department of Roads uses to prioritize the needs of Nebraska's highways. An examination of the overall process will be conducted, including the various factors used to prioritize needs, who is involved in determining the needs, and the ultimate authority that makes the final decisions.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 323.** Introduced by Raikes, 25.

PURPOSE: On January 1, 2011, the Nebraska Advantage Rural Development Act, the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, and tiers 1 and 3 of the Nebraska Advantage Act will expire. The purpose of this study is to examine tax incentive programs in Nebraska and other states to assess cost and effectiveness. This study should result in criteria that will be used to determine which of these programs should be retained and how they should be modified to be more effective in developing the Nebraska economy.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 324.** Introduced by Gay, 14.

**PURPOSE:** To conduct a comprehensive study on Nebraska's highway development and funding system. The study shall include, but not be limited to:

- (1) An examination of the state's highway needs, including the maintenance and preservation of the current highway system, rural geometric improvements, urban needs, bridge improvements, railroad crossing improvements, and the completion of the expressway system;
- (2) An examination of the long-term sustainability of the current funding mechanism;
- (3) An examination of other funding options available to the state and local governing bodies;
- (4) An examination of the prioritization methods utilized to determine state highway projects and the expressway system, including the prioritization of projects that stimulate economic development throughout all regions of the state; and
- (5) An examination of the funding and prioritization methods utilized in other states with respect to highways.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 325.** Introduced by Heidemann, 1.

**WHEREAS,** the Falls City Sacred Heart Irish won the 2008 Class D-2 Boys' State Basketball Championship; and

**WHEREAS,** the Irish compiled a season record of twenty-six wins and two losses; and

**WHEREAS,** the outstanding individual players and the basketball team as a whole should be recognized for their excellent season; and

**WHEREAS,** we 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 Mason Niemeyer, Jacob Gruber, Jake Shafer, Aaron Meyer, Drew Huppert, Dusty Metzner, Joe Santo, Ethan Froeschl, Derek Huppert, Bryce



Ebel, Caleb Pokorny, and Clayton Vonderschmidt be congratulated for their achievement in winning the 2008 Class D-2 Boys' State Basketball Championship.

2. That coaches Doug Goltz, A. J. Landon, and Adam Santo be applauded for their efforts in teaching and providing guidance to the young men on the team.

3. That a copy of this resolution be sent to head coach Doug Goltz.

Laid over.

**LEGISLATIVE RESOLUTION 326.** Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Hudkins, 21; Lautenbaugh, 18; Louden, 49; Pedersen, 39; Schimek, 27; Stuthman, 22.

**PURPOSE:** To study issues under the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **GENERAL FILE**

**LEGISLATIVE BILL 880.** Senator Chambers offered the following motion:

MO159

Bracket until April 17, 2008.

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

The Chambers motion to bracket prevailed with 25 ayes, 8 nays, and 16 present and not voting.

The Chair declared the call raised.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 327.** Introduced by Burling, 33; Janssen, 15; Langemeier, 23; Nantkes, 46; Pahls, 31.

**PURPOSE:** To review the report and recommendations of the Tax Policy Reform Commission and develop specific details of policy proposals and ideas advanced by the commission.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 328.** Introduced by Karpisek, 32; Janssen, 15.

**PURPOSE:** To study, develop, and publish information necessary to implement a method of valuation of agricultural real estate used by neighboring agricultural states. Information shall be gathered on crop production patterns in each county, historical prices and expenditures, and other information on agricultural real estate rents.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature by January 1, 2009.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 329.** Introduced by Nantkes, 46.

**PURPOSE:** The purpose of this study is to examine state policy changes that should be pursued in order to ensure that state economic development efforts fully leverage the state's public and private research capacity. Research provides the basis for innovation, which will continue to be a vitally important factor for state competitiveness in developing higher wage jobs and a more diversified economic base. Additionally, the University of Nebraska's proven record of success in securing competitive federal grants for research in areas such as biotechnology, bioscience, physics, crop genetics, nanotechnology, computer science, transportation, energy,

drought, climate change, and many others hold great potential for economic growth across the state. The general objective of this study is to examine ways to align and enhance tax policies, economic development policies, and state appropriations in order to fully leverage research and strengthen state innovation. The study shall include, but not be limited to:

(1) Examination of how state investment and job incentives might be utilized to leverage public and private research and build innovation capacity;

(2) Examination of how the state refundable research and development tax credit might be enhanced to assist with public and private research;

(3) Examination of how the state might more fully participate in federal programs for enhancing research and building innovation capacity;

(4) Examination of Nebraska's competitiveness with other states in developing innovation capacity;

(5) Examination of policies that encourage the location, expansion, or creation of "new economy" businesses and technology-based entrepreneurship; and

(6) Examination of any other policy issues under the general objectives of the study.

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

1. That the Appropriations Committee of the Legislature and Revenue Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 330.** Introduced by Christensen, 44.

**PURPOSE:** To examine and identify points of diversion for transferring excess water, flood water, and storm water between river basins to increase water management capabilities in Nebraska. The study shall include, but not be limited to, the identification of specific canals, creeks, and streams or other possible means of transferring water.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 331.** Introduced by Christensen, 44.

**PURPOSE:** To examine how to simplify and grant authority to a single entity to divert excess water in the Platte River to Johnson and Elwood Reservoirs after stream flows in the Platte River reach a specific level of cubic feet per second above the flows necessary to meet all other obligations. The study shall include, but not be limited to, identifying who would be the single entity to initiate diversion, how the specific cubic-feet-per-second level would be calculated, and identifying the specific cubic-feet-per-second level for initiating diversions.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 332.** Introduced by Christensen, 44.

**PURPOSE:** To examine the concept of transferring storm water runoff from cities to the Republican River Basin to help with interstate water compact compliance. The study should include, but not be limited to, identifying potential cities as sources of storm water runoff, identifying potential methods to deliver water to the Republican River, and identifying potential methods of cooperation between political subdivisions to fund such transfer projects.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**GENERAL FILE**

**LEGISLATIVE BILL 245.** Title read. Considered.

Committee AM542, found on page 730, First Session, 2007, was considered.

Senator Johnson renewed his amendment, AM2317, found on page 987, to the committee amendment.

Pending.

**AMENDMENTS - Print in Journal**

Senator Synowiecki filed the following amendment to LB1147:  
AM2600

(Amendments to Standing Committee amendments, AM1999)

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 24-708, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 24-708 (1) Except as provided in section 24-721, a judge
- 5 may retire upon reaching the age of sixty-five years and upon
- 6 making application to the board. Upon retiring each such judge
- 7 shall receive retirement annuities as provided in section 24-710.
- 8 (2) Beginning on the effective date of this act, except
- 9 as provided in section 24-721, a judge may retire upon reaching
- 10 the age of sixty-two years and elect to receive a reduced monthly
- 11 retirement income in lieu of a deferred vested annuity. The judge
- 12 may request that the reduced monthly retirement income commence at
- 13 any date, beginning on the first day of the month following the
- 14 actual retirement date and ending on the normal retirement date.
- 15 The amount of the monthly retirement income shall be calculated
- 16 based on the length of creditable service and average compensation
- 17 at the actual retirement date and shall be reduced when the
- 18 payments commence prior to the normal retirement date to an amount
- 19 that is actuarially equivalent to the deferred vested annuity
- 20 payable at the normal retirement date. If a judge retires at the
- 21 age of sixty-two years, such amount shall then be reduced by nine
- 22 percent. If a judge retires at the age of sixty-three years, such
- 1 amount shall be reduced by six percent, and if a judge retires at
- 2 the age of sixty-four years, such amount shall be reduced by three
- 3 percent.
- 4 (2)-(3) Except as provided in section 24-721, a judge
- 5 may retire upon reaching the age of fifty-five years and elect to
- 6 receive a reduced monthly retirement income in lieu of a deferred
- 7 vested annuity. The judge may request that the reduced monthly
- 8 retirement income commence at any date, beginning on the first day
- 9 of the month following the actual retirement date and ending on the
- 10 normal retirement date. The amount of the monthly retirement income

11 shall be calculated based on the length of creditable service and  
 12 average compensation at the actual retirement date and shall be  
 13 reduced when the payments commence prior to the normal retirement  
 14 date to an amount that is actuarially equivalent to the deferred  
 15 vested annuity payable at the normal retirement date.

16 ~~(3)~~(4) Payment of any benefit provided under the Judges  
 17 Retirement Act may not be deferred later than April 1 of the year  
 18 following the year in which the judge has both attained at least  
 19 age seventy and one-half years and terminated his or her employment  
 20 as a judge.

21 ~~(4)~~(5) The effective date of retirement payments shall  
 22 be the first day of the month following (a) the date a member  
 23 qualifies for retirement as provided in this section or (b) the  
 24 date upon which a member's request for retirement is received on  
 25 an application form provided by the retirement system, whichever  
 26 is later. An application may be filed no more than ninety days in  
 27 advance of qualifying for retirement.

1 ~~(5)~~(6) The board shall make reasonable efforts to locate  
 2 the member or the member's beneficiary and distribute benefits by  
 3 the required beginning date as specified by section 401(a)(9) of  
 4 the Internal Revenue Code and the regulations issued thereunder. If  
 5 the board is unable to make such a distribution, the benefit shall  
 6 be distributed pursuant to the Uniform Disposition of Unclaimed  
 7 Property Act and no amounts may be applied to increase the benefits  
 8 any member would otherwise receive under the Judges Retirement Act.

9 2. Renumber the remaining sections and correct the  
 10 repealer accordingly.

Senator McDonald filed the following amendment to LB844:  
 AM2257 is available in the Bill Room.

Senator Langemeier filed the following amendment to LB245:  
 FA256  
 Amend AM542

Page 2 line 11 insert after "18-2538" "or by a majority vote of the governing  
 body of the city or village"

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 333.** Introduced by Synowiecki, 7;  
 Ashford, 20; Kruse, 13; Preister, 5; White, 8.

**PURPOSE:** The purpose of this study is to review the crime of destruction  
 of property through the use of graffiti and to make a comprehensive  
 recommendation to combat graffiti-related crimes in communities  
 throughout the state.

This study shall include, but not be limited to:

(1) Examination of the impact of graffiti-related crimes throughout the  
 state;

(2) Examination of the relationship between graffiti-related crimes and gang activity;

(3) Examination of the current penalties for destruction of property using graffiti;

(4) Recommendations for changes to current penalties for the crime, including:

(a) Possible enhanced penalties for the use of graffiti on areas of civic importance such as schools, churches, and monuments; and

(b) Possible enhanced penalties for gang-related graffiti;

(5) Recommendations for parental involvement for crime prevention and restitution; and

(6) Needs of law enforcement to combat graffiti-related crimes.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 334.** Introduced by Lathrop, 12.

PURPOSE: To conduct a study of the effect of LB588 (2007) on the premium cost to consumers of workers' compensation insurance in Nebraska and the impact of the workers' compensation Diagnostic Related Group inpatient hospital fee schedules on Nebraska hospitals. LB588 was enacted in 2007 to help contain the premium cost of workers' compensation insurance in Nebraska. The method utilized to help contain those premium cost increases was a statutory workers' compensation Diagnostic Related Group inpatient hospital fee schedule. The Nebraska Workers' Compensation Court was charged with the administration and application of such hospital fee schedule, and the Department of Insurance oversees the rates, forms, and sale of workers' compensation insurance in Nebraska.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 335.** Introduced by Erdman, 47.

**PURPOSE:** It is the purpose of this resolution to examine and identify policies, programs, services, and strategies to encourage and support family farm proprietorship and models of agricultural production and marketing conducive to family farm scale of agricultural production in this state. Such policies, programs, services, and strategies may address, but are not necessarily limited to, the following areas:

- (a) Tax incentives and policy;
- (b) Programs of extension, research, and technical and financial assistance;
- (c) Cooperative formation;
- (d) Government and institutional procurement practices;
- (e) Agricultural products standards, inspection, and certification;
- (f) Direct and local food marketing and development of specialty crops;
- (g) Credit and lending programs;
- (h) Farm succession and beginning farmer programs;
- (i) Conservation programs, open space preservation, and environmental services; and
- (j) Value-added processing, agro-tourism, and other on-farm entrepreneurial activities.

The study shall seek to involve Nebraska farm and commodity organizations, the Department of Agriculture, the University of Nebraska, the Institute of Agriculture and Natural Resources, the United States Department of Agriculture Rural Development Service Center Agency, and other entities and individuals with interest and expertise in purposes of this study.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **VISITORS**

Visitors to the Chamber were Members of Nebraska Federation of Women's Clubs from across the state.

### **RECESS**

At 11:58 a.m., on a motion by Senator Fischer, the Legislature recessed until 1:30 p.m.



**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Ashford, Cornett, Dierks, Dubas, Erdman, Flood, Heidemann, Karpisek, Kruse, McDonald, Raikes, and Schimek who were excused until they arrive.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 1072.** Placed on Select File with amendment.  
ER8228

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 66-1838, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 66-1838 (1) The provisions of this section apply only to
- 6 general rate filings.
- 7 (2) Except as provided in subsection (3) of this section,
- 8 a jurisdictional utility shall provide written notice to each city
- 9 that will be affected by a proposed change in rates simultaneously
- 10 with the filing with the commission of a request for a change
- 11 in rates pursuant to the State Natural Gas Regulation Act. Such
- 12 notice shall identify the cities that will be affected by the rate
- 13 filing. The jurisdictional utility shall also file the information
- 14 prescribed by the act and rules and regulations for rate changes
- 15 adopted and promulgated by the commission with each city affected
- 16 by such proposed rate change in electronic or digital format or,
- 17 upon request, as paper documents.
- 18 (3) A jurisdictional utility may determine not to
- 19 participate in negotiations with affected cities. Such decision,
- 20 if indicated by written notice in the initial rate filing to the
- 21 commission, shall relieve it from the duty of supplying notice to
- 22 such cities as specified in subsection (2) of this section. The
- 23 jurisdictional utility shall, not later than fifteen days after
- 1 the initial filing, inform the commission by written notice of any
- 2 decision not to participate in negotiations.
- 3 (4) Affected cities shall have a period of sixty days
- 4 after the date of such filing within which to adopt a resolution
- 5 evidencing their intent to negotiate an agreed rate change with the
- 6 jurisdictional utility. A copy of the resolution adopted by each
- 7 city under this section, notice of the rejection by a city of such
- 8 a resolution, or written notice by an authorized officer of the
- 9 city of the city's rejection of negotiations shall be provided to
- 10 the commission and to the jurisdictional utility within seven days
- 11 after its adoption.

12 (5) Any city may, at any time, by resolution adopted  
13 by its governing body and filed with the commission, indicate  
14 its rejection of participation in any future negotiations  
15 pertaining to any rate change whenever the same may be filed.  
16 Such resolution shall be treated as a duly filed notice of  
17 rejection of participation in negotiations for any rate filing by  
18 a jurisdictional utility at any time thereafter. The city filing  
19 a resolution pursuant to this subsection shall be bound thereby  
20 until such time as a resolution by the governing body of that city  
21 revoking its prior rejection of participation is filed with the  
22 commission.

23 (6) If the commission receives resolutions adopted prior  
24 to the expiration of the sixty-day period provided for in  
25 subsection (4) of this section evidencing the intent to negotiate  
26 from cities representing more than fifty percent of the ratepayers  
27 within the affected cities, the commission shall certify the case  
1 for negotiation between such cities and the jurisdictional utility  
2 and shall take no action upon the rate filing until the negotiation  
3 period and any stipulated extension has expired or an agreement  
4 on rates is submitted, whichever occurs first. The commission's  
5 certification shall be issued within eight business days after  
6 the earlier of (a) receipt of a copy of the resolutions from  
7 cities representing fifty percent or more of ratepayers within the  
8 affected cities or (b) the end of the sixty-day period provided for  
9 in subsection (4) of this section.

10 (7) When (a) the commission receives notice or has  
11 written documentary evidence on file from cities representing more  
12 than fifty percent of the ratepayers within the affected cities  
13 which notice or documents either expressly reject negotiations  
14 or reject such a resolution or (b) the commission receives  
15 written notice from the jurisdictional utility expressly rejecting  
16 negotiations, the rate change review by the commission shall  
17 proceed immediately from the date when the commission makes such a  
18 determination or receives such notice.

19 (8) When the sixty-day period provided for in subsection  
20 (4) of this section has expired without the receipt by the  
21 commission of resolutions from cities representing more than fifty  
22 percent of the ratepayers within the affected cities evidencing  
23 their intent to negotiate an agreed rate change review by the  
24 commission with the jurisdictional utility, the rate change shall  
25 proceed immediately from the date when the commission makes such a  
26 determination.

27 (9) If commission certification to pursue negotiations  
1 is received, cities adopting resolutions to negotiate and the  
2 jurisdictional utility shall enter into good faith negotiations  
3 over such proposed rate change.

4 (10)(a) The jurisdictional utility's filed rates may be  
5 placed into effect as interim rates, subject to refund, upon  
6 the adoption of final rates sixty days after the filing with

7 the commission, if the commission certifies the rate filing for  
8 negotiations.

9 (b) If the rate filing is not certified by the commission  
10 for negotiations, the jurisdictional utility's filed rates may  
11 be placed into effect as interim rates, subject to refund, upon  
12 the adoption of final rates, ninety days after filing with the  
13 commission.

14 (11) Negotiations between the cities and the  
15 jurisdictional utility shall continue for a period not to  
16 exceed ninety days after the date of the rate filing, except that  
17 the parties may mutually agree to extend such period to a future  
18 date certain and shall provide such stipulation to the commission.

19 (12) Notwithstanding any other provision of law, any  
20 information exchanged between the jurisdictional utility and cities  
21 is not a public record within the meaning of sections 84-712  
22 to 84-712.09 and its disclosure to the commission, its staff,  
23 the public advocate, or any other person or corporation, for any  
24 purpose, is expressly prohibited.

25 (13) If the cities and the jurisdictional utility reach  
26 agreement upon new rates, such agreement shall be reduced to  
27 writing, including proposed findings of fact, proposed conclusions  
1 of law, and a proposed commission order, and filed with the  
2 commission. If cities representing more than fifty percent of the  
3 ratepayers within the cities affected by the proposed rate change  
4 enter into an agreement upon new rates and such agreement is filed  
5 with and approved by the commission, such rates shall be effective  
6 and binding upon all of the jurisdictional utility's ratepayers  
7 affected by the rate filing.

8 (14) Any agreement filed with the commission shall be  
9 presumed in the public interest, and absent any clear evidence on  
10 the face of the agreement that it is contrary to the standards and  
11 provisions of the State Natural Gas Regulation Act, the agreement  
12 shall be approved by the commission within a reasonable time.

13 (15)(a) Except as provided in subdivision (c) of this  
14 subsection, if the negotiations fail to result in an agreement  
15 upon new rates, the rates requested in the rate filing shall  
16 become final and no longer subject to refund if the commission  
17 has not taken final action within two hundred ten days after the  
18 date of the expiration of the negotiation period or after the  
19 date upon which the jurisdictional utility and the cities file a  
20 written agreement that the negotiations have failed and that the  
21 rate change review by the commission should proceed as provided in  
22 subsection (7) of this section.

23 (b) Except as provided in subdivision (c) of this  
24 subsection, if the filing is not certified for negotiations,  
25 the rate requested in the rate filing shall become final and no  
26 longer subject to refund if the commission has not taken final  
27 action within ~~two hundred ten~~ one hundred eighty days after the  
1 date of the ~~filing~~ expiration of the sixty-day period provided for

2 in subsection (4) of this section or the date that the commission  
 3 receives notice or has accumulated written documentary evidence  
 4 on file from cities representing more than fifty percent of the  
 5 ratepayers within the affected cities, whichever is earlier, if  
 6 such notice or documents either expressly reject negotiations or  
 7 reject such a resolution.

8 (c) The commission may extend the ~~two hundred ten day~~  
 9 deadlines specified in subdivision (a) or (b) of this subsection  
 10 by a period not to exceed an additional sixty days upon a  
 11 finding that additional time is necessary to properly fulfill its  
 12 responsibilities in the proceeding.

13 (16) Within thirty days after such changes have been  
 14 authorized by the commission or become effective, copies of  
 15 all tariffs, schedules, and classifications, and all terms  
 16 or conditions of service, except those determined to be  
 17 confidential under rules and regulations adopted and promulgated  
 18 by the commission, shall be available for public inspection in  
 19 every office and facility open to the general public of the  
 20 jurisdictional utility in this state.

21 Sec. 2. Section 66-1852, Revised Statutes Cumulative  
 22 Supplement, 2006, is amended to read:

23 66-1852 (1) Except as otherwise expressly authorized in  
 24 the State Natural Gas Regulation Act, no person, public or private,  
 25 shall extend duplicative or redundant natural gas mains or other  
 26 natural gas services into any area which has existing natural gas  
 27 utility infrastructure or where a contract has been entered into  
 1 for the placement of natural gas utility infrastructure.

2 (2) The prohibition in subsection (1) of this section  
 3 shall not apply in any area in which two or more jurisdictional  
 4 utilities share authority to provide natural gas within the same  
 5 territory under franchises issued by the same city.

6 (3) The prohibition in subsection (1) of this section  
 7 shall not apply to the extension by a jurisdictional utility of  
 8 a transmission line connecting to distribution facilities owned or  
 9 operated by a jurisdictional utility, a city, or a metropolitan  
 10 utilities district.

11 (4)(a) The prohibition in subsection (1) of this section  
 12 shall not apply to the extension by a metropolitan utilities  
 13 district of a transmission line connecting to distribution  
 14 facilities owned or operated by such metropolitan utilities  
 15 district.

16 (b) The extension by a metropolitan utilities district  
 17 of a transmission line connecting to distribution facilities owned  
 18 or operated by such metropolitan utilities district shall not  
 19 constitute an enlargement or expansion of its natural gas service  
 20 area and shall not be considered part of its natural gas service  
 21 area.

22 (c) The extension of a transmission line by a  
 23 jurisdictional utility as provided in subsection (3) of this

24 section shall not constitute an enlargement or expansion of the  
 25 jurisdictional utility's natural gas service area and shall not be  
 26 considered part of its natural gas service area if the transmission  
 27 line makes its connection to distribution facilities in a county in  
 1 which the natural gas service area or a portion of the natural gas  
 2 service area of a metropolitan utilities district is located.

3 (5) The prohibition in subsection (1) of this section  
 4 shall not apply to the extension by a city that owns or operates a  
 5 natural gas utility of a transmission line that connects to its own  
 6 distribution facilities.

7 (6) For purposes of this section, a transmission line  
 8 means a pipeline, other than a gathering pipeline, distribution  
 9 pipeline, or service line, that transports natural gas.

10 (7) Nothing in this section shall be construed to  
 11 authorize a jurisdictional utility to extend a transmission line to  
 12 a high-volume ratepayer with an existing source and adequate  
 13 supply of natural gas that is located outside the area in  
 14 which that jurisdictional utility has existing natural gas utility  
 15 infrastructure.

16 Sec. 3. Section 75-130.01, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:

18 75-130.01 With respect to any matter of fact or law at  
 19 issue in a contested case and notwithstanding any other provision  
 20 of law, a member, staff, or agent of the Public Service Commission  
 21 shall not during the pendency of any contested case heard before  
 22 the commission have any ex parte communication with any party  
 23 having an interest in the outcome of the contested case. For  
 24 purposes of this section, the definitions in section 84-901 shall  
 25 apply. Notwithstanding subdivision (4)(c) of section 84-901, this  
 26 section applies to all communications by a party in contested cases  
 27 under the State Natural Gas Regulation Act, including, but not  
 1 limited to, general rate filings under section 66-1838.

2 Sec. 4. Original sections 66-1838 and 75-130.01, Reissue  
 3 Revised Statutes of Nebraska, and section 66-1852, Revised Statutes  
 4 Cumulative Supplement, 2006, are repealed.

5 2. On page 1, line 3, after "Nebraska" insert ", and  
 6 section 66-1852, Revised Statutes Cumulative Supplement, 2006"; and  
 7 in line 5 after the first "to" insert "extension of natural gas  
 8 transmission lines and to".

**LEGISLATIVE BILL 928.** Placed on Select File with amendment.  
 ER8230

1 1. In the Standing Committee amendments, AM2435:

2 a. Renumber sections 33, 34, 35, 36, 37, and 38 as  
 3 sections 32, 33, 34, 35, 36, and 37, respectively;

4 b. On page 39, line 2, strike the second "a"; in line 10  
 5 strike "a" and insert "the"; and in line 19 before the comma insert  
 6 "of the World Health Organization";

7 c. On page 40, line 22, strike "a"; and

8 d. On page 44, line 21, strike "32," and strike "34" and  
 9 insert "33"; and in line 23 strike "36, and 37" and insert "35, and  
 10 36".

11 2. In the Chambers amendment, FA250, after "32" insert  
 12 "and all amendments thereto".

13 3. On page 1, strike beginning with "repeal" in line  
 14 1 through line 4 and insert "amend sections 81-653, 81-655, and  
 15 81-659, Reissue Revised Statutes of Nebraska, sections 81-656 and  
 16 81-660, Revised Statutes Cumulative Supplement, 2006, and sections  
 17 38-101, 38-1901, 38-1902, 38-1907, 38-1915, 38-3321, 71-2619,  
 18 71-2620, 71-2621, 71-3503, 71-3505, 71-3507, 71-3508.03, 71-3517,  
 19 71-3519, 71-5306, 81-654, 81-657, and 81-664, Revised Statutes  
 20 Supplement, 2007; to provide for the performance of collaborative  
 21 animal health care tasks under the Uniform Credentialing Act as  
 22 prescribed; to define and redefine terms; to change provisions  
 23 relating to medical radiographers, licensing requirements under the  
 1 Medical Radiography Practice Act, laboratories, and collection and  
 2 use of fees; to provide for fingerprinting and a background check  
 3 under the Radiation Control Act; to name an act and change and  
 4 eliminate provisions relating to the brain injury registry; to  
 5 repeal the Hepatitis C Education and Prevention Act; to harmonize  
 6 provisions; to provide operative dates; to repeal the original  
 7 sections; to outright repeal sections 71-545, 71-546, 71-547,  
 8 71-548, 71-549, 71-550, and 81-661, Revised Statutes Supplement,  
 9 2007; and to declare an emergency."

**LEGISLATIVE BILL 928A.** Placed on Select File.

**LEGISLATIVE BILL 736A.** Placed on Select File.

**LEGISLATIVE BILL 308A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### **AMENDMENT - Print in Journal**

Senator Langemeier filed the following amendment to LB245:

FA257

Amend AM542

Page 2 line 11 insert after "18-2538" "The governing body of the city or village by a majority vote may prohibit the adding of fluoride to the water supply of such city or village"

**RESOLUTION**

**LEGISLATIVE RESOLUTION 336.** Introduced by Hansen, 42.

**PURPOSE:** The purpose of this resolution is to study how to better educate parents, school officials, day care providers, and the general public on the importance of the administration of the influenza vaccine.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**SELECT FILE**

**LEGISLATIVE BILL 853.** ER8184, found on page 918, was adopted.

Senator Hudkins renewed her amendment, AM2114, found on page 979.

Senator Hudkins offered the following amendment to her amendment:  
AM2616

(Amendments to AM2114)

- 1 1. Insert the following new section:
- 2 Sec. 6. Section 44-1113, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 44-1113 (1) In addition to the penalties and other
- 5 enforcement provisions of the Viatical Settlements Act, if any
- 6 person violates the act or any rule or regulation implementing the
- 7 act, the director may seek an injunction in a court of competent
- 8 jurisdiction and may apply for temporary and permanent orders that
- 9 the director determines are necessary to restrain the person from
- 10 committing the violation.
- 11 (2) Any person damaged by the acts of a person in
- 12 violation of the act may bring a civil action against the person
- 13 committing the violation in a court of competent jurisdiction.
- 14 (3) The director may issue, in accordance with the
- 15 Administrative Procedure Act, a cease and desist order upon a
- 16 person that violates any provision of the Viatical Settlements Act,
- 17 any rule, regulation, or order adopted or issued by the director,
- 18 or any written agreement entered into between such person and the
- 19 director.
- 20 (4) When the director finds that an activity in violation
- 21 of the act presents an immediate danger to the public that requires

22 an immediate final order, the director may issue an emergency cease  
 1 and desist order reciting with particularity the facts underlying  
 2 the findings. The emergency cease and desist order is effective  
 3 immediately upon service of a copy of the order on the respondent  
 4 and remains effective for ninety days. If the director begins  
 5 nonemergency cease and desist proceedings, the emergency cease  
 6 and desist order remains effective, absent an order by a court  
 7 of competent jurisdiction pursuant to the Administrative Procedure  
 8 Act.

9 (5) In addition to the penalties and other enforcement  
 10 provisions of the Viatical Settlements Act, any person who violates  
 11 the act is subject to civil penalties of up to one thousand dollars  
 12 per violation. Imposition of civil penalties shall be pursuant to  
 13 an order of the director issued under the Administrative Procedure  
 14 Act. The director's order may require a person found to be in  
 15 violation of the Viatical Settlements Act to make restitution to  
 16 persons aggrieved by violations of the act.

17 (6) A person who is found by a court of competent  
 18 jurisdiction, pursuant to an action initiated by the director, to  
 19 have committed a fraudulent viatical settlement act, is subject  
 20 to a civil penalty not to exceed five thousand dollars for the  
 21 first violation, ten thousand dollars for the second violation, and  
 22 fifteen thousand dollars for each subsequent violation.

23 ~~(7)~~(7)(a) Any person who solicits, markets, or otherwise  
 24 promotes the purchase of an insurance policy for the sole purpose  
 25 of or with the primary emphasis on entering into a viatical  
 26 settlement contract shall be guilty of a Class IV felony.

27 (b) A person convicted of a ~~any~~ violation of the act  
 1 except for the violation described in subdivision (a) of this  
 2 subsection by a court of competent jurisdiction shall be guilty of  
 3 a Class III misdemeanor.

4 (c) A person convicted of a violation of the act shall be  
 5 ordered to pay restitution to persons aggrieved by the violation.  
 6 Restitution shall be ordered in addition to a fine or imprisonment,  
 7 but not in lieu of a fine or imprisonment. A prosecution under this  
 8 subsection shall be in lieu of an action under subsection (6) of  
 9 this section.

10 2. Renumber the remaining sections and correct the  
 11 repealer accordingly.

Senator Chambers moved for a call of the house. The motion prevailed with  
 24 ayes, 0 nays, and 25 not voting.

Senator Hudkins requested a roll call vote on her amendment.

Voting in the affirmative, 5:

Chambers      Hudkins      Karpisek      Preister      Wallman



Voting in the negative, 35:

Adams	Cornett	Gay	Lathrop	Pankonin
Aguilar	Engel	Hansen	Lautenbaugh	Pirsch
Ashford	Erdman	Harms	Louden	Raikes
Avery	Fischer	Heidemann	McDonald	Rogert
Burling	Flood	Johnson	McGill	Schimek
Carlson	Friend	Kopplin	Nantkes	White
Christensen	Fulton	Langemeier	Pahls	Wightman

Present and not voting, 7:

Dierks	Janssen	Nelson	Synowiecki
Howard	Kruse	Stuthman	

Excused and not voting, 2:

Dubas	Pedersen
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The Hudkins amendment lost with 5 ayes, 35 nays, 7 present and not voting, and 2 excused and not voting.

Pending.

### MESSAGE FROM THE GOVERNOR

March 31, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 797e, 822, and 1096 were received in my office on March 25, 2008.

I signed these bills and delivered them to the Secretary of State on March 31, 2008.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

**RESOLUTIONS****LEGISLATIVE RESOLUTION 337.** Introduced by Johnson, 37.

**PURPOSE:** The purpose of this study is to examine the needs of the State of Nebraska for the development of a plan to provide behavioral health workers of all professions, allied professionals, and other specially trained support personnel necessary to support community-based behavioral health services, including the needs of persons with co-occurring developmental disabilities. The study shall examine alternatives to provide adequate funding of the plan.

In 2004, the State of Nebraska passed LB1083 to reform behavioral health services, moving such services from state regional centers to community-based sites and increasing the focus on recovery, thereby requiring providers of behavioral health services to have new competencies. LB1083 requires the state to "promote activities in research and education to improve the quality of behavioral health services, the recruitment and retention of behavioral health professionals, and the availability of behavioral health services."

The Civil Rights Division of the United States Department of Justice, in a civil rights report titled "CRIPA Investigation of the Beatrice State Developmental Center, Beatrice, Nebraska" and dated March 7, 2008, identified the lack of community behavioral health workers as a significant barrier to community-based placement of persons at the Beatrice State Developmental Center with co-occurring developmental disabilities and behavioral health disabilities. The State of Nebraska must take action to resolve the civil rights violations alleged in the report.

The United States Department of Health and Human Services currently designates over ninety-five percent of Nebraska's counties as Mental Health Professional Shortage Areas. Further, ninety of ninety-three counties are designated as Psychiatric Shortage Areas. These shortages have led to well-documented problems such as hospital and emergency rooms and jails and prisons bearing the brunt of the responsibility of care for patients needing more specialized and appropriate treatment. As the state works toward moving services from institutional to community-based care, there is a recognition that many of the professionals necessary to provide these services are difficult to hire due to this shortage.

In 2003, Senator Jim Jensen and Governor Mike Johanns requested a study of behavioral health service, education, and research issues from the academic medical centers in the state which generated "The Nebraska Academic Health Centers Plan for Excellence in Behavioral Health" which outlined numerous behavioral health issues and recommendations.

In 2004, the Nebraska Health and Human Services System established the Academic Support Workgroup in order to outline a plan to address the shortage and competency issues. The workgroup brought together many stakeholders involved in behavioral health care, including clinicians, educators, researchers, advocates, consumers, and system administrators with a wide range of educational backgrounds and institutional and academic affiliations. In 2005, the Academic Support Workgroup outlined a

comprehensive plan to improve the behavioral health workforce in "A Behavioral Health Education and Research System for Nebraska." This plan includes recruitment of talented students into the field, improved undergraduate and graduate training in behavioral health, enhanced training opportunities in rural areas and increased use of telehealth technology, increased focus on recovery competencies, enhanced training in behavioral health for primary care providers, and improved continuing education in behavioral health, especially for providers in rural areas.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct a study concerning statewide behavioral health education to address workforce shortage and delineate a range of proposals to "promote activities in research and education to improve the quality of behavioral health services, the recruitment and retention of behavioral health professionals, and the availability of behavioral health services, including services to those with co-occurring developmental disabilities."

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 338.** Introduced by Johnson, 37.

PURPOSE: The purpose of this study is to conduct research and develop recommendations relating to the implementation of the Nebraska Behavioral Health Services Act. Such recommendations shall relate to, but are not limited to: (a) Consumer involvement as provided in section 71-803; (b) the Division of Behavioral Health of the Department of Health and Human Services as provided in sections 71-805 and 71-806; (c) regional behavioral health authorities as provided in sections 71-808 and 71-809; (d) regional centers and community-based behavioral health services as provided in section 71-810; (e) funding for behavioral health services as provided in sections 71-811 and 71-812; and (f) the number and function of various legislatively created behavioral health advisory entities as currently established and provided in sections 43-4001 to 43-4003 and 71-814 to 71-818.

The study shall be conducted by a select committee consisting of three members of the Health and Human Services Committee of the Legislature and three members of the Appropriations Committee of the Legislature appointed by the chairpersons of such committees. The select committee shall consult with the Department of Health and Human Services, members of the Behavioral Health Oversight Commission of the Legislature established in section 71-818, and other interested parties in developing such recommendations.

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

1. That the Health and Human Services and Appropriations Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature on or before December 31, 2008.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 339.** Introduced by Johnson, 37.

**PURPOSE:** The purpose of this resolution is to study issues relating to educational requirements for licensure as an engineer raised by LB 742 (2008).

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 340.** Introduced by Gay, 14; Howard, 9; Johnson, 37; Pankonin, 2.

**PURPOSE:** The purpose of this interim study is to study transparency in health care pricing and billing, including transparent disclosure of price to consumers and easily understandable and streamlined medical billing within the health care system in Nebraska. In order to carry out the purpose of this resolution, the Health and Human Services Committee of the Legislature shall consider input from employers, including small businesses, consumer groups, insurers, providers, third-party administrators, the Department of Health and Human Services, the Department of Insurance, and others as the committee deems necessary and beneficial. The issues to consider shall include, but are not limited to: The role of pricing and billing transparency in assisting consumers to make health care decisions; controlling health care costs; how employers, payors, and providers are responding to consumer demand for transparency; and what role state government may play to provide positive incentives and eliminate barriers toward greater pricing and billing transparency.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 341.** Introduced by Rogert, 16.

**PURPOSE:** To review the costs, impact, and effectiveness associated with requiring that DNA samples be collected for arrestees for felony sex offenses and other specified offenses under murder in the first degree, murder in the second degree, manslaughter, stalking, burglary, and robbery.

In addition to this, to review the costs, impact, and effectiveness associated with requiring DNA samples to be collected for assault in the first degree, assault in the second degree, use of a deadly weapon to commit a felony, and any violation relating to explosives.

The intent in providing DNA arrestee testing is to provide comparison evidence in the State DNA Data Base in between the time that the person is arrested and convicted in order to provide a comparison sample for other crimes he or she may have already committed before the arrest and in between the arrest and a possible conviction.

The issues to be addressed by this study include:

(1) Identification of the constitutionality of DNA testing and collection prior to conviction;

(2) Identification of costs associated with DNA testing and collection prior to conviction;

(3) Identification of laws prohibiting penalties on the misuse of DNA samples in the data base;

(4) Research of the laws and the subsequent impact in solving crime regarding DNA testing and collection in other states;

(5) Identification of the collection and expungement processes and procedures currently implemented to acquire a DNA sample from those persons convicted of felony sex offenses and other specified offenses;

(6) Identification of storage and testing facility adequacies for DNA samples; and

(7) Exploration of options in requiring DNA testing and collection for certain enumerated crimes or for all those persons convicted or arrested.

Based on these studies, the Judiciary Committee of the Legislature shall recommend any changes necessary to LB 1076 (2008) to better conform to Nebraska's criminal statutes and to address any concerns that may exist in terms of privacy, the presumption of innocence, and the selection of enumerated crimes affecting those persons who would be arrested and hence subject to the collection of a DNA sample.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 342.** Introduced by Johnson, 37; Louden, 49.

**PURPOSE:** The purpose of this study is to examine whether the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act and the adoption and enforcement of construction standards for onsite wastewater treatment systems in the State of Nebraska generally authorized under the Environmental Protection Act should be transferred for administration to the Department of Health and Human Services from the Department of Environmental Quality.

The onsite wastewater treatment programs for development of construction standards and the enforcement of those standards, including the provisions for registration of wastewater treatment systems and the certification of professionals serving onsite wastewater system businesses, has been administered under the general authority of the Department of Environmental Quality. The Natural Resources Committee of the Legislature has jurisdiction over the department. The department, because of the inadequacy of staffing, has historically relied extensively upon the field services staff of the Department of Health and Human Services for state enforcement inspections and upon limited volunteer inspection and enforcement by city and county inspectors working as building code administrators or health department administrators.

The Department of Health and Human Services currently provides administration and local inspection for the Water Well Standards and Contractors' Practice Act which makes contact with many of the same contractors involved with onsite wastewater treatment systems. The Health and Human Services Committee of the Legislature has jurisdiction over the department and local and regional public health departments.

The Department of Health and Human Services currently has contact with and provides administrative guidance to local health departments and to the newly established regional health organizations which provide a direct link to new local health management professionals who could enhance local onsite wastewater treatment system construction and operation and maintenance.

State field services and local health services may provide critical personal connections among wastewater treatment system contractors and system owners necessary to enhance the protection of ground water resources

across the state not now possible because of a limitation of Department of Environmental Quality staffing.

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

1. That the Natural Resources and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 343.** Introduced by Erdman, 47.

PURPOSE: To examine the collection and distribution of municipal aid and equalization to communities in Nebraska.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 847.** Placed on General File with amendment.  
AM1745

1 1. Strike original section 1 and insert the following new  
2 section:  
3 Section 1. Section 30-2483, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 30-2483 Unless notice has already been given under this  
6 article and except when an appointment of a personal representative  
7 is made pursuant to subdivision (4) of section 30-2408, the clerk  
8 of the court upon the appointment of a personal representative  
9 shall publish a notice once a week for three successive weeks  
10 in a newspaper of general circulation in the county announcing  
11 the appointment and the address of the personal representative,  
12 and notifying creditors of the estate to present their claims  
13 within two months after the date of the first publication of the  
14 notice or be forever barred. The first publication shall be made  
15 within thirty days after the appointment. The party instituting or

16 maintaining the proceeding or his or her attorney is required to  
 17 mail the published notice and give proof thereof in accordance with  
 18 section 25-520.01. If the decedent was fifty-five years of age or  
 19 older or resided in a medical institution as defined in subsection  
 20 (1) of section 68-919, the notice shall also be mailed to the  
 21 Department of Health and Human Services with the decedent's social  
 22 security number and, if available upon reasonable investigation,  
 23 the name and social security number of the decedent's spouse if  
 1 such spouse is deceased.

**LEGISLATIVE BILL 868.** Placed on General File with amendment.  
 AM2178

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 45-918, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 45-918 No licensee shall charge as a fee a total amount  
 6 in excess of ~~fifteen dollars per one hundred dollars or pro rata~~  
 7 ~~for any part thereof on~~ thirty-six percent annually of the face  
 8 amount of a check for services provided by licensee.  
 9 Sec. 2. Original section 45-918, Reissue Revised Statutes  
 10 of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

### AMENDMENTS - Print in Journal

Senator Loudon filed the following amendment to LB986:  
 AM2625

(Amendments to Standing Committee amendments, AM1998)

1 1. On page 4, line 14, strike "(1)"; in line 15 after  
 2 "manufacturer" insert "who sold at least five hundred electronic  
 3 devices in this state in the previous calendar year"; in line 16  
 4 after "department" insert "whether"; in line 17 before the period  
 5 insert "falls within subdivision (1), (2), or (3) of section 6  
 6 of this act and which subdivision is applicable"; strike lines 18  
 7 through 24; in line 25 strike "(1)"; and strike line 27.  
 8 2. On page 5, strike line 1; in line 5 strike "(a)" and  
 9 insert "(1)"; in line 7 strike "(b)" and insert "(2)"; in line 9  
 10 strike "(c)" and insert "(3)"; and strike lines 11 through 16.

Senator White filed the following amendment to LB1147:  
 AM2574

(Amendments to Standing Committee amendments, AM1999)

1 1. Insert the following new section:  
 2 Sec. 7. Section 79-933, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 79-933 (1) Upon retirement under section 79-931, a member  
 5 or emeritus member shall receive a school retirement allowance



6 which shall consist of the sum of: ~~(1)-(a)~~ A savings annuity which  
 7 shall be the actuarial equivalent, as determined by the retirement  
 8 board, of the member's accumulated contributions at the time of  
 9 his or her retirement or, in the case of an emeritus member, the  
 10 savings annuity fixed by the retirement board at the time of his or  
 11 her original retirement; and ~~(2)-(b)~~ a service annuity to be paid  
 12 by the State of Nebraska.

13 (2) The amount of any individual service annuity for (a)  
 14 a full-time school employee hired on or before April 1, 1988, who  
 15 retires with thirty-five or more years of service or who retires  
 16 under the provisions of disability retirement, (b) a full-time  
 17 school employee who provided compensated service after April 1,  
 18 1988, but prior to July 19, 1996, if the service annuity commences  
 19 on or after the member's sixty-fifth birthday, who retires with  
 20 thirty-five or more years of service, or who retires under the  
 21 provisions of disability retirement, or (c) an emeritus member  
 22 shall be three dollars and fifty cents per month for each year  
 1 of creditable service commencing with his or her retirement on or  
 2 after May 19, 1981. For employees not enumerated in subdivision (a)  
 3 or (b) of this subsection or for employees hired on or after July  
 4 19, 1996, except that if the service annuity commences prior to  
 5 the member's sixty-fifth birthday, it shall be on an actuarially  
 6 reduced basis. Each school employee or emeritus member who retired  
 7 before July 1, 1973, and who is receiving a service annuity as of  
 8 that date shall have such service annuity adjusted by the increase  
 9 in the cost of living as determined by the difference between the  
 10 Consumer Price Index for Urban Wage Earners and Clerical Workers  
 11 from the date the service annuity commenced and July 1, 1973,  
 12 except that such annuity shall not exceed three dollars and fifty  
 13 cents monthly per year of service based on the same number of years  
 14 of service that is currently being used to determine his or her  
 15 service annuity. Such increased service annuity shall commence on  
 16 July 1, 1973.  
 17 2. Renumber the remaining sections and correct the  
 18 repealer accordingly.

### SELECT FILE

**LEGISLATIVE BILL 853.** Senator Hudkins offered the following amendment to her amendment:

AM2618

(Amendments to AM2114)

- 1 1. On page 4, line 25, strike "or".
- 2 2. On page 5, line 1, after the semicolon insert "or
- 3 (g) Soliciting, marketing, or otherwise promoting the
- 4 purchase of an insurance policy for the sole purpose of or with the
- 5 primary emphasis on entering into a viatical settlement contract;".

**SENATOR SCHIMEK PRESIDING**

Senator Hudkins moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Hudkins requested a roll call vote on her amendment.

Voting in the affirmative, 8:

Avery	Howard	Karpisek	Nelson
Chambers	Hudkins	Lathrop	Wallman

Voting in the negative, 27:

Adams	Cornett	Hansen	Pahls	Synowiecki
Aguilar	Engel	Harms	Pankonin	White
Ashford	Erdman	Kopplin	Raikes	Wightman
Burling	Fischer	Lautenbaugh	Rogert	
Carlson	Friend	McDonald	Schimek	
Christensen	Fulton	Nantkes	Stuthman	

Present and not voting, 8:

Dierks	Janssen	Kruse	Pirsch
Dubas	Johnson	McGill	Preister

Excused and not voting, 6:

Flood	Heidemann	Louden
Gay	Langemeier	Pedersen

The Hudkins amendment lost with 8 ayes, 27 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Hudkins amendment, AM2114, found on page 979 and considered in this day's Journal, was renewed.

Pending.

## COMMITTEE REPORTS

### Agriculture

**LEGISLATIVE BILL 1116.** Placed on General File with amendment. AM2629 is available in the Bill Room.

**LEGISLATIVE BILL 861.** Indefinitely postponed.

**LEGISLATIVE BILL 1044.** Indefinitely postponed.

(Signed) Philip Erdman, Chairperson

Urban Affairs

**LEGISLATIVE BILL 51.** Indefinitely postponed.  
**LEGISLATIVE BILL 302.** Indefinitely postponed.  
**LEGISLATIVE BILL 387.** Indefinitely postponed.  
**LEGISLATIVE BILL 971.** Indefinitely postponed.  
**LEGISLATIVE BILL 1117.** Indefinitely postponed.  
**LEGISLATIVE BILL 1166.** Indefinitely postponed.

(Signed) Mike Friend, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 344.** Introduced by Engel, 17; McDonald, 41.

**PURPOSE:** The purpose of this resolution is to study the process and standards used to revise the State Electrical Act. The National Electrical Code is updated every three years in response to an ever-changing electrical industry. When the national code is updated a legislative bill typically follows to update Nebraska's minimum standards for electrical wiring to conform with the latest edition of the National Electrical Code. This study shall examine the process used to update the act and whether there is a more efficient method that could be utilized. This study shall also investigate the consequences of not updating the state code in accordance with the national code and how the Legislature can ensure that the highest safety standards are enacted for the protection of the citizens of Nebraska.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 345.** Introduced by McDonald, 41; Aguilar, 35; Janssen, 15; Karpisek, 32; Nantkes, 46; Pedersen, 39; Preister, 5; Rogert, 16; Stuthman, 22.

**PURPOSE:** The purpose of this study is to examine issues relating to the horseracing industry in Nebraska, including the following:

(1) The history of the horseracing industry in Nebraska;

(2) An examination of the financial impact the horseracing industry has in communities with live racing;

(3) An examination of the financial impact the horseracing industry has on the state as a whole;

(4) An examination of the revenue generated from live horseracing in Nebraska;

(5) An examination of the revenue generated from parimutuel wagering on horseracing in Nebraska; and

(6) Any and all other matters of interest relating to the horseracing industry in Nebraska.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 346.** Introduced by Rogert, 16; Flood, 19.

**PURPOSE:** The purpose of this resolution is to reexamine the effects of changing the age of majority from age nineteen to age eighteen. This study should include, but not be limited to, examining the effects of this change to wards of the state. In 2003 and 2004, interim studies recommended statutory changes relating to the age of majority. The statutes covered were within the jurisdiction of multiple committees of the Legislature. This resolution proposes the Judiciary Committee of the Legislature serve as the lead committee in conducting this study. The legal counsels for the committees with subject matter covered by the study shall participate as staff in the conduct of the interim study.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 347.** Introduced by Raikes, 25.

**PURPOSE:** To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 348.** Introduced by Dubas, 34.

**PURPOSE:** To examine the issue of language access in Nebraska's health care and human services systems. We have a public interest in ensuring that all Nebraskans can effectively access quality health care. A lack of effective plans for translation and interpretation can result in (1) delayed medical treatment until more expensive, emergency care is needed, (2) unnecessary testing and misdiagnoses, and (3) more time-consuming care or even fatal errors. The study should include, but is not limited to, exploring the most effective ways the state can ensure access to quality medical care and reduce medical errors and costs through legislation relating to medical interpretation and translation, such as prohibiting the use of minors as interpreters, determining whether we are fully utilizing available federal funds to pay for interpretation, and developing a system for credentialing Nebraska interpreters.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 349.** Introduced by Dubas, 34; Adams, 24.

**PURPOSE:** To do a comprehensive examination of city and county state aid programs currently in state law. A report shall be developed examining the history of the state aid programs, the impact of the state aid programs on

local finances, and the future fiscal needs of cities and counties which may be addressed by local fiscal resources which cities and counties are authorized by law to use. Needs, available local capacity and resources, and future strategies for providing sustainable growth in fiscal resources shall be examined. Alternative policies shall be identified by the study.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 350.** Introduced by Dubas, 34.

PURPOSE: The purpose of this resolution is to examine opportunities in the growth and development of renewable energy, including cellulosic ethanol, biodiesel, and other systems for capturing energy values from agricultural products and waste streams. This study should identify policies, programs, and strategies to optimize economic value realized by production agriculture and related economic sectors in renewable energy development.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 351.** Introduced by Dubas, 34.

WHEREAS, Hall and Merrick counties recently celebrated their Sesquicentennial; and

WHEREAS, the community of Genoa also recently celebrated its Sesquicentennial; and

WHEREAS, the community of Marquette recently celebrated its Quasiquicentennial.

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

1. That the Legislature recognizes the sesquicentennials of the community of Genoa and the counties of Hall and Merrick as well as the quasiquicentennial of the community of Marquette and extends warm wishes

to the citizens of the thirty-fourth Legislative District upon commemorating these anniversaries.

2. That a copy of this resolution be presented to the appropriate city and county boards.

Laid over.

**LEGISLATIVE RESOLUTION 352.** Introduced by Dubas, 34.

**PURPOSE:** To examine a model for wind and solar rights in the State of Nebraska and to make recommendations for an appropriate model for future legislation.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 353.** Introduced by Preister, 5; Dierks, 40.

**PURPOSE:** The purpose of this study is to examine the rural economic development potential of wind energy development in Nebraska and legislation which may advance this goal.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 354.** Introduced by Stuthman, 22.

**PURPOSE:** The purpose of this study is to review the statutory provisions of the Adult Protective Services Act. The goal is to study the need to redefine definitions pertaining to the act and the need to revise the penalty provisions under the act.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 355.** Introduced by Fulton, 29; Engel, 17; Erdman, 47; Gay, 14; Hansen, 42; Harms, 48; Kruse, 13; Lautenbaugh, 18; Nantkes, 46; Nelson, 6; Pankonin, 2; Stuthman, 22; Synowiecki, 7; Wightman, 36.

**PURPOSE:** To examine the feasibility of the Department of Health and Human Services contracting with other social services agencies for the provision of foster care services. The study shall include, but not be limited to, the examination of:

(1) The total cost-per-case of providing foster care services through other social services agencies;

(2) The total cost-per-case of providing foster care services through the department;

(3) How an increased utilization of other social services agencies to provide foster care services affects the quality of the department's case management;

(4) How an increased utilization of other social services agencies to provide foster care services affects the general welfare of foster care children;

(5) How an increased utilization of other social services agencies to provide foster care services affects all outcomes for foster care children; and

(6) What budget effects would result from ensuring that the rate for services provided by other social services agencies be prevented from exceeding the cost at which the department could provide the same foster care services.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.



**AMENDMENT - Print in Journal**

Senator Adams filed the following amendment to LB1153:

AM2610

(Amendments to Standing Committee amendments, AM2510)

1 1. Insert the following new sections:

2 Sec. 2. Section 79-1104.01, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4 79-1104.01 (1) Within ninety days after July 14, 2006,  
5 the State Department of Education shall request proposals from  
6 private endowments with experience in managing public and private  
7 funds for the benefit of children and families in multiple  
8 locations in Nebraska to be the endowment provider for the Nebraska  
9 Early Childhood Education Endowment upon the terms set forth in  
10 this section.

11 (2) An endowment seeking to become the endowment provider  
12 for the Nebraska Early Childhood Education Endowment shall agree  
13 to:

14 (a) Irrevocably commit, subject to subdivision (4)(a) of  
15 this section, no less than twenty million dollars in a private  
16 endowment to be used solely as part of the Nebraska Early Childhood  
17 Education Endowment within five years after the effective date of  
18 the endowment agreement, of which no less than five million dollars  
19 shall be pledged on the effective date of the endowment agreement.  
20 A minimum of one million dollars shall be placed in the private  
21 endowment prior to December 31, 2006, and a minimum of five million  
22 dollars shall be placed in the private endowment prior to June 30,  
1 2007;

2 (b) Commit all ~~interest, earnings, and proceeds~~ earnings  
3 deposited from such private endowment for deposit into the Early  
4 Childhood Education Endowment Cash Fund;

5 (c) Permit the board of trustees to determine the  
6 allocation of funds from the Early Childhood Education Endowment  
7 Cash Fund pursuant to section 79-1104.02; and

8 (d) Submit to the State Department of Education an  
9 annual financial statement of the private endowment, audited by  
10 an independent auditor and complying with all applicable Internal  
11 Revenue Service requirements. The financial statement shall report  
12 details on the private endowment, including the current value  
13 of the corpus and the annual receipts to the private endowment  
14 categorized by donations and interests, together with a report  
15 listing the amount and purpose of expenditures from the private  
16 endowment.

17 (3) Upon selection of an endowment provider, the State  
18 Department of Education and such endowment provider shall enter  
19 into an endowment agreement pursuant to which the state and the  
20 endowment provider will agree to deposit funds as provided in  
21 subsection (4) of this section.

22 (4)(a) Upon the effective date of an endowment agreement,

23 the state shall provide for the Early Childhood Education  
 24 Endowment Fund, which is hereby created, in accordance with section  
 25 79-1104.05. Any money in the fund available for investment shall be  
 26 invested by the state investment officer pursuant to the Nebraska  
 27 Capital Expansion Act and the Nebraska State Funds Investment Act.  
 1 The endowment agreement may provide that the obligations of the  
 2 endowment provider will terminate if the funds allocated to the  
 3 Early Childhood Education Endowment Fund pursuant to subsection  
 4 (11) of section 84-612 terminate as set forth in such section and  
 5 are not replaced by a minimum of forty million dollars from another  
 6 source on and after July 1, 2007.

7 (b) All interest, earnings, and proceeds from the Early  
 8 Childhood Education Endowment Fund shall be deposited in the Early  
 9 Childhood Education Endowment Cash Fund, which is hereby created.  
 10 Any money in the fund available for investment shall be invested  
 11 by the state investment officer pursuant to the Nebraska Capital  
 12 Expansion Act and the Nebraska State Funds Investment Act. All  
 13 interest, earnings, and proceeds from the Early Childhood Education  
 14 Endowment Cash Fund shall be retained in such fund.

15 (c) Upon the effective date of an endowment agreement,  
 16 the endowment provider shall deposit the amounts set forth in the  
 17 endowment agreement into a private endowment for the sole benefit  
 18 of the Early Childhood Education Endowment Fund. Money in the  
 19 private endowment shall be managed by the endowment provider in  
 20 accordance with sound, professional, fiduciary practices and in  
 21 accordance with the endowment agreement.

22 (d) ~~All interest, earnings, and proceeds~~ Earnings  
 23 deposited from the private endowment shall be deposited into  
 24 the Early Childhood Education Endowment Cash Fund ~~no less than~~  
 25 quarterly, at least annually or as the endowment agreement  
 26 provides.

27 Sec. 3. Section 79-1104.02, Revised Statutes Cumulative  
 Supplement, 2006, is amended to read:

2 79-1104.02 (1) The Early Childhood Education Endowment  
 3 Cash Fund, consisting of the interest, earnings, and proceeds from  
 4 the Early Childhood Education Endowment Fund and the ~~interest,~~  
 5 ~~earnings, and proceeds~~ from the private endowment created by the  
 6 endowment provider, and any additional private donations made  
 7 directly thereto, shall be used exclusively to provide funds for  
 8 the Early Childhood Education Grant Program for at-risk children  
 9 from birth to age three as set forth in this section.

10 (2) Grants provided by this section shall be to school  
 11 districts; and cooperatives of school districts; ~~and educational~~  
 12 ~~service units~~ for early childhood education programs for at-risk  
 13 children from birth to age three, as determined by the board  
 14 of trustees pursuant to criteria set forth by the board of  
 15 trustees. School districts; and cooperatives of school districts;  
 16 ~~and educational service units~~ may establish agreements with other  
 17 public and private entities to provide services or operate

18 programs.

19 (3) Each program selected for a grant pursuant to this  
20 section may be provided a grant for up to one-half of the total  
21 budget of such program per year. Programs selected for grant awards  
22 may receive continuation grants subject to the availability of  
23 funding and the submission of a continuation plan which meets the  
24 requirements of the board of trustees.

25 (4) Programs shall be funded across the state and in  
26 urban and rural areas to the fullest extent possible.

27 (5) Each program selected for a grant pursuant to this  
1 section shall meet the requirements described in subsection (2)  
2 of section 79-1103, except that the periodic evaluations of the  
3 program are to be specified by the board of trustees and the  
4 programs need not include continuity with programs in kindergarten  
5 and elementary grades and need not include instructional hours  
6 that are similar to or less than the instructional hours for  
7 kindergarten.

8 (6) Up to ~~five~~<sup>ten</sup> percent of the total amount deposited  
9 in the Early Childhood Education Endowment Cash Fund each fiscal  
10 year may be reserved by the board of trustees for evaluation  
11 and technical assistance for the Early Childhood Education Grant  
12 Program with respect to programs for at-risk children from birth to  
13 age three.

14 Sec. 4. Section 79-1104.04, Revised Statutes Supplement,  
15 2007, is amended to read:

16 79-1104.04 (1) The board of trustees shall include the  
17 following six members:

18 (a) The Commissioner of Education or his or her designee;

19 (b) The chief executive officer of the Department of  
20 Health and Human Services or his or her designee; and

21 (c) The following persons appointed by the Governor, in  
22 his or her discretion:

23 (i) Two persons nominated by the endowment provider;

24 (ii) An early childhood professional representing an  
25 urban at-risk area appointed pursuant to subsection (5) of this  
26 section; and

27 (iii) An early childhood professional representing a  
1 rural at-risk county appointed pursuant to subsection (6) of this  
2 section.

3 (2) The terms of office for members initially appointed  
4 under subsection (1) of this section shall be three years. Upon  
5 completion of the initial terms of such members, the Governor shall  
6 appoint the two members under subdivision (1)(c)(i) of this section  
7 for terms of one and two years, the member under subdivision  
8 (1)(c)(ii) of this section for a term of three years, and the  
9 member under subdivision (1)(c)(iii) of this section for a term of  
10 two years. Succeeding appointees shall be appointed for terms of  
11 three years. An appointee to a vacancy occurring from an unexpired  
12 term shall serve out the term of his or her predecessor. Members

13 whose terms have expired shall continue to serve until their  
14 successors have been appointed and qualified.

15 (3) The board of trustees shall by majority vote annually  
16 elect a chairperson from among the members of the board of  
17 trustees.

18 (4) The members of the board of trustees shall be  
19 reimbursed for their actual and necessary expenses incurred while  
20 engaged in the performance of their official duties as provided in  
21 sections 81-1174 to 81-1177.

22 (5) The Governor shall, in his or her discretion,  
23 appoint one member to the board of trustees who resides or  
24 works in ~~identify~~ an at-risk urban area consisting of not less  
25 than ten contiguous census tracts, as determined by the United  
26 States Bureau of the Census for the 2000 United States Census,  
27 within a city of the metropolitan class, which each contain a  
1 percentage of families below the poverty line of greater than  
2 twenty percent, as reported by the United States Bureau of the  
3 Census for the 2000 United States Census. ~~The Governor shall~~  
4 ~~request that a committee, consisting of (a) the member of the~~  
5 ~~Legislature representing the district containing the preponderance~~  
6 ~~of geographic area of such at risk area, (b) the member of the~~  
7 ~~board of county commissioners representing the district containing~~  
8 ~~the preponderance of geographic area of such at risk area, and (c)~~  
9 ~~the member of the city council representing the district containing~~  
10 ~~the preponderance of geographic area of such at risk area, develop~~  
11 ~~a list of not less than two and not more than four nominees for~~  
12 ~~appointment to the board of trustees. Upon receipt of a list of~~  
13 ~~nominees signed by at least two members of the committee, the~~  
14 ~~Governor shall, in his or her discretion, appoint a member to the~~  
15 ~~board of trustees from such list of nominees.~~

16 (6) The Governor shall, in his or her discretion, appoint  
17 one member to the board of trustees who resides or works in a  
18 county which does not contain a city of the metropolitan class or  
19 a city of the primary class and which contains a percentage of  
20 families below the poverty line of greater than eight and one-half  
21 percent, as reported by the United States Bureau of the Census for  
22 the 2000 United States Census.

23 Sec. 5. Original sections 79-1104.01 and 79-1104.02,  
24 Revised Statutes Cumulative Supplement, 2006, and section  
25 79-1104.04, Revised Statutes Supplement, 2007, are repealed.

### SELECT FILE

**LEGISLATIVE BILL 853.** The Hudkins amendment, AM2114, found on page 979 and considered in this day's Journal, was renewed.

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

Senator Hudkins requested a roll call vote on her amendment.

Voting in the affirmative, 10:

Avery	Dierks	Howard	Kruse	Stuthman
Chambers	Fischer	Karpisek	Lathrop	Wallman

Voting in the negative, 27:

Adams	Engel	Hansen	Pahls	Synowiecki
Aguilar	Erdman	Harms	Pankonin	White
Ashford	Flood	Kopplin	Pirsch	Wightman
Burling	Friend	Lautenbaugh	Raikes	
Carlson	Fulton	McGill	Rogert	
Christensen	Gay	Nantkes	Schimek	

Present and not voting, 8:

Cornett	Hudkins	Johnson	Pedersen
Dubas	Janssen	Nelson	Preister

Excused and not voting, 4:

Heidemann	Langemeier	Louden	McDonald
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The Hudkins amendment lost with 10 ayes, 27 nays, 8 present and not voting, and 4 excused and not voting.

Senator Hudkins offered the following motion:

MO160

Reconsider the vote taken on AM2114.

The Chair declared the call raised.

### **SENATOR FRIEND PRESIDING**

Senator Hudkins moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Hudkins requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 7:

Chambers	Howard	Karpisek	Wallman
Dierks	Hudkins	Lathrop	

Voting in the negative, 34:

Adams	Cornett	Hansen	McDonald	Rogert
Aguilar	Dubas	Harms	McGill	Schimek
Ashford	Engel	Janssen	Nantkes	Stuthman
Avery	Fischer	Johnson	Pahls	Synowiecki
Burling	Friend	Kopplin	Pankonin	White
Carlson	Fulton	Lautenbaugh	Pirsch	Wightman
Christensen	Gay	Louden	Raikes	

Present and not voting, 4:

Kruse	Nelson	Pedersen	Preister
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Excused and not voting, 4:

Erdman	Flood	Heidemann	Langemeier
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The Hudkins motion to reconsider failed with 7 ayes, 34 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Hudkins renewed her amendment, AM2354, found on page 979.

### **SPEAKER FLOOD PRESIDING**

Senator Pahls offered the following motion:

MO161

Invoke cloture pursuant to Rule 7, Section 10.

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

Senator Hudkins requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

Adams	Engel	Harms	Louden	Rogert
Aguilar	Erdman	Heidemann	McDonald	Stuthman
Ashford	Flood	Janssen	McGill	Synowiecki
Burling	Friend	Kopplin	Pahls	White
Carlson	Fulton	Kruse	Pankonin	Wightman
Christensen	Gay	Langemeier	Pirsch	
Dubas	Hansen	Lautenbaugh	Raikes	

Voting in the negative, 8:

Avery	Howard	Lathrop	Schimek
Chambers	Hudkins	Nelson	Wallman

Present and not voting, 5:

Cornett          Johnson          Nantkes          Pedersen          Preister

Excused and not voting, 3:

Dierks          Fischer          Karpisek

The Pahls motion to invoke cloture prevailed with 33 ayes, 8 nays, 5 present and not voting, and 3 excused and not voting.

The Hudkins amendment, AM2354, lost with 4 ayes, 26 nays, 16 present and not voting, and 3 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Adams	Dubas	Hansen	Louden	Rogert
Aguilar	Engel	Harms	McDonald	Synowiecki
Ashford	Erdman	Heidemann	McGill	White
Burling	Fischer	Janssen	Nantkes	Wightman
Carlson	Flood	Kopplin	Pahls	
Christensen	Friend	Kruse	Pankonin	
Cornett	Fulton	Langemeier	Pirsch	
Dierks	Gay	Lautenbaugh	Raikes	

Voting in the negative, 5:

Chambers          Howard          Hudkins          Lathrop          Nelson

Present and not voting, 7:

Avery          Pedersen          Schimek          Wallman  
Johnson          Preister          Stuthman

Excused and not voting, 1:

Karpisek

Advanced to Enrollment and Review for Engrossment with 36 ayes, 5 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 356.** Introduced by Preister, 5.

**PURPOSE:** To examine whether there is a need to adopt additional financing mechanisms relating to taxation and revenue potential for a natural resource district encompassing a city of the metropolitan class in order to implement necessary flood control and water quality projects.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 357.** Introduced by Preister, 5.

**PURPOSE:** To examine policies relating to livestock friendly county programs in the state.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 358.** Introduced by Cornett, 45.

**PURPOSE:** The purpose of this resolution is to direct the Business and Labor Committee of the Legislature to conduct a study on LB 1073 (2008), a bill that proposed to adopt the Nebraska Construction Prompt Pay Act. The committee may examine any issues related to the bill and may review similar laws or legislation from other states.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.



2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 359.** Introduced by Raikes, 25.

**PURPOSE:** To review recent changes to Nebraska's statewide assessment statutes and the Quality Education Accountability Act and to evaluate models for implementing statewide assessment. The Education Committee of the Legislature may conduct a study of the following:

- (1) Explore models of statewide assessment from other states;
- (2) Review practices of local assessment developed in Nebraska by school districts, educational service units, assessment consortia, or other joint efforts by school districts;
- (3) Examine the use of online assessment or other computer-based assessment;
- (4) Consider the appropriate use of student assessment data for policy making purposes; and
- (5) Study other student assessment-related issues as appropriate.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 360.** Introduced by Lautenbaugh, 18.

**PURPOSE:** To examine the feasibility of including Highway 133 as part of the expressway system in Nebraska.

In 1988, the Legislature initiated the beginnings of the expressway system in order to connect communities north and south of Interstate 80 to further encourage economic growth throughout these communities and the state.

Presently, this system has yet to be fully completed, connecting many of the state's four-lane highways with one another. The Legislature has acknowledged the need for completion of this project and its need to be placed on a higher priority level by the Department of Roads.

Highway 133 is a four-lane divided highway of the sort intended to be connected as part of the expressway system, yet it presently remains unconnected to the system.

The issues addressed by this interim study shall include, but not be limited to:

- (1) The total distance of Highway 133 that consists of four lanes;

- (2) The total distance of Highway 133 that consists of two lanes;
- (3) The costs of connecting Highway 133 to the expressway system;
- (4) The availability of funds for the connection of Highway 133 to the system;
- (5) An approximate timeline for when such connection would be completed;
- (6) The economic and physical impact of connecting Highway 133 to the system; and
- (7) What improvements, if any, need to be made to Highway 133 to keep the highway at a level acceptable to be included in the expressway system.

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

- 1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
- 2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 361.** Introduced by Dierks, 40.

**PURPOSE:** The purpose of this resolution is to examine the impact of federal and state bans on the slaughter of horses, the transport of horses for slaughter, and the options available for the disposal of horses. The study shall seek to determine the availability of rendering and the utilization of land burial as a means of disposal and examine whether states that allow humane slaughter of horses are in conflict with applicable federal law.

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

- 1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
- 2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 362.** Introduced by Ashford, 20.

**PURPOSE:** The purpose of this interim study is to:

- (1) Access and utilize all available resources in our state to develop a response to the issues surrounding the increasing population of undocumented persons in Nebraska;
- (2) Consult with Nebraska businesses, educational institutions, law enforcement agencies, and faith-based organizations to identify pragmatic

solutions to the problems facing Nebraskans as a result of illegal immigration;

(3) Research what governmental and nongovernmental organizations are doing at the local level to address the growing immigrant population;

(4) Explore the lack of federal response to immigration issues and its impact upon state policy;

(5) Research what other states are doing to address illegal immigration and the impact of such laws; and

(6) Research the naturalization process.

Issues to be examined include, but are not limited to: Public benefits; law enforcement; employment; health care; identification; licensure; human trafficking; legal services; guest workers; and educational opportunities for children of undocumented persons.

Until the 1880s, the federal government maintained a relatively open immigration policy that encouraged migration from Europe. The Naturalization Act of 1790 provided, "Any alien, being a free white person, may be admitted to become a citizen of the United States." The law required the person applying for citizenship to establish residency in the country for two years and one year in the state of residence prior to being naturalized.

The law also provided that children of citizens shall be considered natural born citizens of the United States.

The open border policy was maintained through the 1880s when the United States Government began to enact laws to control the flow of immigration. The Chinese Exclusion Act of 1882, prohibiting Chinese laborers from immigrating to the United States, was the first significant restriction enacted in the wake of a period of mass immigration starting in the 1840s.

The flow of immigrants to the United States reached a peak between the 1890s and the 1920s, which led to the Immigration Act of 1924, limiting the number of visas granted each year and allocating them based on the number of people from that country already living in the United States in 1890. The 1924 law also placed a ban on all immigration from the Asia-Pacific Triangle. The national quotas established in the 1924 law did not apply to the Western Hemisphere, a policy which allowed the United States Government to recruit thousands of temporary workers from Mexico under the Bracero Program to meet farm labor shortages brought about by World War II. These workers were not eligible for citizenship, but were given temporary work permits which had to be turned in upon their return to Mexico after their contracts expired. The 1942 Bracero Program lasted for twenty years and brought more than three million workers to the United States. However, temporary workers continued to cross our southern border and this program is widely believed to have been the foundation for illegal immigration from Mexico.

The Immigration and Nationality Act of 1965 created the fundamental structure of today's immigration system. It was enacted shortly after the 1964 Civil Rights Act which prohibited discrimination based on "national origin." Accordingly, the national origin quotas were replaced by hemispheric quotas including the first quotas on immigration from the Western Hemisphere. The 1965 law limited the annual maximum of Eastern

Hemisphere immigrants to 170,000, and no more than 20,000 per country. The Western Hemisphere limit was set at 120,000 per year with no per-country limit. Another provision established that visas would be granted on a first-come, first-served basis with priority given to family reunification, attracting needed skills to the United States and refugees.

Since 1965, sources of immigration to this country have shifted from Europe to Latin America and Asia.

The last comprehensive immigration reform was passed over twenty years ago when President Reagan supported and signed the Immigration Reform and Control Act of 1986 in an effort to address illegal immigration. The law provided for amnesty to immigrants who entered the United States illegally prior to January 1, 1982, and resided here continuously. The law also made it illegal for employers to knowingly hire or recruit undocumented immigrants. The 1986 law did little to solve the illegal immigration problem due to extensive document fraud and the number of people applying for amnesty far exceeding projections. Furthermore, enforcement of the employer sanction policy proved difficult due to the prevalence of document fraud and a lack of political will to enforce the sanctions. As a result, it is estimated that there are anywhere from eight million to twenty million undocumented persons living in the United States today.

The framework for the current United States immigration quota system stems from the 1986 law and is divided into three primary quota categories: Immediate relative immigrants; family-based immigrants; and employment-based immigrants. Immediate relatives are not numerically limited and are defined as the spouse of an adult United States citizen, unmarried minor child (under 21) of an adult United States citizen, or the parent of a United States citizen. Current law provides for 226,000 lawful admittances into the United States for persons in the family-based category. The family-based category allows for up to 23,400 unmarried sons and daughters of United States citizens, 114,200 dependents of green card holders (includes spouses, minor children, and unmarried adult children), 23,400 married sons and daughters of United States citizens, and 65,000 brothers and sisters of United States citizens. Finally, 195,000 immigrants receive green cards pursuant to the employment quota category.

Although the quota numbers are modestly adjusted annually, the number of green cards issued as part of the employment category over the past two decades has not kept pace with the demand for immigrant labor within the United States economy. There are 40,000 green cards available for unskilled workers each year. There are 66,000 temporary work visas available for nonagricultural workers each year. Because of the large demand for unskilled labor in the American economy, the overall lack of available unskilled laborers among those in the United States legally, and the enormous demand for unskilled employment by foreign nationals in countries lacking adequate employment opportunities, the number of available visas are grossly inadequate. Furthermore, the number of temporary work visas available for agricultural workers is unlimited and many temporary workers who get into the country on temporary work visas stay here beyond their legal status, adding to the eight to twenty million undocumented people in the United States.

In 2006, Congress considered the Comprehensive Immigration Reform Act to address the enormous population of undocumented persons living and working in this country. The version of the legislation passed by the United States Senate provided for increased border security, a citizenship path for undocumented persons who have been in the United States for a length of time, and expansion of the number of guest workers allowed to enter the United States. The version advanced by the United States House of Representatives solely focused on United States-Mexican border security and penalties for employers, smugglers, and those providing assistance to illegal immigrants, such as churches and charity workers. Further, the House version sought to change illegal presence in the United States from a civil offense to a felony. The varying versions of this legislation were both ultimately stymied as the House and Senate were unable to come to an agreement in conference.

Due to the failure of the federal government to enforce current immigration policies or enact comprehensive immigration reform, states are attempting to address immigration-related issues on their own. In 2007, at least 1,562 immigration bills were introduced among the fifty state legislatures, a three-fold increase from the previous year. Of the 1,562 immigration bills introduced in 2007, 240 bills became law in forty-six states.

Nebraska is a state populated by immigrants. Our history is marked by two significant waves of immigration. The first wave came from Europe in the second half of the Nineteenth century when German, Swedes, Irish, Bohemians from the modern-day Czech Republic, and Mexicans came to this state in search of economic opportunity. The Homestead Act of 1862 promoted early immigration to Nebraska with the availability of cheap land. Additional immigrants were drawn to the state when the Union Pacific Railroad triggered expansion of Nebraska's agricultural and meatpacking industries. In the last twenty years, a new wave of immigrants has come to Nebraska from Latin America, some documented and some undocumented. According to the Pew Hispanic Center, the undocumented immigrant population in Nebraska grew from 6,000 in 1990 to 24,000 in 2000, faster than any other Midwestern state.

While Nebraska has been economically and culturally enriched throughout its history by immigration, the current influx of undocumented persons has presented the state with a variety of challenges. According to the Pew Hispanic Center, there were between 35,000 and 55,000 undocumented persons in Nebraska in 2005. Because undocumented immigrants typically lack strong English language skills and live on a low income, many communities that have recently experienced a rapid increase in immigrant population find it increasingly difficult to provide access to education, health care, and housing to all residents. The lack of documentation, language barriers, and cultural differences cause many undocumented persons in our state to face a daily struggle for health, safety, and security. Despite the high demand for manual labor, some Nebraskans have expressed concerns regarding the potential unavailability of some employment opportunities for lawful Nebraska residents resulting from the hiring of undocumented persons by some employers. Finally, while state government

has experienced increased costs associated with providing undocumented persons with certain public benefits such as health care and public education, there are economic benefits to the state associated with having a large immigrant population, including meeting workforce needs, increased tax revenue, and significant entrepreneurial activity.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall access community leaders from businesses, educational institutions, law enforcement agencies, and faith-based organizations across the state to carry out the purposes of this resolution.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 363.** Introduced by Erdman, 47; Gay, 14; Hansen, 42; Howard, 9; Johnson, 37; Pankonin, 2; Stuthman, 22.

PURPOSE: (1) The Legislature finds that:

(a) The Department of Health and Human Services has been entrusted by the Legislature with numerous powers and duties relating to the protection and promotion of the health and welfare of persons in Nebraska;

(b) The department has initiated and expanded numerous programs and services under its administration to carry out such powers and duties;

(c) The Legislature has appropriated General Funds and other funds for such programs and services, but the amount of such appropriations is often less than the amount identified by the department as being necessary and appropriate for such purpose, despite repeated legislative action to increase such appropriations;

(d) State budget constraints are inconsistent with increasing budget needs of programs and services administered by the department; and

(e) Further legislative action is necessary and appropriate to identify and prioritize core responsibilities of the department, to adequately fund such priorities, and to identify nongovernmental alternatives for the administration and funding of nonpriority programs and services.

(2) The Department of Health and Human Services, in consultation with the Health and Human Services Committee of the Legislature, shall:

(a) Identify and categorize the statutory powers and duties of the department and prioritize the programs and services administered by the department to carry out such powers and duties;

(b) Indicate the amount of funding necessary to adequately fund each program or service;

(c) Identify those programs and services which would not be funded if the FY2008-09 budget for the department was first allocated to each program and service in the order of priority at its adequately funded level; and

(d) Recommend nongovernmental alternatives for the administration and funding of such nonpriority programs and services.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 364.** Introduced by Louden, 49.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Natural Resources Committee of the Legislature.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 365.** Introduced by Louden, 49.

PURPOSE: Nebraskans depend on safe rail transportation through their communities. The purpose of this study is to examine railroads' responsibilities to the citizens of this state. The study should focus on community safety as it may be affected by using "helper locomotives" to push trains up and over steep grades such as those near Crawford, Nebraska. This study should be conducted by the Transportation and Telecommunications Committee of the Legislature which may seek the input of the chairperson of the Business and Labor Committee of the Legislature, the Public Service Commission, representatives of railroads operating in Nebraska, locomotive engineers, elected city officials, volunteer firefighters, and emergency responders.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 366.** Introduced by Christensen, 44; Avery, 28; Carlson, 38; White, 8.

**PURPOSE:** Past efforts to address water shortage have focused on buying water appropriation rights or otherwise limiting production agriculture. Research indicates that significant amounts of water can be saved through more efficient methods of irrigation. Center pivot irrigation uses forty to sixty percent less water than surface irrigation. Low-pressure irrigation systems lose approximately fifty percent less water to evaporation than high-pressure systems. Reducing or eliminating end guns results in significant water savings, while limiting the number of acres removed from production. Educating farmers for improved irrigation scheduling for first and last irrigation is effective and results in significant water savings. The Legislature should investigate the impact that improved irrigation efficiency could have on Nebraska's water shortage. The Legislature should also determine whether improved efficiency can be achieved through education of farmers on the most efficient uses of water, incentives to convert from surface irrigation to low-pressure irrigation systems, tax credits or other incentives to convert from high-pressure irrigation systems to low-pressure irrigation systems, promotion of development of more drought-resistant crop strains, and other methods of improving efficiency of water use.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 367.** Introduced by Fischer, 43.

**PURPOSE:** This study shall investigate issues related to the current and future availability and access to telecommunications and information services throughout Nebraska. Study topics shall include, but not be limited to:



(1) Existing state and federal efforts and programs to ensure quality telecommunications and information services at just, reasonable, and affordable rates throughout the state;

(2) Results achieved by existing state and federal programs;

(3) Existing statutory authority of the Public Service Commission to ensure accountability for funding supporting telecommunications and information services throughout the state; and

(4) Future challenges to the provision of quality telecommunications and information services at just, reasonable, and affordable rates throughout the state.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 368.** Introduced by Schimek, 27.

PURPOSE: To examine policy changes that should be pursued in order to provide cooperation between governmental agencies and tribal governments when it comes to the discovery and removal or borrowing of paleontological resources from tribal lands. The committee shall conduct a study of the following:

(1) Current practice when paleontological resources are discovered;

(2) How other states have provided in statute for dealing with this issue;

(3) Methods of preventing any governmental agency or private entity or individual from entering tribal lands and removing paleontological resources without tribal permission and cooperation; and

(4) Potential improvements that can be made statutorily to the process in order to promote cooperation between the governmental agency and the tribes.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 369.** Introduced by Schimek, 27.

**PURPOSE:** To examine policy changes that should be pursued in order to provide further guidance and oversight of Nebraska's home schools. The committee shall conduct a study of the following:

(1) Current statutory framework established for the creation of all types of nonaccredited schools in Nebraska and how that relates to original legislative intent;

(2) Potential improvements that can be made to existing statute due to the increased number of home schools, in order to reflect current trends;

(3) Any data that can be drawn from only Nebraska home schools to demonstrate how well the state's home school students are performing;

(4) Existing case law enabling states to provide oversight to home schools; and

(5) Proposals that would enable Nebraska to provide sufficient oversight through the testing of home school students or other mechanisms in order to evaluate home school students.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 765.** Placed on Final Reading.

ST9082

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

1. On page 1, line 1, "section 71-5829.03" has been struck and "sections 71-5829.03 and 71-5829.06" inserted; and in line 4 "section" has been struck and "sections" inserted.

**LEGISLATIVE BILL 777.** Placed on Final Reading.**LEGISLATIVE BILL 889.** Placed on Final Reading.**LEGISLATIVE BILL 952.** Placed on Final Reading.

ST9080

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

1. On page 1, the matter beginning with "state" in line 1 through line 7 and all amendments thereto have been struck and "laws; to amend section 81-119, Reissue Revised Statutes of Nebraska, and section 86-2,112,

Revised Statutes Cumulative Supplement, 2006; to change provisions relating to investigatory powers of state administrative departments and investigatory and enforcement powers of the Attorney General and county attorneys; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 973.** Placed on Final Reading.

**LEGISLATIVE BILL 988.** Placed on Final Reading.  
ST9081

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

1. Sections have been renumbered and internal references corrected to reflect all adopted amendments.

2. In the Friend amendment, AM2431, on page 6, line 16, "subdivision" has been struck and "subsection" inserted.

3. In the Raikes amendment, AM2545:

a. On page 3, line 22, "(1)" has been struck, shown as stricken, and "(a)" inserted; and in line 23 "(2)" has been struck, shown as stricken, and "(b)" inserted;

b. On page 11, line 15, "districts" has been struck, shown as stricken, and "district" inserted;

c. On page 12, lines 9 and 10, 15 and 16, and 22, "in the sparse cost grouping or the very sparse cost grouping" has been struck, shown as stricken, and "sparse or very sparse" inserted;

d. On page 18, line 15, an underscored comma has been inserted after "later"; and in line 26 "(a)" has been struck and "(i)" inserted and "(b)" has been struck and "(ii)" inserted; and

e. On page 19, line 1, "(c)" has been struck and "(iii)" inserted.

4. In the Raikes amendment, AM2507, on page 1, line 4, "state aid calculated for" has been inserted after "For".

5. In the E & R amendments, ER8211:

a. On page 19, line 27, "year" has been inserted after "fiscal";

b. On page 21, line 20, "subsection" has been struck and "section" inserted; and

c. On page 53, line 8, "section" has been inserted after "to".

6. On page 1, the matter beginning with "state" in line 1 through line 14 and all amendments thereto have been struck and "education funding; to amend sections 44-4317, 79-8,137, 79-1022.02, 79-1023, 79-1029, and 79-1229, Reissue Revised Statutes of Nebraska, sections 79-233, 79-1005.01, 79-1008.01, 79-1009, and 79-1024, Revised Statutes Cumulative Supplement, 2006, and sections 77-3442, 79-458, 79-4,108, 79-4,111, 79-1001, 79-1003, 79-1003.01, 79-1007.02, 79-1007.04, 79-1007.06, 79-1007.07, 79-1007.08, 79-1007.09, 79-1007.10, 79-1008.02, 79-1013, 79-1014, 79-1015.01, 79-1016, 79-1018.01, 79-1022, 79-1028, 79-1031.01, 79-1073, 79-1083.03, 79-1336, 79-1337, and 79-2102, Revised Statutes Supplement, 2007; to change provisions relating to tax levies for members of risk management pools, learning communities, and certain school districts, to freeholding, and to unified systems; to define and redefine terms; to change provisions relating to the Tax Equity and

Educational Opportunities Support Act, educational service unit financial reporting, and distance education reimbursement; to harmonize provisions; to eliminate provisions relating to calculation of state aid; to repeal the original sections; to outright repeal section 79-1009.01, Reissue Revised Statutes of Nebraska, and section 79-1007.03, Revised Statutes Supplement, 2007; and to declare an emergency." inserted.

**LEGISLATIVE BILL 988A.** Placed on Final Reading.

ST9077

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

1. On page 1, line 4, "to state intent regarding appropriations;" has been inserted after the semicolon.

**LEGISLATIVE BILL 1049.** Placed on Final Reading.

ST9079

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

1. On page 1, line 4, "to provide an operative date;" has been inserted after the semicolon.

**LEGISLATIVE BILL 1055.** Placed on Final Reading.

ST9078

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

1. On page 1, the matter beginning with "dogs" in line 1 through line 10 and all amendments thereto have been struck and "animals; to amend sections 54-607, 54-608, 54-610, 54-611, 54-613, 54-614, 54-615, 54-616, 54-617, 54-618, 54-619, 54-620, 54-623, and 54-624, Reissue Revised Statutes of Nebraska, sections 28-1014, 28-1015, and 28-1016, Revised Statutes Cumulative Supplement, 2006, and sections 28-101, 28-1008, and 28-1013, Revised Statutes Supplement, 2007; to prohibit certain association with animals as prescribed; to change and eliminate provisions relating to dogs running at large and dangerous dogs; to define and redefine terms; to provide and change penalties; to provide powers and duties for certain political subdivisions; to harmonize provisions; to repeal the original sections; to outright repeal section 54-609, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

**LEGISLATIVE BILL 1157.** Placed on Final Reading.

**LEGISLATIVE BILL 1157A.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1174.** Title read. Considered.

Committee AM2319, found on page 960, was considered.

Senator Stuthman renewed his amendment, FA252, found on page 1174, to the committee amendment.

**SENATOR AGUILAR PRESIDING**

**SENATOR FRIEND PRESIDING**

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 911A.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 911, One Hundredth Legislature, Second Session, 2008.

**LEGISLATIVE BILL 1154A.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1154, One Hundredth Legislature, Second Session, 2008.

**AMENDMENTS - Print in Journal**

Senator Erdman filed the following amendment to LB846:  
AM2602

(Amendments to E & R amendments, ER8217)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) On July 1, 2009, and each July 1
- 4 thereafter, the State Treasurer shall transfer an amount equal
- 5 to one-half of one percent of the appropriations and express
- 6 obligations for the current biennial budget period from the General
- 7 Fund to the Highway Trust Fund.
- 8 (2) The amount transferred pursuant to subsection (1) of
- 9 this section shall be allocated as follows:
- 10 (a) Ninety percent to the Highway Cash Fund for the
- 11 Department of Roads;
- 12 (b) Five percent to the Highway Allocation Fund for
- 13 allocation to the various counties for road purposes; and

14 (c) Five percent to the Highway Allocation Fund for  
15 allocation to the various municipalities for street purposes.

16 Sec. 2. Section 84-612, Revised Statutes Supplement,  
17 2007, is amended to read:

18 84-612 (1) There is hereby created within the state  
19 treasury a fund known as the Cash Reserve Fund which shall be under  
20 the direction of the State Treasurer. The fund shall only be used  
21 pursuant to this section.

22 (2) The State Treasurer shall transfer funds from the  
1 Cash Reserve Fund to the General Fund upon certification by the  
2 Director of Administrative Services that the current cash balance  
3 in the General Fund is inadequate to meet current obligations. Such  
4 certification shall include the dollar amount to be transferred.  
5 Any transfers made pursuant to this subsection shall be reversed  
6 upon notification by the Director of Administrative Services that  
7 sufficient funds are available.

8 (3) The State Treasurer, at the direction of the  
9 budget administrator of the budget division of the Department  
10 of Administrative Services, shall transfer such amounts not to  
11 exceed seven million seven hundred fifty-three thousand two hundred  
12 sixty-three dollars in total from the Cash Reserve Fund to the  
13 Nebraska Capital Construction Fund between July 1, 2003, and June  
14 30, 2007.

15 (4) The State Treasurer, at the direction of the budget  
16 administrator, shall transfer an amount equal to the total amount  
17 transferred pursuant to subsection (3) of this section from the  
18 General Fund to the Cash Reserve Fund on or before June 30, 2008.

19 (5) In addition to receiving transfers from other funds,  
20 the Cash Reserve Fund shall receive federal funds received by the  
21 State of Nebraska for undesignated general government purposes,  
22 federal revenue sharing, or general fiscal relief of the state.

23 (6) On June 15, 2007, the State Treasurer shall transfer  
24 fifteen million six hundred seventy-four thousand one hundred seven  
25 dollars from the Cash Reserve Fund to the General Fund.

26 (7) On June 16, 2008, the State Treasurer shall transfer  
27 seventeen million nine hundred thirty-one thousand thirty dollars  
1 from the Cash Reserve Fund to the General Fund.

2 (8) On June 15, 2009, the State Treasurer shall transfer  
3 four million nine hundred ninety thousand five hundred five dollars  
4 from the Cash Reserve Fund to the General Fund.

5 (9) On or before June 16, 2008, the State Treasurer, at  
6 the direction of the budget administrator, shall transfer fifty  
7 million dollars from the Cash Reserve Fund to the General Fund.

8 (10) On or before June 16, 2009, the State Treasurer,  
9 at the direction of the budget administrator, shall transfer fifty  
10 million dollars from the Cash Reserve Fund to the General Fund.

11 (11) From the effective date of an endowment agreement  
12 as defined in subdivision (3)(c) of section 79-1101 until June  
13 30, 2007, forty million dollars of the Cash Reserve Fund shall be

14 deemed to constitute the Early Childhood Education Endowment Fund.  
15 Such funds shall remain part of the Cash Reserve Fund for all  
16 purposes, except that the interest earned on such forty million  
17 dollars shall accrue as provided in section 84-613.

18 (12) The State Treasurer, at the direction of the budget  
19 administrator, shall transfer such amounts, as certified by the  
20 Director of Administrative Services, for employee health insurance  
21 claims and expenses, not to exceed twelve million dollars in total  
22 from the Cash Reserve Fund to the State Employees Insurance Fund  
23 between May 1, 2007, and June 30, 2011.

24 (13) On July 9, 2007, the State Treasurer shall transfer  
25 twelve million dollars from the Cash Reserve Fund to the Nebraska  
26 Capital Construction Fund.

27 (14) On July 9, 2007, the State Treasurer shall transfer  
1 five million dollars from the Cash Reserve Fund to the Job Training  
2 Cash Fund. The State Treasurer shall transfer from the Job Training  
3 Cash Fund to the Cash Reserve Fund such amounts as directed in  
4 section 81-1201.21.

5 (15) On July 7, 2008, the State Treasurer shall transfer  
6 five million dollars from the Cash Reserve Fund to the Job Training  
7 Cash Fund. The State Treasurer shall transfer from the Job Training  
8 Cash Fund to the Cash Reserve Fund such amounts as directed in  
9 section 81-1201.21.

10 (16) On or before August 1, 2007, the State Treasurer,  
11 at the direction of the budget administrator, shall transfer  
12 seventy-five million dollars from the Cash Reserve Fund to the  
13 Nebraska Capital Construction Fund.

14 (17) On or before June 30, 2009, the State Treasurer  
15 shall transfer nine million five hundred ninety thousand dollars  
16 from the Cash Reserve Fund to the Nebraska Capital Construction  
17 Fund.

18 (18) The State Treasurer, at the direction of the budget  
19 administrator, shall transfer an amount equal to the total amount  
20 transferred pursuant to subsection (12) of this section from  
21 the appropriate health insurance accounts of the State Employees  
22 Insurance Fund in such amounts as certified by the Director of  
23 Administrative Services to the Cash Reserve Fund on or before June  
24 30, 2011.

25 (19) On July 9, 2007, the State Treasurer shall  
26 transfer one million dollars from the Cash Reserve Fund to the  
27 Microenterprise Development Cash Fund.

1 (20) On July 9, 2007, the State Treasurer shall transfer  
2 two hundred fifty thousand dollars from the Cash Reserve Fund to  
3 the Building Entrepreneurial Communities Cash Fund.

4 (21) On July 7, 2008, the State Treasurer shall  
5 transfer one million dollars from the Cash Reserve Fund to the  
6 Microenterprise Development Cash Fund.

7 (22) On July 7, 2008, the State Treasurer shall transfer  
8 two hundred fifty thousand dollars from the Cash Reserve Fund to

- 9 the Building Entrepreneurial Communities Cash Fund.  
 10 (23) Within seven days after the effective date of this  
 11 act, the State Treasurer shall transfer fourteen million five  
 12 hundred thirteen thousand nine hundred thirty dollars from the Cash  
 13 Reserve Fund to the Roads Operations Cash Fund.  
 14 (24) Within seven days after the effective date of this  
 15 act, the State Treasurer shall transfer sixteen million one hundred  
 16 two thousand dollars from the Cash Reserve Fund to the Highway Cash  
 17 Fund.  
 18 Sec. 3. Original section 84-612, Revised Statutes  
 19 Supplement, 2007, is repealed.

Senator Janssen filed the following amendment to LB895:  
 AM2590

(Amendments to E & R amendments, ER8219)

- 1 1. On page 24, line 6, strike "a"; and strike lines 11
- 2 through 20.

Senators Cornett, Burling, Dierks, Flood, Gay, Heidemann, Janssen,  
 Kopplin, Lautenbaugh, Pahls, Pankonin, Preister, and White filed the  
 following amendment to LB895:  
 AM2601

(Amendments to E & R amendments, ER8219)

- 1 1. On page 25, line 16, after the period insert "A
- 2 taxpayer who has a project for an Internet web portal and who has
- 3 met the required level of investment for a tier 5 project shall
- 4 receive the incentive provided in this subsection for property in
- 5 subdivision (8)(b)(ii) of this section."
- 6 2. On page 34, line 3, after "77-5725" insert "or any
- 7 reduction in the personal property tax under section 77-5725"; and
- 8 in line 4 after "refunds" insert "and reductions in tax".

Senator McDonald filed the following amendment to LB895:  
 AM2617

(Amendments to E & R amendments, ER8219)

- 1 1. Insert the following new section:
- 2 Section 1. Section 18-2720, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2720 (1) If the economic development program involves
- 5 the establishment of a loan fund, the governing body of the
- 6 city shall designate an appropriate individual to assume primary
- 7 responsibility for loan servicing and shall provide such other
- 8 assistance or additional personnel as may be required. The
- 9 individual may be an employee of the city, or the city may
- 10 contract with an appropriate business or financial institution for
- 11 loan servicing functions. The governing body of the city shall be
- 12 provided with an account of the status of each loan outstanding,
- 13 program income, and current investments of unexpended funds on a
- 14 monthly basis. Program income shall mean payments of principal and



15 interest on loans made from the loan fund and the interest earned  
16 on these funds.

17 (2) ~~The individual responsible for loan servicing shall~~  
18 ~~establish a separate account in a financial institution for each~~  
19 ~~loan made from the loan fund.~~ Records kept on such accounts and  
20 reports made to the governing body of the city shall include, but  
21 not be limited to, the following information: (a) The name of the  
22 borrower; (b) the purpose of the loan; (c) the date the loan was  
1 made; (d) the amount of the loan; (e) the basic terms of the loan,  
2 including the interest rate, the maturity date, and the frequency  
3 of payments; and (f) the payments made to date and the current  
4 balance due.

5 (3) The individual responsible for loan servicing shall  
6 monitor the status of each loan and, with the cooperation of the  
7 governing body of the city and the primary lender or lenders, take  
8 appropriate action when a loan becomes delinquent. The governing  
9 body shall establish standards for the determination of loan  
10 delinquency, when a loan shall be declared to be in default, and  
11 what action shall be taken to deal with the default to protect  
12 the interests of the qualifying business, third parties, and the  
13 city. The governing body shall establish a process to provide for  
14 consultation, agreement, and joint action between the city and  
15 the primary lender or lenders in pursuing appropriate remedies  
16 following the default of a qualifying business in order to collect  
17 amounts owed under the loan.

18 2. Renumber the remaining sections and correct internal  
19 references and the repealer accordingly.

Senator White filed the following amendment to LB1001:  
AM2632

(Amendments to E & R amendments, ER8188)

1 1. On page 2, line 14, after the comma insert "a  
2 nonprofit corporation organized for the purpose of furnishing  
3 electric service".

4 2. On page 2, line 27; and page 3, lines 3, 5, and 10,  
5 before "sales" insert "state".

6 3. On page 3, line 3, strike "Any" and insert "For time  
7 periods after July 1, 2007, any"; and strike beginning with "The"  
8 in line 12 through line 13.

9 4. On page 4, after line 9, insert the following new  
10 subsection:

11 "(4) The eligible entity shall certify to the department  
12 the amount of money to be distributed from the applicable subfund  
13 of the Energy Conservation Improvement Fund for payments of  
14 the energy conservation grants approved in subsection (2) of  
15 this section. Requests for distribution may be filed no more  
16 frequently than monthly. The department shall distribute money  
17 only to the eligible entity."; in line 11 after "to" insert  
18 "administer a program for eligible energy conservation grants under

19 the Low-Income Home Energy Conservation Act or to"; and strike  
 20 beginning with "under" in line 12 through "Act" in line 13.  
 21 5. On page 8, line 16, after "made" insert "or made  
 22 during the same calendar year as such determination is made".

Senator Raikes filed the following amendment to LB965:  
 AM2638

(Amendments to E & R amendments, ER8216)

1 1. Insert the following new sections:  
 2 Sec. 17. Section 77-1704.02, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 77-1704.02 (1) Until such time as the real property is  
 5 sold for taxes under section 77-1806, each county treasurer shall  
 6 accept payments of five hundred dollars or more for the partial  
 7 discharge of current or delinquent real property taxes, personal  
 8 property taxes, or both or any charges for interest, publication,  
 9 penalties, or other charges by reason of the delinquency of such  
 10 taxes. Such partial payment shall be in an amount of at least five  
 11 hundred dollars unless the partial payment is for the remaining  
 12 obligation. The county treasurer shall distribute partial payments  
 13 to the entities levying taxes on the property in proportion to the  
 14 total amount of taxes levied on the property by each entity levying  
 15 taxes on such property. Partial payment shall stop the accumulation  
 16 of interest with regard to the amount of payment made. Partial  
 17 payments for delinquent taxes shall be applied to the oldest  
 18 delinquencies first. Partial payment of delinquent taxes shall not  
 19 affect any collection procedure that is underway or available to  
 20 the county until the delinquency is fully satisfied.  
 21 ~~(1)-(2)~~ Any county board may pass a resolution to allow  
 22 payments ~~for the~~ of amounts less than five hundred dollars for  
 1 the partial discharge of current or delinquent real property taxes,  
 2 personal property taxes, or both, any amounts after the real  
 3 property has been sold for taxes under section 77-1806, or any  
 4 charges for interest, publication, penalties, or other charges by  
 5 reason of the delinquency of such taxes to be held in escrow by  
 6 the county treasurer or may contract with another party to hold  
 7 such payments in escrow. Upon passage of such a resolution or such  
 8 other effective date as the resolution may provide, the county  
 9 treasurer shall accept payments in accordance with the resolution  
 10 or any subsequent amendments thereto and hold such amounts until  
 11 the accumulated payments are sufficient to pay at least one-half  
 12 the taxes currently due on the property or the full amount of  
 13 delinquency and any interest, penalties, or other charges due to  
 14 the delinquency. The resolution of the county board may require  
 15 a minimum, limited, or periodic payment amount as a condition  
 16 for acceptance of payments to be held in escrow. The resolution  
 17 may also require that an escrow agreement be executed between the  
 18 person making payment and the county treasurer as a condition for  
 19 accepting payments.

20 ~~(2)~~(3) Payments held in escrow under this section may be  
 21 held in a designated bank account or may be commingled with other  
 22 county funds. Such amounts are the property of the person making  
 23 payment and shall be held in trust for the benefit of such person  
 24 and be accounted for with respect to the property for which the  
 25 current or delinquent taxes are to be paid. The county may pay  
 26 interest on amounts held in escrow at a rate to be determined by  
 27 the county board or may retain any interest received. Upon sale  
 1 of the property, any amounts held in escrow with respect to that  
 2 property shall be returned to the person that made the payment or  
 3 applied as directed by such person.

4 ~~(3)~~(4) Payments held in escrow for payment of delinquent  
 5 taxes shall be applied to the oldest delinquencies first. Payments  
 6 held in escrow for payment of delinquent taxes shall not affect any  
 7 collection procedure that is underway or available to the county  
 8 until the delinquency is fully satisfied.

9 Sec. 18. Section 77-1716, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 77-1716 The county treasurer ~~may, shall,~~ at any time  
 12 prior to January 1 of each year, send by mail to the last-known  
 13 address a notice to each person on the personal tax roll and each  
 14 person owing real estate taxes on mobile homes, cabin trailers,  
 15 manufactured homes, or similar property assessed and taxed as  
 16 improvements to leased land, advising such taxpayer of the amount  
 17 of such taxes owed for that year. At any time ~~after May 1 and~~  
 18 ~~before September 1 next following,~~ on or before May 15 in counties  
 19 with more than one hundred thousand inhabitants, as of the last  
 20 federal decennial census, or on or before June 15 in all other  
 21 counties, the county treasurer is required to notify by mail, at  
 22 the last-known address, any taxpayer, whose personal or real estate  
 23 tax under this section is delinquent, on account of such taxpayer  
 24 not having paid the taxes, or the first installment thereof, on  
 25 ~~May 1, or before such dates,~~ as required by law, of the amount of  
 26 such delinquent tax. The delinquency notice shall also recite that  
 27 unless the entire tax is paid by September 1, next following, a  
 1 distress warrant will be issued therefor. One dollar may be charged  
 2 by the county treasurer as a cost to the taxpayer to defray the  
 3 cost of sending the delinquency notice. The failure of the taxpayer  
 4 to receive the notice shall not affect the validity of the distress  
 5 warrant.

6 Sec. 19. Section 77-1719.03, Revised Statutes Cumulative  
 7 Supplement, 2006, is amended to read:

8 77-1719.03 In any case ~~where in which~~ any distress  
 9 warrant includes taxes for one year or more, the sheriff may,  
 10 in his or her discretion, accept partial payment and shall pay  
 11 the same, as received, to the county treasurer, who shall accept  
 12 the same and receipt the sheriff therefor. ~~Pursuant to section~~  
 13 ~~77-1704.02, the~~ The county treasurer may accept the partial payment  
 14 ~~and hold such amounts until the accumulated payments are sufficient~~

15 ~~to pay the full amount of the delinquency for one year and any~~  
 16 ~~interest, penalties, or other charges due to the delinquency, in~~  
 17 ~~the manner provided in section 77-1704.02. Notwithstanding any~~  
 18 ~~partial payment, the sheriff shall make levy and return thereof, on~~  
 19 ~~the distress warrant, as required by law.~~

20 Sec. 20. Except for delinquent taxes on mobile homes,  
 21 cabin trailers, manufactured homes, or similar property assessed  
 22 and taxed as improvements to leased land, the county treasurer  
 23 shall, at any time on or before May 15 in counties with more than  
 24 one hundred thousand inhabitants, as of the last federal decennial  
 25 census, or on or before June 15 in all other counties, notify by  
 26 mail, at the last-known address, any taxpayer whose real estate  
 27 tax is delinquent, on account of such taxpayer not having paid the  
 1 taxes, or the first installment thereof, on or before such dates,  
 2 as required by law, of the amount of such delinquent tax. The  
 3 notice shall also recite that unless the entire tax is paid on or  
 4 before the first Monday of March after the tax becomes delinquent,  
 5 the real estate will be sold or foreclosed on as provided by law  
 6 in order to pay the delinquent real estate taxes. One dollar may  
 7 be charged by the county treasurer as a cost to the taxpayer to  
 8 defray the cost of sending the delinquency notice. The failure of  
 9 the taxpayer to receive the notice shall not affect the validity of  
 10 a sale under Chapter 77, article 18.

11 Sec. 31. Original sections 77-1704.02 and 77-1716,  
 12 Reissue Revised Statutes of Nebraska, and section 77-1719.03,  
 13 Revised Statutes Cumulative Supplement, 2006, are repealed.

14 2. Renumber the remaining sections, correct internal  
 15 references, and correct the operative date section and the repealer  
 16 so that the sections added by this amendment become operative on  
 17 January 1, 2011.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 370.** Introduced by Cornett, 45.

PURPOSE: The State of Nebraska has a duty and a keen interest in providing quality care to those individuals who are entrusted to the state's twenty-four-hour care facilities and a duty to provide reasonable working conditions to its citizens who are in the employment of our state. This shall be a joint study between the Business and Labor Committee of the Legislature and the Health and Human Services Committee of the Legislature to: (1) Study the effect of mandatory overtime at our twenty-four-hour care facilities on the morale of the employees who are forced to repeatedly work mandatory overtime, and the inadequacy of care to the patients; (2) the cost to the state for overtime; (3) how many full-time employees could be hired in lieu of overtime payment; (4) explore and investigate how these vacant positions are covered including use of agency temps and outside temporary pools; and (5) explore methods to decrease

staffing shortages, improve retention, and improve the care of individuals in twenty-four-hour state care.

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

1. That the Business and Labor and Health and Human Services Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of findings, together with recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 371.** Introduced by Kopplin, 3.

PURPOSE: Energy efficient schools can provide many benefits, such as saving tax dollars, reducing the amount of money expended on imported fuel sources, reducing the need for new power plants because of energy conservation, reducing negative environmental impacts of energy generation and consumption, and improved student performance. It is the goal of this study to determine current energy usage by schools and school districts, document effective energy efficiency methods currently being used by school districts in the state, determine effective energy efficiency measures developed by the state's public power districts, research effective energy efficiency methods being utilized by other states, research methods of providing funding for energy efficient schools, and research any other methods or information necessary for a complete examination of this issue.

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

1. That the Natural Resources and Education Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 372.** Introduced by Friend, 10.

PURPOSE: Under our existing scheme of classification of cities and villages, over the course of time, different provisions and standards have been adopted in statutes regarding the adoption, implementation, and enforcement of municipal ordinances. This study would review those statutes, their application, extent, and use, and would seek to determine which, if any, of these statutes should be updated and whether

standardization among the different classes of cities and villages would be appropriate public policy.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 373.** Introduced by Friend, 10.

PURPOSE: LB1117 (2008), introduced by Sen. Pedersen and heard by the Urban Affairs Committee, dealt with homeowner's associations in sanitary and improvement districts (SIDs), seeking to address concerns about the mandatory membership requirements of some of the associations, their fee structure, and the voting rights granted to the members. This study would review the use of homeowners associations in SIDs and the functions they serve as well as the issues raised by LB1117. The study would seek to determine the most efficient and appropriate method for informing persons purchasing property in SIDs of the existence of such associations and the duties, rights, and obligations arising from mandatory membership in such associations.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 374.** Introduced by Friend, 10.

PURPOSE: This study will provide the opportunity for the Urban Affairs Committee of the Legislature to investigate and review matters and issues arising during the interim which are within its jurisdiction and which may be the subject of bills to be introduced in the 2009 legislative session.

The study will involve:

(1) A review of any legislation considered by the Urban Affairs Committee during the 2007-08 legislative biennium which failed to advance from committee or to be adopted to determine what further action by the committee might be warranted with regard to the particular subjects of the individual bills;

(2) A review of problems, concerns, or legislation proposed for introduction by senators or other parties for study, technical discussion, or conceptual refinement before the start of the next legislative session; and

(3) The conduct of at least one public hearing to provide an opportunity for public comment and discussion with members of the committee and the public on issues involving matters within the committee's jurisdiction.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 375.** Introduced by Friend, 10; Janssen, 15.

**PURPOSE:** This study would review the issues raised by LB899 (2008), considered by the Urban Affairs Committee, which proposed the establishment of a land reutilization authority within metropolitan-class cities. Currently, under the Land Reutilization Act, such authorities are set up on a county basis, their establishment being discretionary. Land reutilization authorities were first created in 1973 for the purpose of setting up a public authority to take control over tax delinquent property and then exercise its discretion in selling the property or keeping it for future use to encourage housing, new industry, jobs, and increased future tax revenue.

The Urban Affairs Committee's consideration of the legislation revealed that the issues involving land reutilization and tax delinquent property were broader than those addressed by this particular legislation and should be the subject of greater study and scrutiny. Additionally, it was clear that those issues also involved matters within the jurisdiction of the Revenue Committee which shares overlapping concerns regarding tax delinquent property, its treatment under state law, and the impact upon political subdivisions that rely upon property tax revenue.

This study would review those issues through the joint efforts of the Urban Affairs Committee and the Revenue Committee.

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

1. That the Urban Affairs Committee of the Legislature and the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 1174.** The Stuthman amendment, FA252, found on page 1174 and considered in this day's Journal, to the committee amendment, was renewed.

### PRESIDENT SHEEHY PRESIDING

Senator Rogert moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Stuthman withdrew his amendment.

Senator Stuthman withdrew his amendments, FA253, FA254, and FA255, found on page 1174.

Pending.

### AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB1154:  
AM2639

(Amendments to Standing Committee amendments, AM2449)

- 1 1. Insert the following new section:
- 2 Sec. 11. Section 46, Legislative Bill 988, One Hundredth
- 3 Legislature, Second Session, 2008, is amended to read:
- 4 For school fiscal year 2008-09 and each school fiscal
- 5 year thereafter, a school district may exceed its maximum general
- 6 fund budget of expenditures minus the special education budget of
- 7 expenditures by a specific dollar amount for:
  - 8 (1) Expenditures for repairs to infrastructure damaged by
  - 9 a natural disaster which is declared a disaster emergency pursuant
  - 10 to the Emergency Management Act;
  - 11 (2) Expenditures for judgments, except judgments or
  - 12 orders from the Commission of Industrial Relations, obtained
  - 13 against a school district which require or obligate a school
  - 14 district to pay such judgment, to the extent such judgment is not
  - 15 paid by liability insurance coverage of a school district;
  - 16 (3) Expenditures pursuant to the Retirement Incentive
  - 17 Plan authorized in section 79-855 or the Staff Development
  - 18 Assistance authorized in section 79-856;
  - 19 (4) Expenditures of incentive payments or base fiscal
  - 20 year incentive payments to be received in such school fiscal year
  - 21 pursuant to section 79-1011;
  - 22 (5) Expenditures of amounts received from educational
  - 1 entities as defined in section 79-1201.01 for providing distance



2 education courses through the Educational Service Unit Coordinating  
3 Council to such educational entities; and

4 ~~(6) A school district may exceed its applicable allowable~~  
5 ~~growth rate for either (a) the first and second school fiscal~~  
6 ~~years the district will be participating in Network Nebraska for~~  
7 ~~the full school fiscal year or (b) school fiscal year 2008-09, if~~  
8 ~~the school district participated in Network Nebraska for all of~~  
9 ~~school fiscal year 2007-08, by a specific dollar amount equal to~~  
10 ~~the estimated expenditures, to be made in the school fiscal year~~  
11 ~~in which the district may exceed its applicable allowable growth~~  
12 ~~rate, for (i) telecommunication services, (ii) access to data~~  
13 ~~transmission networks that transmit data to and from the school~~  
14 ~~district, and (iii) the transmission of data on such networks~~  
15 ~~as such expenditures are defined by the department for purposes~~  
16 ~~of the distance education and telecommunications allowance minus~~  
17 ~~the dollar amount of such expenditures for the school fiscal~~  
18 ~~year immediately preceding the first full school fiscal year the~~  
19 ~~district participates in Network Nebraska. Districts shall estimate~~  
20 ~~expenditures on forms prescribed by the department. The department~~  
21 ~~shall approve, deny, or modify the estimated expenditures. Either~~  
22 ~~(a) the first and second school fiscal years the district will~~  
23 ~~be participating in Network Nebraska for the full school fiscal~~  
24 ~~year or (b) school fiscal year 2008-09, if the school district~~  
25 ~~participated in Network Nebraska for all of school fiscal year~~  
26 ~~2007-08, for the difference of the estimated expenditures for~~  
27 ~~such school fiscal year for telecommunications services, access~~  
1 ~~to data transmission networks that transmit data to and from the~~  
2 ~~school district, and the transmission of data on such networks as~~  
3 ~~such expenditures are defined by the department for purposes of~~  
4 ~~the distance education and telecommunications allowance minus the~~  
5 ~~dollar amount of such expenditures for the second school fiscal~~  
6 ~~year preceding the first full school fiscal year the district~~  
7 ~~participates in Network Nebraska.~~

8 The state board shall approve, deny, or modify the amount  
9 allowed for any exception to the maximum general fund budget of  
10 expenditures minus the special education budget of expenditures  
11 pursuant to this section.

12 2. On page 38, lines 24 and 25, strike "plus all member  
13 districts of learning communities".

14 3. On page 39, line 4, strike the new matter; and in line  
15 8 after "section" insert "except that such adjusted valuation  
16 for member school districts that are also member districts of a  
17 learning community shall be reduced by fifty percent. The adjusted  
18 valuation for each learning community shall equal fifty percent  
19 of the total adjusted valuation of the member school districts  
20 pursuant to section 79-1016 used for the calculation of state aid  
21 for school districts pursuant to the act for the school fiscal year  
22 for which the distribution is being calculated pursuant to this  
23 section".

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

Senator Fischer filed the following amendment to LB911:  
AM2180 is available in the Bill Room.

Senator Kopplin filed the following amendment to LB911:  
AM2634

(Amendments to Standing Committee amendments, AM1971)

- 1 1. On page 11, lines 19 and 27; page 19, line 19; page
- 2 25, lines 5 and 6; page 29, lines 9 and 10; page 32, lines 18 and
- 3 19; page 33, lines 18 and 22 and 23; page 35, line 10; page 39,
- 4 lines 6, 10, and 15; page 40, line 22; page 41, line 22; and page
- 5 44, line 26, strike "and surcharge".
- 6 2. On page 17, strike lines 20 through 27.
- 7 3. On page 18, strike lines 1 through 6.
- 8 4. On page 28, lines 16 and 17, strike the new matter.

### VISITORS

Visitors to the Chamber were 9 students and teacher from Papillion La Vista High School, Papillion; and 38 fourth-grade students, teachers, and sponsor from Meadows Elementary, Omaha.

The Doctor of the Day was Dr. Nate Haecker from Lincoln.

### ADJOURNMENT

At 7:58 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, April 1, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FIRST DAY - APRIL 1, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 1, 2008

**PRAYER**

The prayer was offered by Father Lloyd Gnirk, St. Pius X Church, Omaha.

**ROLL CALL**

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

The roll was called and all members were present except Senators Carlson, Christensen, Cornett, Dubas, Engel, Heidemann, Nantkes, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fiftieth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 1154A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1174.** Committee AM2319, found on page 960 and considered on page 1237, was renewed.

**SPEAKER FLOOD PRESIDING**

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

Senator Dierks moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

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

Voting in the affirmative, 20:

Ashford	Dubas	Kopplin	McGill	Schimek
Avery	Howard	Kruse	Nantkes	Synowiecki
Chambers	Hudkins	Lathrop	Nelson	Wallman
Christensen	Karpisek	McDonald	Preister	White

Voting in the negative, 27:

Adams	Fischer	Harms	Louden	Rogert
Aguilar	Flood	Heidemann	Pahls	Stuthman
Burling	Friend	Janssen	Pankonin	Wightman
Carlson	Fulton	Johnson	Pedersen	
Cornett	Gay	Langemeier	Pirsch	
Erdman	Hansen	Lautenbaugh	Raikes	

Present and not voting, 2:

Dierks	Engel
--------	-------

The committee amendment lost with 20 ayes, 27 nays, and 2 present and not voting.

The Chair declared the call raised.

Senator Dierks offered the following motion:

MO162

Unanimous consent to bracket until April 17, 2008.

No objections. So ordered.

### MESSAGE FROM THE GOVERNOR

April 1, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1094e and 1094Ae were received in my office on March 31, 2008.

I signed these bills and delivered them to the Secretary of State on April 1, 2008.

Sincerely,

(Signed) Dave Heineman  
Governor

### COMMITTEE REPORT

#### Transportation and Telecommunications

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.

Trev Peterson - Nebraska Information Technology Commission  
Janie Park - Nebraska Information Technology Commission

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

(Signed) Deb Fischer, Chairperson

### AMENDMENT - Print in Journal

Senator Heidemann filed the following amendment to LB928:  
AM2519

(Amendments to Standing Committee amendments, AM2435)

- 1 1. Insert the following new section:
- 2 Sec. 23. Section 71-7608, Revised Statutes Supplement,
- 3 2007, as amended by section 7, Legislative Bill 606, One Hundredth
- 4 Legislature, Second Session, 2008, is amended to read:
- 5 71-7608 The Nebraska Tobacco Settlement Trust Fund is
- 6 created. The fund shall include any settlement payments or other
- 7 revenue received by the State of Nebraska in connection with any
- 8 tobacco-related litigation to which the State of Nebraska is a
- 9 party. The Department of Health and Human Services shall remit such
- 10 revenue to the State Treasurer for credit to the fund, except that
- 11 ~~(1) of such revenue received on or after April 1, 2005, two million~~
- 12 ~~five hundred thousand dollars shall be credited annually to the~~
- 13 ~~Tobacco Prevention and Control Cash Fund. Beginning in July 2008~~
- 14 ~~and (2) within seven days after the effective date of this act,~~
- 15 ~~and on July 1 of each year thereafter, on or before July 25, five~~
- 16 ~~hundred thousand dollars shall be credited~~ transferred from the
- 17 Nebraska Tobacco Settlement Trust Fund to the Stem Cell Research
- 18 Cash Fund created under section 5 of this act. Subject to the
- 19 terms and conditions of such litigation, money from the Nebraska
- 20 Tobacco Settlement Trust Fund shall be transferred to the Nebraska
- 21 Health Care Cash Fund as provided in section 71-7611. Any money in
- 22 the Nebraska Tobacco Settlement Trust Fund available for investment
- 1 shall be invested by the state investment officer pursuant to
- 2 the Nebraska Capital Expansion Act and the Nebraska State Funds
- 3 Investment Act.

- 4 2. On page 36, line 6, strike "30" and insert "31".  
 5 3. On page 44, line 21, strike "32, and 34" and insert  
 6 "33, and 35"; in line 22 strike "23,"; and in line 23 strike "36,  
 7 and 37" and insert "32, 37, and 38".  
 8 4. On page 45, line 3, strike "is" and insert "and  
 9 section 71-7608, Revised Statutes Supplement, 2007, as amended by  
 10 section 7, Legislative Bill 606, One Hundredth Legislature, Second  
 11 Session, 2008, are".  
 12 5. Renumber the remaining sections accordingly.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1130A.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1130, One Hundredth Legislature, Second Session, 2008.

### **GENERAL FILE**

**LEGISLATIVE BILL 245.** Committee AM542, found on page 730, First Session, 2007, and considered on page 1189, was renewed.

Senator Johnson renewed his amendment, AM2317, found on page 987 and considered on page 1189, to the committee amendment.

### **SENATOR AGUILAR PRESIDING**

The Johnson amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Langemeier withdrew his amendment, FA256, found on page 1190.

Senator Langemeier renewed his amendment, FA257, found on page 1198, to the committee amendment.

Senator Langemeier withdrew his amendment.

The committee amendment, as amended, was adopted with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 4 nays, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 245A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 2 nays, 17 present and not voting, and 2 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Johnson filed the following amendment to LB928A:  
AM2620

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. There is hereby appropriated (1) \$56,101 for  
4 the Health and Human Services Cash Fund for FY2008-09 and (2)  
5 \$97,949 from the Health and Human Services Cash Fund for FY2009-10  
6 to the Department of Health and Human Services, for Program 33, to  
7 aid in carrying out the provisions of Legislative Bill 928, One  
8 Hundredth Legislature, Second Session, 2008.  
9 Sec. 2. There is hereby appropriated (1) \$25,000 from the  
10 General Fund for FY2008-09 and (2) \$9,000 from the General Fund for  
11 FY2009-10 to the University of Nebraska, for Program 781, to aid in  
12 carrying out the provisions of Legislative Bill 928, One Hundredth  
13 Legislature, Second Session, 2008.  
14 Sec. 3. The General Fund appropriation for FY2009-10 to  
15 the Department of Health and Human Services, for Program 33, is  
16 hereby reduced by \$42,000.

Senator Chambers filed the following amendment to LB853:  
FA258

P. 54, line 19, reinstate stricken matter and strike new matter.

Senator Chambers filed the following amendment to LB853:  
FA259

P. 54, line 15, reinstate stricken matter and strike new matter.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 1154A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1116A.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1116, One Hundredth

Legislature, Second Session, 2008.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Synowiecki asked unanimous consent to add his name as cointroducer to LB920. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Roland and Adelyne Koranda from Wahoo and Janet Koranda from Fremont; 72 fourth-grade students from Aldridge Elementary, Millard; Stan Sibley from Glenwood, Iowa; Senator Fischer's mother, Florence Strobel, and Vivian Haun from Lincoln; 40 fourth-grade students from Lexington Bryan Elementary, Lexington; Senator Erdman's mother, Cathy Erdman, and 16 student senators from District 47; and 18 fourth-grade students and sponsors from St. Paul's Lutheran School, Beatrice.

### **RECESS**

At 11:52 a.m., on a motion by Speaker Flood, 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 Ashford, Christensen, Dierks, and Johnson who were excused until they arrive.

### **RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR282 was adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR282.

### **SELECT FILE**

**LEGISLATIVE BILL 846.** ER8217, found on page 1125, was adopted.

Senator Hudkins renewed her amendment, AM2063, found on page 1110.

Senator Hudkins withdrew her amendment.



Senator Raikes renewed his amendment, AM2181, found on page 955.

Senator Raikes withdrew his amendment.

Senator Raikes renewed his amendment, AM1967, found on page 956.

Senator Raikes withdrew his amendment.

Senator Erdman renewed his amendment, AM2602, found on page 1237.

Senator Kruse moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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

Senator Erdman requested a record vote on his amendment.

Voting in the affirmative, 17:

Ashford	Gay	Lathrop	Pankonin	White
Chambers	Hansen	Lautenbaugh	Pirsch	
Erdman	Kopplin	Louden	Rogert	
Friend	Langemeier	McGill	Stuthman	

Voting in the negative, 25:

Adams	Christensen	Heidemann	Kruse	Raikes
Aguilar	Engel	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	Nantkes	Synowiecki
Burling	Flood	Johnson	Nelson	Wallman
Carlson	Harms	Karpisek	Pedersen	Wightman

Present and not voting, 6:

Cornett	Dubas	Howard
Dierks	Fulton	Preister

Excused and not voting, 1:

Pahls

The Erdman amendment lost with 17 ayes, 25 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Adams	Dierks	Janssen	Nelson	Wallman
Aguilar	Fischer	Johnson	Pedersen	Wightman
Avery	Flood	Karpisek	Preister	
Burling	Harms	Kruse	Raikes	
Carlson	Heidemann	McDonald	Rogert	
Christensen	Hudkins	Nantkes	Schimek	

Voting in the negative, 14:

Chambers	Friend	Howard	Lautenbaugh	Pirsch
Dubas	Fulton	Kopplin	McGill	White
Erdman	Hansen	Lathrop	Pankonin	

Present and not voting, 8:

Ashford	Engel	Langemeier	Stuthman
Cornett	Gay	Louden	Synowiecki

Excused and not voting, 1:

Pahls

Advanced to Enrollment and Review for Engrossment with 26 ayes, 14 nays, 8 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 846A.** Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Adams	Christensen	Heidemann	Kruse	Raikes
Aguilar	Dierks	Hudkins	McDonald	Rogert
Avery	Fischer	Janssen	Nantkes	Schimek
Burling	Flood	Johnson	Nelson	Wallman
Carlson	Harms	Karpisek	Preister	Wightman

Voting in the negative, 17:

Chambers	Erdman	Hansen	Lautenbaugh	White
Cornett	Friend	Howard	McGill	
Dubas	Fulton	Kopplin	Pankonin	
Engel	Gay	Lathrop	Pirsch	

Present and not voting, 6:

Ashford      Louden      Stuthman  
Langemeier   Pedersen      Synowiecki

Excused and not voting, 1:

Pahls

Advanced to Enrollment and Review for Engrossment with 25 ayes, 17 nays, 6 present and not voting, and 1 excused and not voting.

## COMMITTEE REPORTS

### Health and Human Services

**LEGISLATIVE BILL 1121.** Placed on General File with amendment.  
AM2605

1      1. Strike the original sections and insert the following  
2 new sections:  
3      Section 1. Section 68-949, Revised Statutes Supplement,  
4 2007, is amended to read:  
5      68-949 (1) It is the intent of the Legislature that the  
6 department implement reforms to the medical assistance program  
7 such as those contained in the Medicaid Reform Plan, including (a)  
8 an incremental expansion of home and community-based services for  
9 aged persons and persons with disabilities consistent with such  
10 plan, (b) an increase in care coordination or disease management  
11 initiatives to better manage medical assistance expenditures  
12 on behalf of high-cost recipients with multiple or chronic  
13 medical conditions, and (c) other reforms as deemed necessary and  
14 appropriate by the department, in consultation with the committee  
15 and the Medicaid Reform Council.

16      (2)(a) ~~The department shall develop recommendations~~  
17 ~~relating to the provision of health care and related services~~  
18 ~~for medicaid eligible children under the state children's health~~  
19 ~~insurance program as allowed under Title XIX and Title XXI of the~~  
20 ~~federal Social Security Act. Such study and recommendations shall~~  
21 ~~include, but not be limited to, the organization and administration~~  
22 ~~of such program, the establishment of premiums, copayments, and~~  
23 ~~deductibles under such program, and the establishment of limits on~~  
1 ~~the amount, scope, and duration of services offered to recipients~~  
2 ~~under such program, based on a comprehensive analysis of various~~  
3 options available to the state under applicable federal law for  
4 the provision of medical assistance to persons with disabilities  
5 who are employed, including persons with a medically improved  
6 disability, to enhance and replace current eligibility provisions  
7 contained in subsection (8) of section 68-915.

8      (b) The department shall provide a draft report of such  
9 recommendations to the committee and the Medicaid Reform Council  
10 no later than October 1, ~~2007, 2008.~~ The council shall conduct a  
11 public meeting no later than October 15, ~~2007, 2008,~~ to discuss

12 and receive public comment regarding such report. The council shall  
 13 provide any comments and recommendations regarding such report in  
 14 writing to the department and the committee no later than November  
 15 1, ~~2007-2008~~. The department shall provide a final report of such  
 16 recommendations to the Governor, the committee, and the council no  
 17 later than December 1, ~~2007-2008~~.

18 (3)(a) The department shall develop recommendations  
 19 for further modification or replacement of the defined benefit  
 20 structure of the medical assistance program. Such recommendations  
 21 shall be consistent with the public policy in section 68-905 and  
 22 shall consider the needs and resources of low-income Nebraska  
 23 residents who are eligible or may become eligible for medical  
 24 assistance, the experience and outcomes of other states that have  
 25 developed and implemented such changes, and other relevant factors  
 26 as determined by the department.

27 (b) The department shall provide a draft report of such  
 1 recommendations to the committee and the Medicaid Reform Council  
 2 no later than October 1, 2008. The council shall conduct a public  
 3 meeting no later than October 15, 2008, to discuss and receive  
 4 public comment regarding such report. The council shall provide any  
 5 comments and recommendations regarding such report in writing to  
 6 the department and the committee no later than November 1, 2008.  
 7 The department shall provide a final report of such recommendations  
 8 to the Governor, the committee, and the council no later than  
 9 December 1, 2008.

10 Sec. 2. Original section 68-949, Revised Statutes  
 11 Supplement, 2007, is repealed.

**LEGISLATIVE BILL 1176.** Placed on General File with amendment.  
 AM2630

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

3 Section 1. Section 68-909, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:

5 68-909 (1) All contracts, agreements, rules, and  
 6 regulations relating to the medical assistance program as entered  
 7 into or adopted and promulgated by the department prior to July 1,  
 8 2006, and all provisions of the medicaid state plan and waivers  
 9 adopted by the department prior to July 1, 2006, shall remain in  
 10 effect until revised, amended, repealed, or nullified pursuant to  
 11 law.

12 (2) Prior to the adoption and promulgation of (proposed  
 13 rules and regulations under section 68-912 or relating to the  
 14 implementation of medicaid state plan amendments or waivers,  
 15 the department shall provide a report to the Governor, the  
 16 Legislature, and the Medicaid Reform Council no later than December  
 17 15 summarizing the purpose and content of such proposed rules  
 18 and regulations and the projected impact of such proposed rules  
 19 and regulations on recipients of medical assistance and medical

20 assistance expenditures.

21 (3) The Medicaid Reform Council, no later than thirty  
 22 days after the date of receipt of any report under subsection  
 23 (2) of this section, may conduct a public meeting to receive  
 1 public comment regarding such report. The council shall promptly  
 2 provide any comments and recommendations regarding such report in  
 3 writing to the department. Such comments and recommendations shall  
 4 be advisory only and shall not be binding on the department, but  
 5 the department shall promptly provide a written response to such  
 6 comments or recommendations to the council.

7 (4) The department shall monitor and shall periodically,  
 8 as necessary, but no less than biennially, report to the  
 9 Governor, the Legislature, and the Medicaid Reform Council on  
 10 the implementation of rules and regulations, medicaid state plan  
 11 amendments, and waivers adopted under the Medical Assistance Act  
 12 and the effect of such rules and regulations, amendments, or  
 13 waivers on eligible recipients of medical assistance and medical  
 14 assistance expenditures.

15 Sec. 2. Original section 68-909, Revised Statutes  
 16 Cumulative Supplement, 2006, is repealed.

(Signed) Joel Johnson, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 830A.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 830, One Hundredth Legislature, Second Session, 2008.

### **SELECT FILE**

**LEGISLATIVE BILL 888.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1068.** ER8213, found on page 1101, was adopted.

Senator Kruse renewed his amendment, AM2554, found on page 1118.

The Kruse amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1058.** ER8214, found on page 1101, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 916.** ER8215, found on page 1125, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 965.** ER8216, found on page 1125, was adopted.

Senator Raikes renewed his amendment, AM2638, found on page 1242.

### **SENATOR LANGEMEIER PRESIDING**

### **PRESIDENT SHEEHY PRESIDING**

Senator Raikes moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Raikes requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Aguilar	Fulton	Kruse	Nelson	Synowiecki
Avery	Gay	Langemeier	Pedersen	White
Burling	Howard	Lathrop	Preister	
Chambers	Janssen	Lautenbaugh	Raikes	
Friend	Johnson	McGill	Schimek	

Voting in the negative, 19:

Adams	Engel	Harms	Louden	Rogert
Carlson	Erdman	Heidemann	McDonald	Stuthman
Cornett	Flood	Hudkins	Pankonin	Wallman
Dubas	Hansen	Karpisek	Pirsch	

Present and not voting, 4:

Ashford	Christensen	Kopplin	Wightman
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Excused and not voting, 4:

Dierks	Fischer	Nantkes	Pahls
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The Raikes amendment lost with 22 ayes, 19 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1154.** ER8220, found on page 1138, was adopted.

Senator Raikes asked unanimous consent to withdraw his amendment, AM2639, found on page 1248, and replace it with his substitute amendment, AM2655. No objections. So ordered.  
AM2655

(Amendments to Standing Committee amendments, AM2449)

- 1 1. Strike section 10 and insert the following new
- 2 sections:
- 3 Section 10. Section 46, Legislative Bill 988, One
- 4 Hundredth Legislature, Second Session, 2008, is amended to read:
- 5 For school fiscal year 2008-09 and each school fiscal
- 6 year thereafter, a school district may exceed its maximum general
- 7 fund budget of expenditures minus the special education budget of
- 8 expenditures by a specific dollar amount for:
  - 9 (1) Expenditures for repairs to infrastructure damaged by
  - 10 a natural disaster which is declared a disaster emergency pursuant
  - 11 to the Emergency Management Act;
  - 12 (2) Expenditures for judgments, except judgments or
  - 13 orders from the Commission of Industrial Relations, obtained
  - 14 against a school district which require or obligate a school
  - 15 district to pay such judgment, to the extent such judgment is not
  - 16 paid by liability insurance coverage of a school district;
  - 17 (3) Expenditures pursuant to the Retirement Incentive
  - 18 Plan authorized in section 79-855 or the Staff Development
  - 19 Assistance authorized in section 79-856;
  - 20 (4) Expenditures of incentive payments or base fiscal
  - 21 year incentive payments to be received in such school fiscal year
  - 22 pursuant to section 79-1011;
  - 1 (5) Expenditures of amounts received from educational
  - 2 entities as defined in section 79-1201.01 for providing distance
  - 3 education courses through the Educational Service Unit Coordinating
  - 4 Council to such educational entities; ~~and~~
  - 5 (6) ~~A school district may exceed its applicable allowable~~
  - 6 ~~growth rate for either (a) the first and second school fiscal~~
  - 7 ~~years the district will be participating in Network Nebraska for~~
  - 8 ~~the full school fiscal year or (b) school fiscal year 2008-09, if~~
  - 9 ~~the school district participated in Network Nebraska for all of~~
  - 10 ~~school fiscal year 2007-08, by a specific dollar amount equal to~~
  - 11 ~~the estimated expenditures, to be made in the school fiscal year~~
  - 12 ~~in which the district may exceed its applicable allowable growth~~
  - 13 ~~rate, for (i) telecommunication services, (ii) access to data~~
  - 14 ~~transmission networks that transmit data to and from the school~~
  - 15 ~~district, and (iii) the transmission of data on such networks~~
  - 16 ~~as such expenditures are defined by the department for purposes~~

17 ~~of the distance education and telecommunications allowance minus~~  
 18 ~~the dollar amount of such expenditures for the school fiscal~~  
 19 ~~year immediately preceding the first full school fiscal year the~~  
 20 ~~district participates in Network Nebraska. Districts shall estimate~~  
 21 ~~expenditures on forms prescribed by the department. The department~~  
 22 ~~shall approve, deny, or modify the estimated expenditures. Either~~  
 23 ~~(a) the first and second school fiscal years the district will~~  
 24 ~~be participating in Network Nebraska for the full school fiscal~~  
 25 ~~year or (b) school fiscal year 2008-09, if the school district~~  
 26 ~~participated in Network Nebraska for all of school fiscal year~~  
 27 ~~2007-08, for the difference of the estimated expenditures for~~  
 1 ~~such school fiscal year for telecommunications services, access~~  
 2 ~~to data transmission networks that transmit data to and from the~~  
 3 ~~school district, and the transmission of data on such networks as~~  
 4 ~~such expenditures are defined by the department for purposes of~~  
 5 ~~the distance education and telecommunications allowance minus the~~  
 6 ~~dollar amount of such expenditures for the second school fiscal~~  
 7 ~~year preceding the first full school fiscal year the district~~  
 8 ~~participates in Network Nebraska; and~~

9 (7) Expenditures to pay another school district for the  
 10 transfer of land from such other school district.

11 The state board shall approve, deny, or modify the amount  
 12 allowed for any exception to the maximum general fund budget of  
 13 expenditures minus the special education budget of expenditures  
 14 pursuant to this section.

15 Sec. 13. Section 79-1210, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 79-1210 The State Board of Education shall grant or deny  
 18 any petition to change educational service unit boundaries based  
 19 upon the following criteria:

20 (1) The educational needs of students in the affected  
 21 school districts and the affected educational service units;

22 (2) The economic viability of the proposal as it relates  
 23 to affected established educational service units or affected  
 24 proposed educational service units;

25 (3) Any community of interest among affected school  
 26 districts and affected educational service units;

27 (4) Geographic proximity as such would affect the ability  
 1 of affected educational service units to deliver service in a  
 2 cost-effective manner; ~~and~~

3 (5) Compliance with the requirements of the Educational  
 4 Service Units Act; and

5 ~~(5)-(6) In the dissolution of one or more entire~~  
 6 ~~educational service units, evidence of consent from each~~  
 7 ~~educational service unit board and two-thirds of the school boards~~  
 8 ~~or boards of education of member school districts representing a~~  
 9 ~~majority of students in each affected educational service unit.~~

10 For petitions that change educational service unit  
 11 boundaries by transferring a learning community member district



12 from one educational service unit to another educational service  
 13 unit with existing territory in such learning community, the  
 14 requirements of subdivisions (1), (2), (3), and (4) of this section  
 15 shall be deemed to have been met if the affected educational  
 16 service units will each have at least two member school districts  
 17 after such transfer.

18 2. On page 34, line 26, strike "section 79-1007.02" and  
 19 insert "the Tax Equity and Educational Opportunities Support Act".

20 3. On page 38, lines 24 and 25, strike "plus all member  
 21 districts of learning communities".

22 4. On page 39, line 4, strike the new matter; and in line  
 23 8 after "section" insert ", except that such adjusted valuation  
 24 for member school districts that are also member districts of a  
 25 learning community shall be reduced by fifty percent. The adjusted  
 26 valuation for each learning community shall equal fifty percent  
 27 of the total adjusted valuation of the member school districts  
 1 pursuant to section 79-1016 used for the calculation of state aid  
 2 for school districts pursuant to the act for the school fiscal year  
 3 for which the distribution is being calculated pursuant to this  
 4 section".

5 5. On page 45, strike beginning with "in" in line  
 6 15 through "79-1007.02" in line 17 and insert "sparse or very  
 7 sparse as determined pursuant to the Tax Equity and Educational  
 8 Opportunities Support Act".

9 6. Amend the repealer, renumber the remaining sections,  
 10 and correct the internal references accordingly.

The Raikes amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Senator Synowiecki offered the following amendment:

AM2650

(Amendments to Standing Committee amendments, AM2449)

- 1 1. On page 64, line 27, strike "families" and insert
- 2 "persons".

The Synowiecki amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Kopplin offered the following amendment:

AM2653

(Amendments to Standing Committee amendments, AM2449)

- 1 1. Strike section 14 and all amendments thereto.
- 2 2. Amend the repealer, renumber the remaining sections,
- 3 and correct internal references accordingly.

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

The Kopplin amendment lost with 20 ayes, 13 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1154A.** Advanced to Enrollment and Review for Engrossment.

### COMMITTEE REPORT

Judiciary

**LEGISLATIVE BILL 1128.** Placed on General File.

(Signed) Brad Ashford, Chairperson

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 853.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 736.** ER8218, found on page 1139, was adopted.

Senator Fulton offered the following amendment:

AM2606

(Amendments to Standing Committee amendments, AM2148)

- 1 1. On page 9, line 19, after the period insert "The State
- 2 Treasurer shall transfer an amount equal to forty dollars times
- 3 the number of ignition interlock permits issued pursuant to section
- 4 60-4,118.06 during the previous year from the General Fund to the
- 5 Ignition Interlock Device Fund.".
- 6 2. On page 33, strike beginning with "(1)" in line 4
- 7 through "(2)" in line 16; and strike beginning with "The" in line
- 8 19 through the period in line 21.

The Fulton amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 736A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1147.** ER8175, found on page 746, was adopted.

Senator Synowiecki renewed his amendment, AM2391, found on page 1067.

The Synowiecki amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Synowiecki renewed his amendment, AM2600, found on page 1189.

The Synowiecki amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator White renewed his amendment, AM2574, found on page 1208.

Senator Synowiecki offered the following motion:

MO163

Suspend Rule 5, Section 15(a) to permit consideration of AM2574.

The Synowiecki motion to suspend the rules prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

The White amendment, AM2574, found on page 1208 and considered in this day's Journal, was renewed.

The White amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1001.** ER8188, found on page 954, was adopted.

Senator White renewed his amendment, AM2632, found on page 1241.

The White amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1001A.** Senator White renewed his amendment, AM2424, found on page 1012.

The White 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.

## COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 245.** Placed on Select File with amendment.  
ER8231

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. Section 71-3305, Revised Statutes Supplement,  
4 2007, is amended to read:  
5 71-3305 (1) Except as otherwise provided in subsection  
6 (2) of this section, any political subdivision as defined in  
7 section 13-702; that provides the water supply ~~of for human~~  
8 consumption for any city or village for human consumption having  
9 a population of one thousand or more inhabitants shall, no later  
10 than June 1, 2010, add fluoride to such water supply in the amount  
11 and manner prescribed by or have sufficient amounts of naturally  
12 occurring fluoride in such water supply as provided in the rules  
13 and regulations of the Department of Health and Human Services.

14 (2) ~~Fluoride shall not be added to the water supply of~~  
15 ~~any city or village in which the voters have, after September 2,~~  
16 ~~1973, adopted an ordinance by initiative prohibiting the adding of~~  
17 ~~fluoride to its water supply. The procedure for the adoption of~~  
18 ~~any such ordinance shall be that provided in sections 18-2501 to~~  
19 ~~18-2536. No such ordinance may be adopted in a city or village~~  
20 ~~receiving, or which has contracted to receive, its water supply,~~  
21 ~~or any part thereof, from another political subdivision, or public~~  
22 ~~or private entity, which adds fluoride to its water supply in~~  
23 ~~compliance with subsection (1) of this section, or section 71-3306,~~  
1 ~~or which has available only purchased fluoridated water with which~~  
2 ~~to supply such city or village. In any city or village which is~~  
3 ~~subject to the requirements of subsection (1) of this section,~~  
4 ~~which does not have sufficient amounts of naturally occurring~~  
5 ~~fluoride in its water supply, and in which fluoride is not added~~  
6 ~~to its water supply, the voters of the city or village may adopt~~  
7 ~~an ordinance, after the effective date of this act, but before June~~  
8 ~~1, 2010, to prohibit the adding of fluoride to the water supply of~~  
9 ~~such city or village. The ordinance may be placed on the ballot by~~  
10 ~~a majority vote of the governing body of the city or village or by~~  
11 ~~initiative pursuant to sections 18-2501 to 18-2538.~~

12 Sec. 2. Original section 71-3305, Revised Statutes  
13 Supplement, 2007, is repealed.

14 Sec. 3. Since an emergency exists, this act takes effect  
15 when passed and approved according to law.

16 2. On page 1, line 2, strike "Reissue Revised Statutes  
17 of Nebraska" and insert "Revised Statutes Supplement, 2007"; and in  
18 line 4 strike "and" and after "section" insert "; and to declare an  
19 emergency".

**LEGISLATIVE BILL 245A.** Placed on Select File with amendment.  
ER8232

- 1 1. On page 1, line 3, strike "First Session, 2007" and
- 2 insert "Second Session, 2008".
- 3 2. On page 2, lines 2 and 4, strike "Department of"; in
- 4 lines 3 and 11 strike "FY2007-08" and insert "FY2008-09"; in lines
- 5 5 and 11 strike "FY2008-09" and insert "FY2009-10"; and in line 8
- 6 strike "First Session, 2007" and insert "Second Session, 2008".

(Signed) Amanda McGill, Chairperson

### **AMENDMENT - Print in Journal**

Senator Ashford filed the following amendment to LB754:  
AM2648

- 1 1. On page 3, line 9, strike "three" and show as
- 2 stricken; in line 21 strike "and" and show as stricken; and in line
- 3 23 after "two" insert "voting" and before the period insert "; and
- 4 (iv) Each member of the Legislature whose legislative
- 5 district is wholly or in part within the area with a high
- 6 concentration of poverty serving as a nonvoting, ex officio member
- 7 of the committee".

### **GENERAL FILE**

**LEGISLATIVE BILL 983.** Title read. Considered.

### **SENATOR LANGEMEIER PRESIDING**

Committee AM2320, found on page 938, was considered.

### **PRESIDENT SHEEHY PRESIDING**

Senator Chambers offered the following amendment to the committee amendment:

FA261

Amend AM2320

Line 15, strike "and" and place a semi-colon after "25" and add "and in lines 6-9 strike new matter".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the committee amendment:

FA262

Amend AM2320

Add new amendment: (5) On page 9 lines 6 through 8 strike the new matter.

Senator Cornett offered the following motion:

MO164

Unanimous consent to bracket until April 17, 2008.

No objections. So ordered.

**LEGISLATIVE BILL 1165.** Title read. Considered.

Committee AM2056, found on page 788, was considered.

Senator Nelson offered the following amendment to the committee amendment:

AM2637

(Amendments to Standing Committee amendments, AM2056)

1 1. Insert the following new section:

2 Section 1. Section 82-331, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 82-331 (1) There is hereby established in the state  
5 treasury a trust fund to be known as the Nebraska Cultural  
6 Preservation Endowment Fund. The fund shall consist of funds  
7 appropriated or transferred by the Legislature, and only the  
8 earnings of the fund may be used as provided in this section.

9 (2) On August 1, 1998, the State Treasurer shall transfer  
10 five million dollars from the General Fund to the Nebraska Cultural  
11 Preservation Endowment Fund.

12 (3) It is the intent of the Legislature that the State  
13 Treasurer shall transfer two million dollars from the General Fund  
14 to the Nebraska Cultural Preservation Endowment Fund on August 1 of  
15 each of the following years: 2009 and 2010.

16 (4) On the effective date of this act, prior to the  
17 transfer of funds from any state account into the Nebraska Cultural  
18 Preservation Endowment Fund, the Nebraska Arts Council shall  
19 provide documentation to the budget division of the Department  
20 of Administrative Services that qualified endowments have generated  
21 a dollar-for-dollar match of new money as defined in section  
22 82-332 that is equal to the amount of state funds authorized  
1 by the Legislature to be transferred to the Nebraska Cultural  
2 Preservation Endowment Fund. The budget division of the Department  
3 of Administrative Services shall notify the State Treasurer to  
4 execute a transfer in an amount as specified by the Legislature  
5 only to the extent that the Nebraska Arts Council has provided  
6 documentation of a dollar-for-dollar match.

7 ~~(3)-(5)~~ The Legislature shall not appropriate or transfer  
8 money from the Nebraska Cultural Preservation Endowment Fund for  
9 any purpose other than the purposes stated in sections 82-330 to  
10 82-333, except that the Legislature may appropriate or transfer  
11 money from the fund upon a finding that the purposes of such  
12 sections are not being accomplished by the fund.

13 ~~(4)-(6)~~ Any money in the Nebraska Cultural Preservation  
 14 Endowment Fund available for investment shall be invested by the  
 15 state investment officer pursuant to the Nebraska Capital Expansion  
 16 Act and the Nebraska State Funds Investment Act.

17 ~~(5)-(7)~~ All investment earnings from the Nebraska  
 18 Cultural Preservation Endowment Fund shall be credited to the  
 19 Nebraska Arts and Humanities Cash Fund.

20 2. On page 4, strike lines 23 through 26 and insert the  
 21 following:

22 (23) Within five days after the budget division of the  
 23 Department of Administrative Services notifies the State Treasurer  
 24 that matching fund requirements under section 82-331 have been met,  
 25 the State Treasurer shall transfer one million dollars from the  
 26 Cash Reserve Fund to the Nebraska Cultural Preservation Endowment  
 27 Fund."; and in line 27 after "Original" insert "section 82-331,

1 Reissue Revised Statutes of Nebraska, and".

2 3. On page 5, line 1, strike "is" and insert "are".

3 4. Renumber the remaining sections accordingly.

The Nelson amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

## COMMITTEE REPORT

Education

**LEGISLATIVE BILL 1152.** Placed on General File.

(Signed) Ron Raikes, Chairperson

## AMENDMENTS - Print in Journal

Senator McGill filed the following amendment to LB813:  
 AM2577

1 1. On page 2, line 9, strike "a primary" and insert  
 2 "the"; and in line 14 strike "and other revenue".  
 3 2. On page 3, line 9, strike "in whole or in part"; and  
 4 in line 11 after "revenue" insert "and shall mature not later than  
 5 twenty-five years after the date of issuance. Annual debt service  
 6 on all bonds issued with respect to an urban growth district  
 7 pursuant to this section shall not exceed the urban growth local  
 8 option sales and use tax revenue with respect to such district  
 9 for the fiscal year prior to the fiscal year in which the current  
 10 series of such bonds are issued".

Senators Schimek and Synowiecki filed the following amendment to LB956:

AM2641

- 1 1. On page 3, line 1, strike "and" and insert
- 2 "employers."; in line 2 after "employers" insert ", and poverty
- 3 area employers"; in line 3 strike the second "or" and insert
- 4 an underscored comma; in line 4 after "Nebraska" insert ", or
- 5 (c) located in areas of high concentration of poverty within the
- 6 corporate limits of a city or village consisting of one or more
- 7 contiguous census tracts, as determined by the most recent federal
- 8 decennial census, which contain a percentage of persons below the
- 9 poverty line of greater than thirty percent, and all census tracts
- 10 contiguous to such tract or tracts, as determined by the most
- 11 recent federal decennial census"; and in line 6 strike "and rural"
- 12 and insert ", rural, or poverty area".

Senator Raikes filed the following amendment to LB983:

FA260

On page 9, line 5, strike "2016" and insert "2012".

### **VISITORS**

Visitors to the Chamber were Senator Janssen's uncle and cousins, Waldo Janssen and Renee and Nicholas Rasmussen from North Bend; Fred and Janet Smith and family from Lincoln and Chapel Hill, North Carolina; 21 fourth-grade students from Humphrey; Drs. Bob and Mary Ann Sullivan and Doug Justice from Cape Coral, Florida; and Steve and Jeanne Kline from Norfolk.

The Doctor of the Day was Dr. Rubab Husain from Lincoln.

### **ADJOURNMENT**

At 8:25 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, April 2, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SECOND DAY - APRIL 2, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 2, 2008

**PRAYER**

The prayer was offered by Senator McDonald.

**ROLL CALL**

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

The roll was called and all members were present except Senators Preister and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-first day was approved.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1027A.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1027, One Hundredth Legislature, Second Session, 2008.

**MOTION - Return LB988 to Select File**

Senator Ashford moved to return LB988 to Select File for the following specific amendment:

FA263

Strike the enacting clause.

Senator Ashford withdrew his motion to return.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB988 with 39 ayes, 4 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 988.** With Emergency.

A BILL FOR AN ACT relating to education funding; to amend sections 44-4317, 79-8,137, 79-1022.02, 79-1023, 79-1029, and 79-1229, Reissue Revised Statutes of Nebraska, sections 79-233, 79-1005.01, 79-1008.01, 79-1009, and 79-1024, Revised Statutes Cumulative Supplement, 2006, and sections 77-3442, 79-458, 79-4,108, 79-4,111, 79-1001, 79-1003, 79-1003.01, 79-1007.02, 79-1007.04, 79-1007.06, 79-1007.07, 79-1007.08, 79-1007.09, 79-1007.10, 79-1008.02, 79-1013, 79-1014, 79-1015.01, 79-1016, 79-1018.01, 79-1022, 79-1028, 79-1031.01, 79-1073, 79-1083.03, 79-1336, 79-1337, and 79-2102, Revised Statutes Supplement, 2007; to change provisions relating to tax levies for members of risk management pools, learning communities, and certain school districts, to freeholding, and to unified systems; to define and redefine terms; to change provisions relating to the Tax Equity and Educational Opportunities Support Act, educational service unit financial reporting, and distance education reimbursement; to harmonize provisions; to eliminate provisions relating to calculation of state aid; to repeal the original sections; to outright repeal section 79-1009.01, Reissue Revised Statutes of Nebraska, and section 79-1007.03, Revised Statutes Supplement, 2007; and to declare an emergency.

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

Voting in the affirmative, 33:

Adams	Cornett	Johnson	Pahls	Schimek
Aguilar	Engel	Kruse	Pankonin	Stuthman
Ashford	Flood	Lathrop	Pedersen	Synowiecki
Avery	Friend	McDonald	Pirsch	White
Burling	Harms	McGill	Preister	Wightman
Carlson	Howard	Nantkes	Raikes	
Chambers	Janssen	Nelson	Rogert	

Voting in the negative, 14:

Dierks	Fischer	Hansen	Karpisek	Louden
Dubas	Fulton	Heidemann	Kopplin	Wallman
Erdman	Gay	Hudkins	Lautenbaugh	

Excused and not voting, 2:

Christensen Langemeier

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 988A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 321, section 49; to change appropriations to aid in carrying out the provisions of Legislative Bill 988, One Hundredth Legislature, Second Session, 2008; to state intent regarding appropriations; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 38:

Adams	Dierks	Hudkins	McGill	Rogert
Aguilar	Engel	Janssen	Nantkes	Schimek
Ashford	Flood	Johnson	Pahls	Stuthman
Avery	Friend	Kopplin	Pankonin	Synowiecki
Burling	Fulton	Kruse	Pedersen	White
Carlson	Harms	Lathrop	Pirsch	Wightman
Chambers	Heidemann	Louden	Preister	
Cornett	Howard	McDonald	Raikes	

Voting in the negative, 8:

Dubas	Fischer	Hansen	Lautenbaugh
Erdman	Gay	Karpisek	Wallman

Present and not voting, 1:

Nelson

Excused and not voting, 2:

Christensen Langemeier

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 988 and 988A.

### **AMENDMENT - Print in Journal**

Senator Erdman filed the following amendment to LB928:  
AM2598

(Amendments to Standing Committee amendments, AM2435)

- 1 1. Insert the following new section:
- 2 Section 1. Section 30-2483, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 30-2483 Unless notice has already been given under this
- 5 article and except when an appointment of a personal representative
- 6 is made pursuant to subdivision (4) of section 30-2408, the clerk
- 7 of the court upon the appointment of a personal representative
- 8 shall publish a notice once a week for three successive weeks
- 9 in a newspaper of general circulation in the county announcing
- 10 the appointment and the address of the personal representative,
- 11 and notifying creditors of the estate to present their claims
- 12 within two months after the date of the first publication of the
- 13 notice or be forever barred. The first publication shall be made
- 14 within thirty days after the appointment. The party instituting or
- 15 maintaining the proceeding or his or her attorney is required to
- 16 mail the published notice and give proof thereof in accordance with
- 17 section 25-520.01. If the decedent was fifty-five years of age or
- 18 older or resided in a medical institution as defined in subsection
- 19 (1) of section 68-919, the notice shall also be mailed to the
- 20 Department of Health and Human Services with the decedent's social
- 21 security number and, if available upon reasonable investigation,
- 22 the name and social security number of the decedent's spouse if
- 1 such spouse is deceased.
- 2 2. Correct the operative date and repealer sections so
- 3 that the section added by this amendment becomes operative three
- 4 calendar months after the adjournment of this legislative session.
- 5 3. Renumber the remaining sections and correct internal
- 6 references accordingly.

### **SELECT FILE**

**LEGISLATIVE BILL 151.** ER8190, found on page 966, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 724.** Advanced to Enrollment and Review for

Engrossment.

**LEGISLATIVE BILL 726.** ER8194, found on page 966, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 726A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 947.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 850.** ER8193, found on page 966, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 805.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1004.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 754.** ER8195, found on page 966, was adopted.

Senator Ashford withdrew his amendment, AM2648, found on page 1269.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 893.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 865.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 728.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 775.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 848.** ER8198, found on page 966, was adopted.

Senator Erdman withdrew his amendment, AM1598, found on page 955.

Senator Erdman renewed his amendment, AM2421, found on page 1158.

The Erdman amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1011.** ER8192, found on page 967, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 821.** ER8201, found on page 967, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 845.** ER8196, found on page 967, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 904.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 798.** ER8200, found on page 967, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 764.** ER8202, found on page 967, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 789.** ER8197, found on page 967, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 902.** ER8199, found on page 967, was adopted.

Senator Pankonin renewed his amendment, AM2505, found on page 1080.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1067.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 838.** ER8206, found on page 968, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1045.** Senator Pankonin renewed his amendment, AM2406, found on page 998.

The Pankonin amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 593.** Senator Louden offered the following motion: MO165

Unanimous consent to bracket until April 17, 2008.

No objections. So ordered.

**LEGISLATIVE BILL 727.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1145.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1162.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 972.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 993.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1103.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 710.** ER8205, found on page 968, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1048.** ER8203, found on page 968, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1048A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1108.** ER8204, found on page 968, was adopted.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 587.** Title read. Considered.

**SENATOR LANGEMEIER PRESIDING**

Senator Chambers offered the following amendment:  
FA265

On page 4, line 8, insert a new sentence "The total annual appropriations approved by the Legislature for the department for county jail reimbursement assistance shall not exceed three million nine hundred thousand dollars."

Pending.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 2, 2008, at 10:30 a.m. were the following: LBs 988e and 988Ae.

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

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1147A.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1147, One Hundredth Legislature, Second Session, 2008.

**VISITORS**

Visitors to the Chamber were 32 fourth-grade students, teachers, and sponsors from Starr Elementary, Grand Island; and 38 fourth-grade students from Harrison Elementary, Omaha.

**RECESS**

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



**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senator Pedersen who was excused; and Senators Ashford, Dubas, Flood, Hansen, Johnson, Karpisek, Kruse, Loudon, McDonald, Stuthman, Synowiecki, and White who were excused until they arrive.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 846.** Placed on Final Reading.

**LEGISLATIVE BILL 846A.** Placed on Final Reading.

**LEGISLATIVE BILL 888.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 587.** The Chambers amendment, FA265, found in this day's Journal, was renewed.

Senator Chambers withdrew his amendment.

Senator Aguilar offered the following amendment:

AM2666

- 1 1. Insert the following new section:
- 2 Sec. 2. The State of Nebraska shall assume responsibility
- 3 for county jails by January 1, 2011. The Judiciary Committee of the
- 4 Legislature shall develop legislation to carry out such assumption
- 5 of responsibility.
- 6 2. Renumber the remaining sections accordingly.

Pending.

**MESSAGES FROM THE GOVERNOR**

April 2, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 960e, 961e, and 1019e were received in my office on March 28, 2008. Engrossed Legislative Bills 988e and 988Ae were received in my office on April 2, 2008.

I signed these bills and delivered them to the Secretary of State on April 2, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 2, 2008

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

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 959 with my signature, but with line-item reductions to eliminate the gas tax increase included within the budget of the Department of Roads.

I want to applaud the hard work and leadership of Senator Heidemann, members of the Appropriations Committee, and the Legislature as a whole for delivering a budget bill package that represents a responsible revision to the State's budget for the 2007-2009 biennium. I particularly want to thank you for helping to maintain a strong cash reserve and continuing to exercise restraint in General Fund spending.

While I appreciate the Legislature's willingness to engage in a discussion of our roads funding challenges, now is not the time to increase the gas tax. Gasoline and diesel prices are hitting record highs almost every week, the cost of food is increasing, and healthcare costs are soaring. I have reduced the appropriation from the Department of Roads Highway Cash Fund by \$14,513,930 million in FY 2008-09 to remove the gas tax increase included in the bill by the Legislature. The corresponding FY 2008-09 cash fund appropriation for road construction has been reduced by \$14,513,930.

Again, thank you for delivering a responsible and balanced General Fund budget. I urge you to sustain my line-item veto of the gas tax increase.

Sincerely,  
(Signed) Dave Heineman  
Governor

### GENERAL FILE

**LEGISLATIVE BILL 587.** Senator Cornett offered the following motion:  
MO166  
Bracket until April 17, 2008.

The Cornett motion to bracket prevailed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1153.** Title read. Considered.

### SENATOR FISCHER PRESIDING

Committee AM2510, found on page 1134, was considered.

Senator Adams renewed his amendment, AM2610, found on page 1217, to the committee amendment.

### SENATOR LANGEMEIER PRESIDING

The Adams amendment was adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Senator Raikes offered the following amendment to the committee amendment:

AM2663

(Amendments to Standing Committee amendments, AM2510)

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 79-1103, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 79-1103 (1)(a) The State Department of Education shall
- 5 establish and administer the Early Childhood Education Grant
- 6 Program. Upon the effective date of an endowment agreement,
- 7 administration of the Early Childhood Education Grant Program
- 8 with respect to programs for children from birth to age three
- 9 shall transfer to the board of trustees. If there is no endowment
- 10 agreement in effect, the department shall request proposals in
- 11 accordance with this section for all early childhood education
- 12 programs from school districts, individually or in cooperation
- 13 with other school districts or educational service units, working
- 14 in cooperation with existing nonpublic programs which meet the

15 requirements of subsection (2) of section 79-1104. If there is  
 16 an endowment agreement in effect, the board of trustees shall  
 17 administer the Early Childhood Education Grant Program with respect  
 18 to programs for children from birth to age three pursuant to  
 19 section 79-1104.02 and the department shall continue to administer  
 20 the Early Childhood Education Grant Program with respect to  
 21 other prekindergarten programs pursuant to sections 79-1101 to  
 22 79-1104.05. All administrative procedures of the board of trustees,  
 1 including, but not limited to, rules, grant applications, and  
 2 funding mechanisms, shall harmonize with those established by the  
 3 department for other prekindergarten programs.

4 (b) The first priority shall be for (i) continuation  
 5 grants for programs that received grants in the prior school  
 6 fiscal year and for which the state aid calculation pursuant to  
 7 the Tax Equity and Educational Opportunities Support Act does not  
 8 include early childhood education students, in an amount equal  
 9 to the amount of such grant, except that if the grant was a  
 10 first-year grant the amount shall be reduced by thirty-three  
 11 percent, (ii) continuation grants for programs for which the  
 12 state aid calculation pursuant to the act includes early childhood  
 13 education students, in an amount equal to the amount of the grant  
 14 for the school fiscal year prior to the first school fiscal year  
 15 for which early childhood education students were included in the  
 16 state aid calculation for the school district's local system minus  
 17 the calculated state aid amount, and (iii) for school fiscal year  
 18 2007-08, continuation grants for programs for which the state aid  
 19 calculation pursuant to the act includes early childhood education  
 20 students, but such state aid calculation does not result in the  
 21 school district receiving any equalization aid, in an amount equal  
 22 to the amount of the grant received in school fiscal year 2006-07.  
 23 The calculated state aid amount shall be calculated by multiplying  
 24 ~~the cost grouping cost per student basic funding per formula~~  
 25 ~~student for the school district's local system cost grouping by~~  
 26 ~~the adjusted district by the~~ formula students attributed to the  
 27 early childhood education programs pursuant to the Tax Equity and  
 1 Educational Opportunities Support Act.

2 (c) The second priority shall be for new grants and  
 3 expansion grants for programs that will serve at-risk children who  
 4 will be eligible to attend kindergarten the following school year.  
 5 New grants may be given for up to three years in an amount up to  
 6 one-half of the total budget of the program per year. Expansion  
 7 grants may be given for one year in an amount up to one-half  
 8 of the budget for expanding the capacity of the program to serve  
 9 additional children.

10 (d) The third priority shall be for new grants, expansion  
 11 grants, and continuation grants for programs serving children  
 12 younger than those who will be eligible to attend kindergarten  
 13 the following school year. New grants may be given for up to  
 14 three years in an amount up to one-half the total budget of the

15 program per year. Expansion grants may be given for one year in  
16 an amount up to one-half the budget for expanding the capacity of  
17 the program to serve additional children. Continuation grants under  
18 this priority may be given annually in an amount up to one-half the  
19 total budget of the program per year minus any continuation grants  
20 received under the first priority.

21 (e) Programs serving children who will be eligible to  
22 attend kindergarten the following school year shall be accounted  
23 for separately for grant purposes from programs serving younger  
24 children, but the two types of programs may be combined within the  
25 same classroom to serve multi-age children. Programs that receive  
26 grants for school fiscal years prior to school fiscal year 2005-06  
27 to serve both children who will be eligible to attend kindergarten  
1 the following school year and younger children shall account for  
2 the two types of programs separately for grant purposes beginning  
3 with school year 2005-06 and shall be deemed to have received  
4 grants prior to school fiscal year 2005-06 for each year that  
5 grants were received for the types of programs representing the age  
6 groups of the children served.

7 (2) Each program proposal which is approved by the  
8 department shall include (a) a planning period, (b) an agreement  
9 to participate in periodic evaluations of the program to be  
10 specified by the department, (c) evidence that the program will  
11 be coordinated or contracted with existing programs, including  
12 those listed in subdivision (d) of this subsection and nonpublic  
13 programs which meet the requirements of subsection (2) of section  
14 79-1104, (d) a plan to coordinate and use a combination of  
15 local, state, and federal funding sources, including, but not  
16 limited to, programs for children with disabilities below five  
17 years of age funded through the Special Education Act, the Early  
18 Intervention Act, funds available through the flexible funding  
19 provisions under the Special Education Act, the federal Head  
20 Start program, 42 U.S.C. 9831 et seq., the federal Even Start  
21 Family Literacy Program, 20 U.S.C. 6361 et seq., Title I of  
22 the federal Improving America's Schools Act of 1994, 20 U.S.C.  
23 6301 et seq., and child care assistance through the Department  
24 of Health and Human Services, (e) a plan to use sliding fee  
25 scales and the funding sources included in subdivision (d) of  
26 this subsection to maximize the participation of economically and  
27 categorically diverse groups and to ensure that participating  
1 children and families have access to comprehensive services, (f)  
2 the establishment of an advisory body which includes families  
3 and community members, (g) the utilization of appropriately  
4 qualified staff, (h) an appropriate child-to-staff ratio, (i)  
5 appropriate group size, (j) compliance with minimum health and  
6 safety standards, (k) appropriate facility size and equipment,  
7 (l) a strong family development and support component recognizing  
8 the central role of parents in their children's development, (m)  
9 developmentally and culturally appropriate curriculum, practices,

10 and assessment, (n) sensitivity to the economic and logistical  
11 needs and circumstances of families in the provision of services,  
12 (o) integration of children of diverse social and economic  
13 characteristics, (p) a sound evaluation component, including at  
14 least one objective measure of child performance and progress, (q)  
15 continuity with programs in kindergarten and elementary grades,  
16 (r) instructional hours that are similar to or less than the  
17 instructional hours for kindergarten, (s) well-defined language  
18 development and early literacy emphasis, including the involvement  
19 of parents in family literacy activities, (t) a plan for ongoing  
20 professional development of staff, and (u) inclusion of children  
21 with disabilities as defined in the Special Education Act, all as  
22 specified by rules and regulations of the department in accordance  
23 with sound early childhood educational practice.

24 (3) The department shall make an effort to fund programs  
25 widely distributed across the state in both rural and urban areas.

26 (4) A report evaluating the programs shall be made to the  
27 State Board of Education and the Legislature by January 1 of each  
1 odd-numbered year. Up to five percent of the total appropriation  
2 for the Early Childhood Education Grant Program may be reserved  
3 by the department for evaluation and technical assistance for the  
4 programs.

5 (5) Programs may be approved for purposes of the Tax  
6 Equity and Educational Opportunities Support Act, expansion grants,  
7 and continuation grants on the submission of a continuation  
8 plan demonstrating that the program will continue to meet the  
9 requirements of subsection (2) of this section and a proposed  
10 operating budget demonstrating that the program will continue to  
11 receive resources from other sources equal to or greater than the  
12 sum of any grant received pursuant to this section for the prior  
13 school year plus any calculated state aid as calculated pursuant to  
14 subsection (1) of this section for the prior school year.

15 (6) The State Board of Education may adopt and promulgate  
16 rules and regulations to implement the Early Childhood Education  
17 Grant Program, except that if there is an endowment agreement  
18 in effect, the board of trustees shall recommend any rules and  
19 regulations relating specifically to the Early Childhood Education  
20 Grant Program with respect to programs for children from birth to  
21 age three. It is the intent of the Legislature that the rules and  
22 regulations for programs for children from birth to age three be  
23 consistent to the greatest extent possible with those established  
24 for other prekindergarten programs.

25 Sec. 3. Original section 79-1103, Revised Statutes  
26 Supplement, 2007, is repealed.

The Raikes amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Rogert offered the following amendment to the committee amendment:

AM2672

(Amendments to Standing Committee amendments, AM2510)

1 1. Insert the following new section:

2 Sec. 2. Any early childhood education program as defined  
3 in section 79-1101 may, until school year 2010-11, enroll students  
4 who meet the age requirements to be enrolled in kindergarten but  
5 who are not then enrolled in kindergarten. Such students shall not  
6 be included in any calculations for state aid pursuant to the Tax  
7 Equity and Educational Opportunities Support Act, as provided in  
8 section 79-1103.

The Rogert amendment was adopted with 27 ayes, 0 nays, 17 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.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 956.** Title read. Considered.

Senator Schimek withdrew her amendment, AM1730, found on page 811.

Senator Schimek renewed the Schimek-Synowiecki amendment, AM2641, found on page 1272.

## **PRESIDENT SHEEHY PRESIDING**

The Schimek-Synowiecki amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1082.** Committee AM2252, found on page 886 and considered on page 1115, was renewed.

Senator Lautenbaugh renewed his amendment, FA239, found on page 1117, to the committee amendment.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 708A.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 708, One Hundredth Legislature, Second Session, 2008; and to declare an emergency.

**LEGISLATIVE BILL 847A.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 847, One Hundredth Legislature, Second Session, 2008.

**SELECT FILE**

**LEGISLATIVE BILL 895.** ER8219, found on page 1139, was adopted.

Senator Janssen renewed his amendment, AM2590, found on page 1240.

The Janssen amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Cornett renewed the Cornett et al. amendment, AM2601, found on page 1240.

The Cornett et al. amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator McDonald renewed her amendment, AM2617, found on page 1240.

The McDonald amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**AMENDMENTS - Print in Journal**

Senator Kopplin filed the following amendment to LB1116:  
AM2645

(Amendments to Standing Committee amendments, AM2629)

- 1 1. Strike section 7.
- 2 2. On page 13, lines 23 and 24, strike "sections 2-108
- 3 and 84-612" and insert "section 2-108".
- 4 3. Renumber the remaining section accordingly.



Senator Kopplin filed the following amendment to LB1116:  
AM2647

(Amendments to Standing Committee amendments, AM2629)

- 1 1. On page 12, strike lines 14 through 18, show as
- 2 stricken, and renumber the remaining subsections accordingly.

Senator Kopplin filed the following amendment to LB1116:  
AM2646

(Amendments to Standing Committee amendments, AM2629)

- 1 1. On page 13, line 20, strike "five" and insert "one"
- 2 and strike "Cash Reserve" and insert "Tourist Promotion".

### **VISITORS**

Visitors to the Chamber were 30 third- and fourth-grade students from Dorchester; and Senator Pirsch's mother, Carol Pirsch, from Omaha.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

### **ADJOURNMENT**

At 4:13 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, April 3, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-THIRD DAY - APRIL 3, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 3, 2008

**PRAYER**

The prayer was offered by Senator Dubas.

**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 Cornett, Engel, Heidemann, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-second day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 916.** Placed on Final Reading.  
ST9084

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

1. In the E & R Amendments, ER8215, on page 56, line 11, "77-2704.09," has been inserted after the third comma.

**LEGISLATIVE BILL 965.** Placed on Final Reading.

**LEGISLATIVE BILL 1058.** Placed on Final Reading.

**LEGISLATIVE BILL 1068.** Placed on Final Reading.

ST9083

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

1. In the E & R amendments, ER8213:

a. On page 8, line 9, "such" has been struck, shown as stricken, and "a" inserted and "made under this section" has been inserted after "request"; and

b. On page 11, line 9, ", and section 13-1210, Revised Statutes Cumulative Supplement, 2006" has been inserted after "Nebraska".

2. On page 1, line 1, "highways and roads" has been struck and "transportation" inserted; and in line 3 ", and section 13-1210, Revised Statutes Cumulative Supplement, 2006" has been inserted after "Nebraska" and "to require reports regarding the public transportation assistance program;" has been inserted after the semicolon.

(Signed) Amanda McGill, Chairperson

## COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 1165.** Placed on Select File with amendment.  
ER8233

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 82-331, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 82-331 (1) There is hereby established in the state
- 6 treasury a trust fund to be known as the Nebraska Cultural
- 7 Preservation Endowment Fund. The fund shall consist of funds
- 8 appropriated or transferred by the Legislature, and only the
- 9 earnings of the fund may be used as provided in this section.
- 10 (2) On August 1, 1998, the State Treasurer shall transfer
- 11 five million dollars from the General Fund to the Nebraska Cultural
- 12 Preservation Endowment Fund.
- 13 (3) It is the intent of the Legislature that the State
- 14 Treasurer shall transfer two million dollars from the General Fund
- 15 to the Nebraska Cultural Preservation Endowment Fund on August 1 of
- 16 each of the following years: 2009 and 2010.
- 17 (4) On the effective date of this act, prior to the
- 18 transfer of funds from any state account into the Nebraska Cultural
- 19 Preservation Endowment Fund, the Nebraska Arts Council shall
- 20 provide documentation to the budget division of the Department
- 21 of Administrative Services that qualified endowments have generated
- 22 a dollar-for-dollar match of new money as defined in section
- 23 82-332 that is equal to the amount of state funds authorized
- 1 by the Legislature to be transferred to the Nebraska Cultural
- 2 Preservation Endowment Fund. The budget division of the Department
- 3 of Administrative Services shall notify the State Treasurer to
- 4 execute a transfer in an amount as specified by the Legislature
- 5 only to the extent that the Nebraska Arts Council has provided
- 6 documentation of a dollar-for-dollar match.
- 7 ~~(3)-(5)~~ (5) The Legislature shall not appropriate or transfer
- 8 money from the Nebraska Cultural Preservation Endowment Fund for
- 9 any purpose other than the purposes stated in sections 82-330 to
- 10 82-333, except that the Legislature may appropriate or transfer
- 11 money from the fund upon a finding that the purposes of such

12 sections are not being accomplished by the fund.

13 ~~(4)-(6)~~ Any money in the Nebraska Cultural Preservation  
14 Endowment Fund available for investment shall be invested by the  
15 state investment officer pursuant to the Nebraska Capital Expansion  
16 Act and the Nebraska State Funds Investment Act.

17 ~~(5)-(7)~~ All investment earnings from the Nebraska  
18 Cultural Preservation Endowment Fund shall be credited to the  
19 Nebraska Arts and Humanities Cash Fund.

20 Sec. 2. Section 84-612, Revised Statutes Supplement,  
21 2007, is amended to read:

22 84-612 (1) There is hereby created within the state  
23 treasury a fund known as the Cash Reserve Fund which shall be under  
24 the direction of the State Treasurer. The fund shall only be used  
25 pursuant to this section.

26 (2) The State Treasurer shall transfer funds from the  
27 Cash Reserve Fund to the General Fund upon certification by the  
1 Director of Administrative Services that the current cash balance  
2 in the General Fund is inadequate to meet current obligations. Such  
3 certification shall include the dollar amount to be transferred.  
4 Any transfers made pursuant to this subsection shall be reversed  
5 upon notification by the Director of Administrative Services that  
6 sufficient funds are available.

7 (3) The State Treasurer, at the direction of the  
8 budget administrator of the budget division of the Department  
9 of Administrative Services, shall transfer such amounts not to  
10 exceed seven million seven hundred fifty-three thousand two hundred  
11 sixty-three dollars in total from the Cash Reserve Fund to the  
12 Nebraska Capital Construction Fund between July 1, 2003, and June  
13 30, 2007.

14 (4) The State Treasurer, at the direction of the budget  
15 administrator, shall transfer an amount equal to the total amount  
16 transferred pursuant to subsection (3) of this section from the  
17 General Fund to the Cash Reserve Fund on or before June 30, 2008.

18 (5) In addition to receiving transfers from other funds,  
19 the Cash Reserve Fund shall receive federal funds received by the  
20 State of Nebraska for undesignated general government purposes,  
21 federal revenue sharing, or general fiscal relief of the state.

22 (6) On June 15, 2007, the State Treasurer shall transfer  
23 fifteen million six hundred seventy-four thousand one hundred seven  
24 dollars from the Cash Reserve Fund to the General Fund.

25 (7) On June 16, 2008, the State Treasurer shall transfer  
26 seventeen million nine hundred thirty-one thousand thirty dollars  
27 from the Cash Reserve Fund to the General Fund.

1 (8) On June 15, 2009, the State Treasurer shall transfer  
2 four million nine hundred ninety thousand five hundred five dollars  
3 from the Cash Reserve Fund to the General Fund.

4 (9) On or before June 16, 2008, the State Treasurer, at  
5 the direction of the budget administrator, shall transfer fifty  
6 million dollars from the Cash Reserve Fund to the General Fund.

7 (10) On or before June 16, 2009, the State Treasurer,  
8 at the direction of the budget administrator, shall transfer fifty  
9 million dollars from the Cash Reserve Fund to the General Fund.

10 (11) From the effective date of an endowment agreement  
11 as defined in subdivision (3)(c) of section 79-1101 until June  
12 30, 2007, forty million dollars of the Cash Reserve Fund shall be  
13 deemed to constitute the Early Childhood Education Endowment Fund.  
14 Such funds shall remain part of the Cash Reserve Fund for all  
15 purposes, except that the interest earned on such forty million  
16 dollars shall accrue as provided in section 84-613.

17 (12) The State Treasurer, at the direction of the budget  
18 administrator, shall transfer such amounts, as certified by the  
19 Director of Administrative Services, for employee health insurance  
20 claims and expenses, not to exceed twelve million dollars in total  
21 from the Cash Reserve Fund to the State Employees Insurance Fund  
22 between May 1, 2007, and June 30, 2011.

23 (13) On July 9, 2007, the State Treasurer shall transfer  
24 twelve million dollars from the Cash Reserve Fund to the Nebraska  
25 Capital Construction Fund.

26 (14) On July 9, 2007, the State Treasurer shall transfer  
27 five million dollars from the Cash Reserve Fund to the Job Training  
1 Cash Fund. The State Treasurer shall transfer from the Job Training  
2 Cash Fund to the Cash Reserve Fund such amounts as directed in  
3 section 81-1201.21.

4 (15) On July 7, 2008, the State Treasurer shall transfer  
5 five million dollars from the Cash Reserve Fund to the Job Training  
6 Cash Fund. The State Treasurer shall transfer from the Job Training  
7 Cash Fund to the Cash Reserve Fund such amounts as directed in  
8 section 81-1201.21.

9 (16) On or before August 1, 2007, the State Treasurer,  
10 at the direction of the budget administrator, shall transfer  
11 seventy-five million dollars from the Cash Reserve Fund to the  
12 Nebraska Capital Construction Fund.

13 (17) On or before June 30, 2009, the State Treasurer  
14 shall transfer nine million five hundred ninety thousand dollars  
15 from the Cash Reserve Fund to the Nebraska Capital Construction  
16 Fund.

17 (18) The State Treasurer, at the direction of the budget  
18 administrator, shall transfer an amount equal to the total amount  
19 transferred pursuant to subsection (12) of this section from  
20 the appropriate health insurance accounts of the State Employees  
21 Insurance Fund in such amounts as certified by the Director of  
22 Administrative Services to the Cash Reserve Fund on or before June  
23 30, 2011.

24 (19) On July 9, 2007, the State Treasurer shall  
25 transfer one million dollars from the Cash Reserve Fund to the  
26 Microenterprise Development Cash Fund.

27 (20) On July 9, 2007, the State Treasurer shall transfer  
1 two hundred fifty thousand dollars from the Cash Reserve Fund to

2 the Building Entrepreneurial Communities Cash Fund.

3 (21) On July 7, 2008, the State Treasurer shall

4 transfer one million dollars from the Cash Reserve Fund to the  
5 Microenterprise Development Cash Fund.

6 (22) On July 7, 2008, the State Treasurer shall transfer

7 two hundred fifty thousand dollars from the Cash Reserve Fund to  
8 the Building Entrepreneurial Communities Cash Fund.

9 (23) Within five days after the budget division of the

10 Department of Administrative Services notifies the State Treasurer

11 that matching fund requirements under section 82-331 have been met,

12 the State Treasurer shall transfer one million dollars from the

13 Cash Reserve Fund to the Nebraska Cultural Preservation Endowment  
14 Fund.

15 Sec. 3. Original section 82-331, Reissue Revised Statutes

16 of Nebraska, and section 84-612, Revised Statutes Supplement, 2007,  
17 are repealed.

18 2. On page 1, strike beginning with "appropriations"

19 in line 1 through line 3 and insert "the Nebraska Cultural

20 Preservation Endowment Fund; to amend section 82-331, Reissue

21 Revised Statutes of Nebraska, and section 84-612, Revised Statutes

22 Supplement, 2007; to state intent related to and provide for

23 transfers of funds from the Cash Reserve Fund; and to repeal the

24 original sections."

(Signed) Amanda McGill, Chairperson

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 2, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Egr, James M.

Firefighters Association, Nebraska State Volunteer

Wesely, Don

Institute of Scrap Recycling Industries, Inc., Northwest Chapter

### **REPORTS**

The following reports were received by the Legislature:

#### **Auditor of Public Accounts**

Attestation Report of the Nebraska Department of Banking and Finance,  
July 1, 2006 through June 30, 2007

**Coordinating Commission for Postsecondary Education, Nebraska**

2008 Nebraska Higher Education Progress Report

**Investment Finance Authority, Nebraska (NIFA)**

2008 Series AB Single Family Housing Revenue Bonds Notice

**Supreme Court, Nebraska**

Office of Dispute Resolution Annual Report

**GENERAL FILE****LEGISLATIVE BILL 830A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1147A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1116.** Title read. Considered.

Committee AM2629, found on page 1210, was considered.

Senator Kopplin renewed his amendment, AM2645, found on page 1288, to the committee amendment.

Pending.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 736.** Placed on Final Reading.

**LEGISLATIVE BILL 736A.** Placed on Final Reading.

**LEGISLATIVE BILL 1001.** Placed on Final Reading.

ST9089

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

1. In the White amendment, AM2632, on page 1, line 12, "subfund" has been struck and "subaccount" inserted.

2. In the E & R amendments, ER8188:

a. On page 5, line 2, "(5)" has been struck, shown as stricken, and "(6)" inserted; and

b. On page 14, line 4, "sections" has been struck.

**LEGISLATIVE BILL 1001A.** Placed on Final Reading.

ST9086

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



1. On page 1, lines 3 and 4, "; and to declare an emergency" has been struck.

**LEGISLATIVE BILL 1154.** Placed on Final Reading.

ST9085

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

1. In the E & R Amendments, ER8220, on page 1, line 13, "79-1210," has been inserted after the second comma; in line 15 the second "and" has been struck; in line 16 "79-1028," has been struck; and in line 19 ", and section 46, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008" has been inserted after "2007".

2. In the Standing Committee amendments, AM2449:

a. On page 65, line 22, "79-1210," has been inserted after the second comma; in line 25 "and" has been struck; and in line 26 "79-1028," has been struck; and

b. On page 66, line 1, "and section 46, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008," has been inserted after the second comma.

**LEGISLATIVE BILL 1154A.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 376.** Introduced by Preister, 5.

WHEREAS, the official United States military dates for the Vietnam War are August 5, 1964, to January 27, 1973; and

WHEREAS, over 3,403,000 people served in the United States military in Southeast Asia; and

WHEREAS, over 2,594,000 people served in the United States military in South Vietnam; and

WHEREAS, over 58,209 people from the United States died as a result of the war in Southeast Asia and Vietnam from November 1, 1955, the commencement of the Military Assistance Advisory Group, to May 15, 1975, when the last United States military member left Southeast Asia; and

WHEREAS, over 396 Nebraskans died as a result of the Vietnam War; and

WHEREAS, over 94 Omaha residents died as a result of the Vietnam War, including the following:

Name, Service, Date of Death or Date Declared Dead

Adolf, Larry Eugene, USMC, May 9, 1968

Anderson, Warren Charles, ARMY, August, 15, 1970

Backhaus, Steven Eugene, USMC, December 21, 1969

Bailey, Allen Charles, USMC, March 4, 1966

Bailey, Byrle Bennett, USMC, May 25, 1969

Barney, Terence Edward, USMC, March 17, 1969

Bazar, Paul Thomas, USMC, April 21, 1969  
Becker, Michael Paul, USMC, June 7, 1968  
Bigley, Richard Ray, USMC, November 22, 1965  
Biscamp, Marvin Lynn, ARMY, April 12, 1972  
Bosiljevac, Michael Joseph, USAF, Unknown date, 1978  
Bragg, Paul Joseph, USMC, July 15, 1969  
Buckles, Donald Ray, ARMY, January 28, 1968  
Bull, Kenneth R., ARMY, April 17, 1969  
Caldwell, Larry Gail, ARMY, May 9, 1968  
Cole, Muril Steven, USMC, October 1, 1969  
Crayne, Kenneth Eugene, ARMY, December 1, 1970  
Cunningham, Richard Ira, ARMY, April 27, 1969  
Davis, John Clinton, ARMY, April 28, 1969  
Doolittle, Jon Hiliare, ARMY, May 6, 1970  
Farrell, Timothy Charles, ARMY, February 11, 1970  
Flournoy, James Kaiser, USMC, March 31, 1968  
Foley, James Williams, ARMY, January 26, 1968  
Fous, James William, ARMY, May 14, 1968  
Garcia, Jerry Frank, USMC, April 17, 1968  
Gerry, Ronald Lee, ARMY, January 5, 1966  
Goc, Paul Stephen Jr., ARMY, June 14, 1969  
Griffin, Gerald Charles, NAVY, October 6, 1962  
Gronborg, Martin Wayne Jr., ARMY, September 4, 1971  
Haakenson, Robert W. Jr., NAVY, October 24, 1972  
Hansen, Robert Greg, ARMY, August 7, 1970  
Hiley, Thomas Charles, ARMY, January 31, 1968  
Hunter, Henry David, ARMY, July 8, 1969  
Iler, Kenneth Marvin, USMC, May 29, 1968  
Jackson, Eddie Lee Jr., ARMY, November 4, 1968  
Johnson, Gary Lee, ARMY, June 18, 1971  
Johnson, Lane Carston, ARMY, November 11, 1968  
Kavulak, John Henry, USMC, September 21, 1967  
Keith, Miguel, USMC, May 8, 1970  
Keller, Kenneth Lavern, ARMY, February 11, 1970  
Kelley, Harvey Paul, ARMY, November 20, 1969  
Kier, Larry Gene, ARMY, September 12, 1978  
Klabunde, Arthur John Jr., USMC, January 25, 1968  
Klabunde, John Paul, USMC, September 6, 1967  
Kocanda, Jerry Joseph III, ARMY, May 21, 1969  
Konwinski, Ronald Eugene, USMC, February 6, 1968  
Kotrc, James Carl, ARMY, July 29, 1969  
Kudlacek, Edwin Allen, ARMY, September 28, 1971  
Laird, James Alan, ARMY, October 31, 1970  
Lambooy, John Patrick, ARMY, September 19, 1969  
Lamere, Anthony John, ARMY, July 1, 1971  
Leighton, Earl Laroy, NAVY, January 17, 1969  
Luedke, William, ARMY, October 28, 1968  
Marchand, Wayne Ellsworth, ARMY, April 8, 1962  
Marsh, Alan Richard, ARMY, June 2, 1967

Maxwell, Samuel Chapman, USAF, June 21, 1978  
 McAllister, Cameron Trent, ARMY, September 7, 1969  
 Mickna, John Ronald, ARMY, February 23, 1967  
 Moore, Daniel Eugene Jr., NAVY, February 22, 1967  
 Morrison, James Anton, ARMY, September 12, 1967  
 Mueller, Steven Wayne, USMC, December 22, 1967  
 Murphy, John Patrick, ARMY, July 22, 1968  
 Nachtigall, David Joseph, ARMY, February 23, 1970  
 Oonk, Lester Eugene, USAF, August 13, 1970  
 Perrin, Richard Thomas, ARMY, June 27, 1966  
 Pinegar, William Dennis, ARMY, October 6, 1965  
 Poese, Nigel Frederick, ARMY, March 20, 1969  
 Radil, Ronald Ludwig, ARMY, October 14, 1967  
 Ross, Milton Alan, ARMY, February 9, 1969  
 Salyards, Patrick John, USMC, December 9, 1966  
 Sanders, Mack Royal, ARMY, May 12, 1966  
 Sandstedt, Daniel Joseph, ARMY, June 19, 1967  
 Schmidt, Gary Russell, ARMY, September 25, 1967  
 Shelton, Craig Stephen, USMC, January 25, 1967  
 Shrader, Harold William, ARMY, August 9, 1965  
 Shuey, Glenn Colin, USMC, December 20, 1969  
 Skavaril, Thomas Joseph, ARMY, January 5, 1968  
 Smith, Michael Francis, ARMY, April 28, 1968  
 Smith, Paul Richard, ARMY, July 6, 1963  
 Smith, Thomas Leroy, ARMY, September 11, 1969  
 Sobolik, Karl David, USAF, November 26, 1966  
 Solomon, Wilfred L. Sr., ARMY, February 8, 1968  
 Spencer, Frank III, ARMY, January 23, 1970  
 Stolinski, James Francis, ARMY, March 26, 1968  
 Straus, Allen Arthur, ARMY, May 6, 1968  
 Utts, William Warner, ARMY, March 19, 1969  
 Waite, Donald Steven, ARMY, February 9, 1968  
 Wigton, Philip Gregory, USMC, May 9, 1968  
 Wilkinson, Harland Lyle, ARMY, September 26, 1969  
 Wilson, Michael Joseph, USMC, May 12, 1967  
 Wojtkiewicz, Ronald Joseph, ARMY, April 10, 1968  
 Wolf, Jack Morse, ARMY, March 28, 1968  
 Zabrowski, Louis, ARMY, December 27, 1969  
 Ziehe, Gerald Dean, USAF, October 21, 1968; and  
 WHEREAS, at least 1,763 United States military service members serving  
 in Southeast Asia remain unaccounted for, including the following 19 from  
 Nebraska:

Name, Service, Hometown, Date of Incident

Biber, Gerald Mack, ARMY, Benkelman, April 22, 1961  
 Booze, Delmar George, USMC, Papillion, January 24, 1966  
 Brennan, Herbert Owen, USAF, O'Neill, November 26, 1967  
 Brenning, Richard David, NAVY, Lincoln, July 26, 1969  
 Confer, Michael Steele, NAVY, McCook, October 10, 1966  
 Cordova, Robert James, NAVY, Boys Town, January 27, 1968

Grella, Donald Carroll, ARMY, Laurel, December 28, 1965  
 Kahler, Harold, USAF, Lincoln, June 14, 1969  
 Klingner, Michael Lee, USAF, McCook, April 6, 1970  
 Magers, Paul Gerald, ARMY, Sidney, June 1, 1971  
 Ogden, Howard Jr., USMC, Omaha, October 18, 1967  
 Robinson, Larry Warren, USMC, Randolph, January 5, 1970  
 Scheurich, Thomas Edwin, NAVY, Norfolk, March 1, 1968  
 Smiley, Stanley Kutz, NAVY, Sidney, July 20, 1969  
 Sprick, Doyle, USMC, Fort Calhoun, January 24, 1966  
 Stafford, Ronald Dean, USAF, Oxford, November 21, 1972  
 Stark, Willie E., ARMY, Omaha, December 2, 1966  
 Thomas, Daniel W., USAF, Danbury, July 6, 1971  
 Zich, Larry Alfred, ARMY, Lincoln, April 3, 1972; and

WHEREAS, at least 150,332 of the United States military service members were wounded during their service in Southeast Asia; and

WHEREAS, countless numbers returned home with physical and psychological injuries, including post-traumatic stress disorder (PTSD), that were not treated; and

WHEREAS, countless numbers remain homeless and in despair.

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

1. That the Legislature urges the President of the United States and the United States Congress to continue efforts to account for all of the missing people from the Vietnam War, return any remains to their families, and continue to improve efforts to aid homeless, drug-dependent, and wounded veterans, including those afflicted with post-traumatic stress disorder.

2. That the Legislature acknowledges that, in the past, a less than grateful attitude was shown towards Vietnam Veterans and now belatedly recognizes their service, sacrifice, and suffering.

3. That the Legislature hereby commemorates the thirty-fifth anniversary of the end of the Vietnam War and the twenty-fifth anniversary of the healing Vietnam Veterans Memorial in Washington, D.C., by extending to all those who served in Southeast Asia and in Vietnam a long overdue, "Welcome Home, Vietnam Veteran, Welcome Home!"

4. That the Clerk of the Legislature send a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the United States Congressional delegation representing the State of Nebraska.

Laid over.

### **APPROPRIATIONS COMMITTEE REPORT ON LB959**

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line-item vetoes contained in LB959.

By majority vote, the Appropriations Committee recommends LB959

become law notwithstanding the Governor's line-item vetoes.

(Signed) Lavon Heidemann, Chair  
Appropriations Committee

**MOTION - Print in Journal**

Senator Heidemann, on behalf of the Appropriations Committee, filed the following motion to LB959:

MO169

Becomes law notwithstanding the line-item objections of the Governor.

**AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB1055:

AM2623

(Amendments to Final Reading copy)

- 1 1. Strike section 3 and insert the following new section:  
 2 Sec. 3. (1)(a) If a person is convicted of a Class IV  
 3 felony under section 28-1005 or 28-1009, the sentencing court shall  
 4 order such person not to own, possess, or reside with any animal  
 5 for at least five years after the date of conviction, but such time  
 6 restriction shall not exceed fifteen years. Any person violating  
 7 such court order shall be guilty of a Class I misdemeanor.  
 8 (b) If a person is convicted of a Class I misdemeanor  
 9 under subdivision (2)(a) of section 28-1009 or a Class III  
 10 misdemeanor under section 28-1010, the sentencing court may order  
 11 such person not to own, possess, or reside with any animal after  
 12 the date of conviction, but such time restriction, if any, shall  
 13 not exceed five years. Any person violating such court order shall  
 14 be guilty of a Class IV misdemeanor.  
 15 (c) Any animal involved in a violation of a court order  
 16 under subdivision (a) or (b) of this subsection shall be subject to  
 17 seizure by law enforcement.  
 18 (2) This section shall not apply to any person convicted  
 19 under section 28-1005 or 28-1009 if a licensed physician confirms  
 20 in writing that ownership or possession of or residence with an  
 21 animal is essential to the health of such person.  
 22 2. On page 6, line 25, after "animals" insert "and  
 1 commercial livestock operations".

Senator Johnson filed the following amendment to LB928:

AM2642

(Amendments to Standing Committee amendments, AM2435)

- 1 1. Strike section 8 and insert the following new  
 2 sections:  
 3 Sec. 3. Section 38-711, Revised Statutes Supplement,  
 4 2007, is amended to read:  
 5 38-711 (1) The determination and administration of total

6 anesthesia care shall be performed by the certified registered  
 7 nurse anesthetist or a nurse anesthetist temporarily licensed  
 8 pursuant to section 38-708 in consultation and collaboration with  
 9 and with the consent of the licensed practitioner.

10 (2) The following duties and functions shall be  
 11 considered as specific expanded role functions of the certified  
 12 registered nurse anesthetist:

13 (a) Preanesthesia evaluation including physiological  
 14 studies to determine proper anesthetic management and obtaining  
 15 informed consent;

16 (b) Selection and application of appropriate monitoring  
 17 devices;

18 (c) Selection and administration of anesthetic  
 19 techniques;

20 (d) Evaluation and direction of proper postanesthesia  
 21 management and dismissal from postanesthesia care; ~~and~~

22 (e) Evaluation and recording of postanesthesia course of  
 1 patients; ~~and-~~

2 (f) Use of fluoroscopy in conjunction with a licensed  
 3 medical radiographer in connection with the performance of  
 4 authorized duties and functions upon (i) the successful completion  
 5 of appropriate education and training as approved jointly by  
 6 the department and the board and promulgated by the department  
 7 in rules and regulations pursuant to section 71-3508 and (ii)  
 8 a determination regarding the scope and supervision of such use  
 9 consistent with subsection (3) of this section.

10 (3) The determination of other duties that are normally  
 11 considered medically delegated duties to the certified registered  
 12 nurse anesthetist or to a nurse anesthetist temporarily licensed  
 13 pursuant to section 38-708 shall be the joint responsibility of  
 14 the governing board of the hospital, medical staff, and nurse  
 15 anesthetist personnel of any duly licensed hospital or, if in an  
 16 office or clinic, the joint responsibility of the duly licensed  
 17 practitioner and nurse anesthetist. All such duties, except in  
 18 cases of emergency, shall be in writing in the form prescribed by  
 19 hospital or office policy.

20 Sec. 9. Section 38-1915, Revised Statutes Supplement,  
 21 2007, is amended to read:

22 38-1915 (1) A person licensed by the department, with  
 23 the recommendation of the board, as a medical radiographer  
 24 may practice medical radiography on any part of the human  
 25 anatomy for interpretation by and under the direction of a  
 26 licensed practitioner, including computed tomography but excluding  
 27 interpretative fluoroscopic procedures, and may use fluoroscopy  
 1 in conjunction with a certified registered nurse anesthetist as  
 2 authorized in section 38-711.

3 (2) An applicant for a license as a medical radiographer  
 4 shall:

5 (a) Complete an educational program in radiography

6 approved by the board pursuant to subsection (1) of section  
7 38-1918;

8 (b) Complete an application in accordance with the  
9 Uniform Credentialing Act; and

10 (c) Successfully complete an examination approved by the  
11 board.

12 ~~(2)-(3)~~ Presentation of proof of registration in  
13 radiography with the American Registry of Radiologic Technologists  
14 is proof of meeting the requirements of subdivisions ~~(4)-(a)-(2)(a)~~  
15 and (c) of this section.

16 Sec. 13. Section 43-4001, Revised Statutes Supplement,  
17 2007, is amended to read:

18 43-4001 (1) The Children's Behavioral Health Task Force  
19 is created. The task force shall consist of the following members:

20 (a) The chairperson of the Health and Human Services  
21 Committee of the Legislature or another member of the committee as  
22 his or her designee;

23 (b) The chairperson of the Appropriations Committee of  
24 the Legislature or another member of the committee as his or her  
25 designee;

26 ~~(c) The chairperson of the Behavioral Health Oversight~~  
27 ~~Commission of the Legislature;~~

1 ~~(d)-(c)~~ Two providers of community-based behavioral  
2 health services to children, appointed by the chairperson of  
3 the Health and Human Services Committee of the Legislature;

4 ~~(e)-(d)~~ One regional administrator appointed under  
5 section 71-808, appointed by the chairperson of the Health and  
6 Human Services Committee of the Legislature;

7 ~~(f)-(e)~~ Two representatives of organizations advocating  
8 on behalf of consumers of children's behavioral health services  
9 and their families, appointed by the chairperson of the Health and  
10 Human Services Committee of the Legislature;

11 ~~(g)-(f)~~ One juvenile court judge, appointed by the Chief  
12 Justice of the Supreme Court;

13 ~~(h)-(g)~~ Two representatives of the Department of Health  
14 and Human Services, appointed by the Governor; and

15 ~~(i)-(h)~~ The Administrator of the Office of Juvenile  
16 Services.

17 ~~(2) All members shall be appointed within thirty days~~  
18 ~~after May 25, 2007.~~

19 ~~(3)-(2)~~ Members of the task force shall serve without  
20 compensation but shall be reimbursed from the Nebraska Health Care  
21 Cash Fund for their actual and necessary expenses as provided in  
22 sections 81-1174 to 81-1177.

23 ~~(4)-(3)~~ The chairperson of the ~~Behavioral Health~~  
24 ~~Oversight Commission-Health and Human Services Committee~~ of the  
25 Legislature or his or her designee shall serve as chairperson of  
26 the task force. Administrative and staff support for the task force  
27 shall be provided by the Health and Human Services Committee of the

1 Legislature and the Appropriations Committee of the Legislature.

2 Sec. 14. Section 68-909, Revised Statutes Cumulative

3 Supplement, 2006, is amended to read:

4 68-909 (1) All contracts, agreements, rules, and  
5 regulations relating to the medical assistance program as entered  
6 into or adopted and promulgated by the department prior to July 1,  
7 2006, and all provisions of the medicaid state plan and waivers  
8 adopted by the department prior to July 1, 2006, shall remain in  
9 effect until revised, amended, repealed, or nullified pursuant to  
10 law.

11 (2) Prior to the adoption and promulgation of proposed  
12 rules and regulations under section 68-912 or relating to the  
13 implementation of medicaid state plan amendments or waivers, the  
14 department shall provide a report to the Governor, the Legislature,  
15 and the Medicaid Reform Council no later than December 15 before  
16 the next regular legislative session summarizing the purpose and  
17 content of such proposed rules and regulations and the projected  
18 impact of such proposed rules and regulations on recipients of  
19 medical assistance and medical assistance expenditures.

20 (3) The Medicaid Reform Council, no later than thirty  
21 days after the date of receipt of any report under subsection  
22 (2) of this section, may conduct a public meeting to receive  
23 public comment regarding such report. The council shall promptly  
24 provide any comments and recommendations regarding such report in  
25 writing to the department. Such comments and recommendations shall  
26 be advisory only and shall not be binding on the department, but  
27 the department shall promptly provide a written response to such  
1 comments or recommendations to the council.

2 (4) The department shall monitor and shall periodically,  
3 as necessary, but no less than biennially, report to the  
4 Governor, the Legislature, and the Medicaid Reform Council on  
5 the implementation of rules and regulations, medicaid state plan  
6 amendments, and waivers adopted under the Medical Assistance Act  
7 and the effect of such rules and regulations, amendments, or  
8 waivers on eligible recipients of medical assistance and medical  
9 assistance expenditures.

10 Sec. 15. Section 68-949, Revised Statutes Supplement,  
11 2007, is amended to read:

12 68-949 (1) It is the intent of the Legislature that the  
13 department implement reforms to the medical assistance program  
14 such as those contained in the Medicaid Reform Plan, including (a)  
15 an incremental expansion of home and community-based services for  
16 aged persons and persons with disabilities consistent with such  
17 plan, (b) an increase in care coordination or disease management  
18 initiatives to better manage medical assistance expenditures  
19 on behalf of high-cost recipients with multiple or chronic  
20 medical conditions, and (c) other reforms as deemed necessary and  
21 appropriate by the department, in consultation with the committee  
22 and the Medicaid Reform Council.



23 (2)(a) The department shall develop recommendations  
24 ~~relating to the provision of health care and related services~~  
25 ~~for medicaid eligible children under the state children's health~~  
26 ~~insurance program as allowed under Title XIX and Title XXI of the~~  
27 ~~federal Social Security Act. Such study and recommendations shall~~  
1 ~~include, but not be limited to, the organization and administration~~  
2 ~~of such program, the establishment of premiums, copayments, and~~  
3 ~~deductibles under such program, and the establishment of limits on~~  
4 ~~the amount, scope, and duration of services offered to recipients~~  
5 ~~under such program.~~ based on a comprehensive analysis of various  
6 options available to the state under applicable federal law for  
7 the provision of medical assistance to persons with disabilities  
8 who are employed, including persons with a medically improved  
9 disability, to enhance and replace current eligibility provisions  
10 contained in subdivision (8) of section 68-915.

11 (b) The department shall provide a draft report of such  
12 recommendations to the committee and the Medicaid Reform Council  
13 no later than October 1, ~~2007-2008~~. The council shall conduct a  
14 public meeting no later than October 15, ~~2007-2008~~, to discuss  
15 and receive public comment regarding such report. The council shall  
16 provide any comments and recommendations regarding such report in  
17 writing to the department and the committee no later than November  
18 1, ~~2007-2008~~. The department shall provide a final report of such  
19 recommendations to the Governor, the committee, and the council no  
20 later than December 1, ~~2007-2008~~.

21 (3)(a) The department shall develop recommendations  
22 for further modification or replacement of the defined benefit  
23 structure of the medical assistance program. Such recommendations  
24 shall be consistent with the public policy in section 68-905 and  
25 shall consider the needs and resources of low-income Nebraska  
26 residents who are eligible or may become eligible for medical  
27 assistance, the experience and outcomes of other states that have  
1 developed and implemented such changes, and other relevant factors  
2 as determined by the department.

3 (b) The department shall provide a draft report of such  
4 recommendations to the committee and the Medicaid Reform Council  
5 no later than October 1, 2008. The council shall conduct a public  
6 meeting no later than October 15, 2008, to discuss and receive  
7 public comment regarding such report. The council shall provide any  
8 comments and recommendations regarding such report in writing to  
9 the department and the committee no later than November 1, 2008.  
10 The department shall provide a final report of such recommendations  
11 to the Governor, the committee, and the council no later than  
12 December 1, 2008.

13 Sec. 27. Section 71-5830.01, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 71-5830.01 Notwithstanding any other provisions of the  
16 Nebraska Health Care Certificate of Need Act, a certificate of need  
17 is not required for:

- 18 (1) A change in classification between an intermediate  
 19 care facility, a nursing facility, or a skilled nursing facility;  
 20 (2) A project of a county in which is located a city of  
 21 the metropolitan class for which a bond issue has been approved by  
 22 the electorate of such county on or after January 1, 1994; and  
 23 (3) A project of a federally recognized Indian tribe  
 24 to be located on tribal lands within the exterior boundaries of  
 25 the State of Nebraska where (a) a determination has been made by  
 26 the tribe's governing body that the cultural needs of the tribe's  
 27 members cannot be adequately met by existing facilities if such  
 1 project has been approved by the tribe's governing body and (b)  
 2 the tribe has a self-determination agreement in place with the  
 3 Indian Health Service of the United States Department of Health and  
 4 Human Services so that payment for enrolled members of a federally  
 5 recognized Indian tribe who are served at such facility will be  
 6 made with one hundred percent federal reimbursement.  
 7 2. Correct the operative date and repealer sections so  
 8 that:  
 9 a. Sections 3 and 9 added by this amendment become  
 10 operative on December 1, 2008;  
 11 b. Section 13 added by this amendment becomes operative  
 12 on July 1, 2008;  
 13 c. Sections 14 and 15 added by this amendment become  
 14 operative three calendar months after the adjournment of this  
 15 legislative session; and  
 16 d. Section 27 added by this amendment becomes operative  
 17 on its effective date with the emergency clause.  
 18 3. Renumber the remaining sections and correct internal  
 19 references accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 1116.** The Kopplin amendment, AM2645, found on page 1288 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Langemeier moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Kopplin amendment lost with 8 ayes, 25 nays, 15 present and not voting, and 1 excused and not voting.

Senator Kopplin renewed his amendment, AM2647, found on page 1289, to the committee amendment.

**SENATOR LANGEMEIER PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Kopplin amendment lost with 2 ayes, 23 nays, 23 present and not voting, and 1 excused and not voting.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 377.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

**PURPOSE:** To examine issues relating to the Department of Natural Resources. The study shall include a review of the structure and responsibilities of the department. The study shall also consider the authorities and qualifications of the Director of Natural Resources and other staff and explore the processes by which decisions that affect the state's water and other natural resources are made. The study shall identify funding and resource needs consistent with the responsibilities and mission of the department.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 151.** Placed on Final Reading.

**LEGISLATIVE BILL 724.** Placed on Final Reading.

**LEGISLATIVE BILL 726.** Placed on Final Reading.

ST9091

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

1. On page 4, line 6, an underscoring comma has been inserted after "act".

**LEGISLATIVE BILL 726A.** Placed on Final Reading.  
**LEGISLATIVE BILL 728.** Placed on Final Reading.  
**LEGISLATIVE BILL 754.** Placed on Final Reading.  
**LEGISLATIVE BILL 775.** Placed on Final Reading.  
**LEGISLATIVE BILL 805.** Placed on Final Reading.  
**LEGISLATIVE BILL 850.** Placed on Final Reading.  
**LEGISLATIVE BILL 865.** Placed on Final Reading.  
**LEGISLATIVE BILL 893.** Placed on Final Reading.  
**LEGISLATIVE BILL 947.** Placed on Final Reading.  
**LEGISLATIVE BILL 1004.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 1116.** Senator Kopplin renewed his amendment, AM2646, found on page 1289, to the committee amendment.

Senator Kopplin withdrew his amendment.

Senator Kopplin offered the following amendment to the committee amendment:

AM2678

(Amendments to Standing Committee amendments, AM2629)

- 1 1. On page 13, strike lines 19 through 21 and insert
- 2 "(23) It is the intent of the Legislature that the State
- 3 Treasurer shall transfer one million dollars from the Cash Reserve
- 4 Fund to the Nebraska State Fair Relocation Cash Fund on August 1,
- 5 2008, and two million dollars from the Cash Reserve Fund to the
- 6 Nebraska State Fair Relocation Cash Fund on August 1 of each of the
- 7 following years: 2009 and 2010.".

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

The Kopplin amendment lost with 4 ayes, 18 nays, 24 present and not voting, and 3 excused and not voting.

Senator Kopplin offered the following amendment to the committee amendment:

AM2677

(Amendments to Standing Committee amendments, AM2629)

- 1 1. On page 2, line 15, strike "2010" and insert "2013".
- 2 2. On page 7, line 26, strike "or before December 31,
- 3 2009" and insert "December 31, 2012".
- 4 3. On page 8, strike beginning with the period in line 18
- 5 through "Regents" in line 24.

Senator Langemeier moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Kopplin moved for a call of the house. The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

Senator Kopplin requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Dierks	Heidemann	Kopplin	Pedersen	Wallman
Fischer	Howard	Nelson	Pirsch	White
Hansen	Karpisek	Pankonin	Stuthman	

Voting in the negative, 31:

Adams	Dubas	Hudkins	McDonald	Schimek
Aguilar	Engel	Janssen	McGill	Synowiecki
Avery	Erdman	Johnson	Nantkes	Wightman
Burling	Flood	Langemeier	Pahls	
Carlson	Friend	Lathrop	Preister	
Christensen	Fulton	Lautenbaugh	Raikes	
Cornett	Gay	Louden	Rogert	

Present and not voting, 1:

Kruse

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Ashford      Harms

The Kopplin amendment lost with 14 ayes, 31 nays, 1 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**SENATOR LANGEMEIER PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Committee AM2629, found on page 1210 and considered in this day's Journal, was renewed.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The committee amendment was adopted with 44 ayes, 1 nay, 2 present and not voting, and 2 excused and not voting.

Senator Rogert moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 3 nays, and 2 excused and not voting.

**LEGISLATIVE BILL 1116A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

### RESOLUTION

**LEGISLATIVE RESOLUTION 378.** Introduced by Erdman, 47.

WHEREAS, Ray and Wanda (Geri) Satchell were married on September 10, 1948, in Bridgeport, Nebraska; and

WHEREAS, Ray and Geri Satchell will celebrate their sixtieth wedding anniversary on September 10, 2008; six children were born to this union. They have been blessed with thirteen grandchildren and seventeen great-grandchildren; and

WHEREAS, Ray was born and raised on the family homestead in Morrill County near Dalton, Nebraska. Ray and Geri have resided on the homestead since their marriage in 1948. Together they survived the Blizzard of '48 and other challenges through the years with hard work and determination. They have been and are still active volunteers in the community.

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

1. That Ray and Wanda (Geri) Satchell be congratulated on their sixtieth wedding anniversary.

2. That a copy of this resolution be sent to Ray and Wanda (Geri) Satchell.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Friend filed the following amendment to LB1016:  
AM2583

(Amendments to Standing Committee amendments, AM2322)

- 1 1. On page 6, line 9, strike "subject to the penalties
- 2 for perjury" and insert "guilty of a Class III misdemeanor".

Senator Heidemann filed the following amendment to LB609A:  
AM2681

(Amendments to Final Reading copy)

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 Section 1. The following section is outright repealed:
- 4 Legislative Bill 959, One Hundredth Legislature, Second Session,
- 5 2008, section 15.
- 6 Sec. 2. Since an emergency exists, this act takes effect
- 7 when passed and approved according to law.
- 8 2. On page 1, strike beginning with "appropriate" in line
- 9 1 through line 3 and insert "outright repeal Legislative Bill 959,
- 10 One Hundredth Legislature, Second Session, 2008, section 15; and to
- 11 declare an emergency."

**VISITORS**

Visitors to the Chamber were Shane Messersmith, John Haag, Jerda Garey, and Kayla Messinger from McCook; 11 FFA students and teacher from Hyannis; 12 FFA students from Grand Island; 50 fourth-grade students and teachers from Ackerman Elementary, Omaha; 40 fifth-grade students from Prairie Land Elementary, Omaha; 42 third-grade students from Hawthorne Elementary, Lincoln; and 50 fourth-grade students and teachers from Ackerman Elementary, Omaha.

The Doctor of the Day was Dr. Tim Dalton from Lincoln.

**ADJOURNMENT**

At 2:30 p.m., on a motion by Senator Hudkins, the Legislature adjourned until 9:00 a.m., Monday, April 7, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature





**FIFTY-FOURTH DAY - APRIL 7, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 7, 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 Senator Synowiecki who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 710.** Placed on Final Reading.

**LEGISLATIVE BILL 727.** Placed on Final Reading.

**LEGISLATIVE BILL 764.** Placed on Final Reading.

**LEGISLATIVE BILL 789.** Placed on Final Reading.

**LEGISLATIVE BILL 798.** Placed on Final Reading.

**LEGISLATIVE BILL 821.** Placed on Final Reading.

**LEGISLATIVE BILL 838.** Placed on Final Reading.

**LEGISLATIVE BILL 845.** Placed on Final Reading.

ST9092

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

1. In the E & R amendments, ER8196, on page 1, line 4, the matter beginning with "8" through "comma" has been struck and "8 and 18, after '60-465' insert an underscored" inserted.

**LEGISLATIVE BILL 848.** Placed on Final Reading.

ST9088

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

1. In the Erdman amendment, AM2421, on page 13, line 24, an underscored comma has been inserted after "contract".

2. On page 1, lines 2 through 9 have been struck and "21-2903, 21-2910, 21-2922, 21-2929, 21-2930, 21-2935, 21-2939, 21-2945, 21-2949, 21-2950, 21-2951, 21-2952, 21-2953, 21-2955, 21-2956, 21-2959, 21-2960, 21-2978, 21-2980, 21-2982, 21-2992, 21-29,110, 21-29,117, 21-29,122, 21-29,123, 29-21,124, 21-29,125, 21-29,126, and 21-29,127, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to the Nebraska Limited Cooperative Association Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 21-29,118, 21-29,119, 21-29,120, 21-29,121, and 21-29,128, Revised Statutes Supplement, 2007." inserted.

**LEGISLATIVE BILL 895.** Placed on Final Reading.

ST9090

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

1. In the E & R amendments, ER8219:

a. On page 38, line 26; and page 39, line 8, "section" has been struck and "sections 18-2720 and" inserted; and

b. On page 39, line 13, "to eliminate certain loan servicing requirements under the Local Option Municipal Economic Development Act;" has been inserted after the semicolon.

**LEGISLATIVE BILL 902.** Placed on Final Reading.

**LEGISLATIVE BILL 904.** Placed on Final Reading.

**LEGISLATIVE BILL 972.** Placed on Final Reading.

**LEGISLATIVE BILL 993.** Placed on Final Reading.

**LEGISLATIVE BILL 1011.** Placed on Final Reading.

**LEGISLATIVE BILL 1045.** Placed on Final Reading.

**LEGISLATIVE BILL 1048.** Placed on Final Reading.

**LEGISLATIVE BILL 1048A.** Placed on Final Reading.

**LEGISLATIVE BILL 1067.** Placed on Final Reading.

**LEGISLATIVE BILL 1103.** Placed on Final Reading.

**LEGISLATIVE BILL 1108.** Placed on Final Reading.

**LEGISLATIVE BILL 1145.** Placed on Final Reading.

**LEGISLATIVE BILL 1162.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 1153.** Placed on Select File with amendment. ER8234 is available in the Bill Room.

**LEGISLATIVE BILL 956.** Placed on Select File with amendment. ER8235

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 81-1201.21, Revised Statutes
- 4 Supplement, 2007, is amended to read:
- 5 81-1201.21 (1) There is hereby created the Job Training
- 6 Cash Fund. The fund shall be under the direction of the Department
- 7 of Economic Development. Money may be transferred to the fund
- 8 pursuant to subdivision (1)(b)(iv) of section 48-621 and from
- 9 the Cash Reserve Fund at the direction of the Legislature. The
- 10 department shall establish a subaccount for all money transferred
- 11 from the Cash Reserve Fund to the Job Training Cash Fund on or
- 12 after July 1, 2005. Any unexpended or unobligated balance remaining
- 13 within such subaccount on July 1, 2010, shall be transferred by the
- 14 State Treasurer to the Cash Reserve Fund no later than July 10,
- 15 2010. Any obligated amount not transferred from the subaccount that
- 16 remains unexpended on July 1, 2009, shall be transferred by the
- 17 State Treasurer to the Cash Reserve Fund no later than December 31,
- 18 2011.
- 19 (2) The department shall use the ~~fund~~ Job Training
- 20 Cash Fund to provide reimbursements for job training activities,
- 21 including employee assessment, preemployment training, on-the-job
- 22 training, training equipment costs, and other reasonable costs
- 23 related to helping industry and business locate or expand
- 1 in Nebraska, or to provide upgrade skills training of the
- 2 existing labor force necessary to adapt to new technology or the
- 3 introduction of new product lines.
- 4 (3) The department shall establish a subaccount within
- 5 the fund to provide job training grants targeted to small
- 6 employers, rural employers, and poverty area employers meeting
- 7 one of the following criteria: (a) Employ twenty-five or fewer
- 8 employees, (b) located in rural areas of Nebraska, or (c) located
- 9 in areas of high concentration of poverty within the corporate
- 10 limits of a city or village consisting of one or more contiguous
- 11 census tracts, as determined by the most recent federal decennial
- 12 census, which contain a percentage of persons below the poverty
- 13 line of greater than thirty percent, and all census tracts
- 14 contiguous to such tract or tracts, as determined by the most
- 15 recent federal decennial census. The department shall calculate the
- 16 amount of prior year investment income earnings accruing to the
- 17 fund and allocate such amount to the subaccount for small, rural,
- 18 or poverty area employer grants.

19 (4) Any money in the fund available for investment  
20 shall be invested by the state investment officer pursuant to  
21 the Nebraska Capital Expansion Act and the Nebraska State Funds  
22 Investment Act.

23 Sec. 2. Section 81-1202, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 81-1202 For purposes of sections 81-1202 to 81-1210 and  
26 section 3 of this act, job training grant means a grant from the  
27 Job Training Cash Fund or any nonfederal funding source within the  
1 Department of Economic Development awarded by the department.

2 Sec. 3. Whenever practicable, the Department of Economic  
3 Development shall give priority consideration to training services  
4 offered by community college areas.

5 Sec. 4. Section 81-1205, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 81-1205 A business which is awarded a job training  
8 grant shall provide annual performance reports to the Department  
9 of Economic Development and a final performance report upon the  
10 completion of the project. The department shall provide an annual  
11 report by December 1 of each year to the Appropriations Committee  
12 of the Legislature. The report shall include information on each  
13 active grant, including specific information regarding the number  
14 of positions to be trained, whether new or existing employees  
15 are to be trained, the length of time that the project has  
16 been active, the amount of funding committed to the project, the  
17 amount of funding paid out to date, and the projected completion  
18 date. The report shall also provide information on grants closed  
19 during the reporting year, including the total number of employees  
20 trained, whether new or existing employees were trained, total  
21 project expenditures, and the duration time of the project. The  
22 department shall also provide information summarizing the use of  
23 community college areas to provide training services and list  
24 specific projects where a community college area is providing  
25 all or a component of the training services. If private or  
26 inhouse training services are used, the department shall provide  
27 information regarding the name of the private or inhouse training  
1 service and the qualifications of the training service.

2 Sec. 5. Original sections 81-1202 and 81-1205, Reissue  
3 Revised Statutes of Nebraska, and section 81-1201.21, Revised  
4 Statutes Supplement, 2007, are repealed.

5 2. On page 1, line 4, strike "and rural" and insert "  
6 rural, or poverty area".

**LEGISLATIVE BILL 830A.** Placed on Select File.

**LEGISLATIVE BILL 1147A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 765.**

A BILL FOR AN ACT relating to health; to amend sections 71-5829.03 and 71-5829.06, Reissue Revised Statutes of Nebraska; to change provisions relating to certificates of need; 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, 44:

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

Voting in the negative, 4:

Aguilar	Flood	Hudkins	Louden
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Excused and not voting, 1:

Synowiecki

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

**LEGISLATIVE BILL 766.**

A BILL FOR AN ACT relating to scrap metal; to regulate scrap metal recycling as prescribed; to define terms; to provide a penalty; and to provide an operative date.

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

Voting in the affirmative, 44:

Adams	Dubas	Howard	Louden	Preister
Aguilar	Engel	Hudkins	McDonald	Raikes
Ashford	Fischer	Janssen	McGill	Rogert
Avery	Flood	Johnson	Nantkes	Schimek
Carlson	Friend	Karpisek	Nelson	Stuthman
Chambers	Fulton	Kopplin	Pahls	Synowiecki
Christensen	Gay	Kruse	Pankonin	White
Cornett	Harms	Lathrop	Pedersen	Wightman
Dierks	Heidemann	Lautenbaugh	Pirsch	

Voting in the negative, 5:

Burling	Erdman	Hansen	Langemeier	Wallman
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Not voting, 0.

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

### ANNOUNCEMENT

The Chair announced today is Senator Erdman's birthday.

### MOTION - Return LB777 to Select File

Senator Raikes moved to return LB777 to Select File for the following specific amendment:

FA269

Strike the enacting clause.

Senator Raikes withdrew his motion to return.

### BILLS ON FINAL READING

The following bill was read and put upon final passage:

### LEGISLATIVE BILL 777.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1359, Revised Statutes Cumulative Supplement, 2006; to redefine agricultural land and horticultural land; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 25:

Carlson	Fischer	Heidemann	Kruse	Pedersen
Christensen	Flood	Hudkins	Langemeier	Pirsch
Cornett	Fulton	Janssen	Lautenbaugh	Preister
Dierks	Gay	Johnson	Louden	Stuthman
Erdman	Hansen	Karpisek	Nelson	Wallman

Voting in the negative, 15:

Adams	Burling	Engel	Lathrop	Nantkes
Aguilar	Chambers	Harms	McDonald	Raikes
Ashford	Dubas	Howard	McGill	Rogert

Present and not voting, 9:

Avery	Kopplin	Pankonin	Synowiecki	Wightman
Friend	Pahls	Schimek	White	

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB889 with 36 ayes, 5 nays, and 8 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 889.**

A BILL FOR AN ACT relating to political subdivisions; to amend sections 79-2001, 79-2002, 79-2003, 79-2004, 79-2005, 79-2006, 79-2007, 79-2008, 79-2009, 79-2010, 79-2011, 79-2012, and 79-2013, Reissue Revised Statutes of Nebraska; to transfer and rename the Nebraska Schools Construction Alternatives Act; to provide construction alternatives for political subdivisions; to provide and eliminate limitations on contracts; to repeal the original sections; and to outright repeal sections 79-2014 and 79-2015, Reissue Revised Statutes of Nebraska.

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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 952.**

A BILL FOR AN ACT relating to laws; to amend section 81-119, Reissue Revised Statutes of Nebraska, and section 86-2,112, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to investigatory powers of state administrative departments and investigatory and enforcement powers of the Attorney General and county attorneys; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.



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

**LEGISLATIVE BILL 973.**

A BILL FOR AN ACT relating to the Community College Foundation and Equalization Aid Act; to amend sections 85-2205, 85-2212, 85-2221, 85-2223, 85-2224, 85-2225, 85-2227, and 85-2228, Revised Statutes Supplement, 2007; to change and eliminate definitions; to change provisions relating to calculation of aid; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-2214, 85-2219, and 85-2226, Revised Statutes Supplement, 2007.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Pedersen

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

**LEGISLATIVE BILL 1157.**

A BILL FOR AN ACT relating to education; to amend sections 79-758, 79-760.01, 79-760.02, 79-760.03, and 79-760.05, Revised Statutes Supplement, 2007; to change provisions relating to statewide assessment and reporting; 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, 33:

Adams	Christensen	Hansen	Langemeier	Raikes
Aguilar	Cornett	Harms	Lathrop	Rogert
Ashford	Dierks	Howard	Lautenbaugh	Schimek
Avery	Engel	Janssen	McDonald	Synowiecki
Burling	Flood	Johnson	Pahls	Wightman
Carlson	Friend	Kopplin	Pirsch	
Chambers	Fulton	Kruse	Preister	

Voting in the negative, 15:

Dubas	Gay	Karpisek	Nantkes	Pedersen
Erdman	Heidemann	Louden	Nelson	Stuthman
Fischer	Hudkins	McGill	Pankonin	Wallman

Present and not voting, 1:

White

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

#### **LEGISLATIVE BILL 1157A.**

A BILL FOR AN ACT relating to appropriations; to increase salary limits for the State Department of Education to aid in carrying out the provisions of Legislative Bill 1157, One Hundredth Legislature, Second Session, 2008.

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, 36:

Adams	Dierks	Harms	Lathrop	Rogert
Aguilar	Engel	Heidemann	Lautenbaugh	Schimek
Ashford	Fischer	Howard	McDonald	Synowiecki
Avery	Flood	Janssen	Nantkes	Wightman
Burling	Friend	Johnson	Pahls	
Carlson	Fulton	Kopplin	Pirsch	
Chambers	Gay	Kruse	Preister	
Cornett	Hansen	Langemeier	Raikes	

Voting in the negative, 9:

Dubas	Hudkins	Nelson	Pedersen	Wallman
Erdman	Karpisek	Pankonin	Stuthman	

Present and not voting, 4:

Christensen Louden McGill White

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

### RESOLUTION

**LEGISLATIVE RESOLUTION 379.** Introduced by Johnson, 37.

WHEREAS, the University of Nebraska at Kearney (UNK) wrestling team, under the leadership of head coach Marc Bauer and his staff, has represented the University and the State of Nebraska in an exemplary manner; and

WHEREAS, their competitive record includes seven consecutive conference championships in the Rocky Mountain Athletic Conference and seven consecutive NCAA Division II West Region titles; and

WHEREAS, the team has placed in the Top 10 at the national championship meet in eight of the last ten years, and has had two individual champions at the past three consecutive national meets; and

WHEREAS, at the 2008 NCAA Division II National Championships held in Cedar Rapids, Iowa, on March 14 and 15, the Lopers were crowned national champions by scoring one hundred eight and one-half points, which was one-half point better than the runner-up team; and

WHEREAS, this was UNK's first-ever national team title at the NCAA Division II level; and

WHEREAS, eight members of the team achieved All-American status and all nine athletes who qualified for the national meet won at least one match; and

WHEREAS, the team recorded Division II's second highest team grade point average (3.334) during the 2007-2008 academic year; and

WHEREAS, Coach Bauer was named the Division II Coach of the Year, a title he was also awarded in 2003.

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

1. That the Legislature congratulates head wrestling coach Marc Bauer, his assistant coaches, and the University of Nebraska at Kearney student athletes for the national recognition they have achieved, the sportsmanship they have exhibited, the advancement of intercollegiate athletics, and the honor they have bestowed on themselves and this state.

2. That a copy of this resolution be sent to Coach Marc Bauer.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 1082.** Committee AM2252, found on page 886 and considered on pages 1115 and 1287, was renewed.

Senator Lautenbaugh renewed his amendment, FA239, found on page 1117 and considered on page 1287, to the committee amendment.

Pending.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 765, 766, 777, 889, 952, 973, 1157, and 1157A.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 320 and 325 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 320 and 325.

### **GENERAL FILE**

**LEGISLATIVE BILL 1082.** The Lautenbaugh amendment, FA239, found on page 1117 and considered on page 1287 and in this day's Journal, to the committee amendment, was renewed.

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

Senator Lathrop moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to cease debate failed with 20 ayes, 9 nays, 16 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

The Lautenbaugh amendment lost with 22 ayes, 17 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Committee AM2252, found on page 886 and considered on pages 1115 and 1287 and in this day's Journal, as amended, was renewed.

Senator Cornett moved for a call of the house. The motion prevailed with 42

ayes, 0 nays, and 7 not voting.

Senator Cornett requested a roll call vote on the committee amendment, as amended.

Voting in the affirmative, 22:

Ashford	Dubas	Kopplin	Pedersen	Wallman
Avery	Howard	Kruse	Preister	White
Chambers	Janssen	Lathrop	Rogert	
Cornett	Johnson	McGill	Schimek	
Dierks	Karpisek	Nantkes	Synowiecki	

Voting in the negative, 26:

Adams	Erdman	Hansen	McDonald	Stuthman
Aguilar	Fischer	Harms	Nelson	Wightman
Burling	Flood	Heidemann	Pahls	
Carlson	Friend	Langemeier	Pankonin	
Christensen	Fulton	Lautenbaugh	Pirsch	
Engel	Gay	Louden	Raikes	

Excused and not voting, 1:

Hudkins

The committee amendment, as amended, lost with 22 ayes, 26 nays, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 7, 2008, at 10:20 a.m. were the following: LBs 765, 766, 777, 889, 952, 973, 1157, and 1157A.

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

### **AMENDMENT - Print in Journal**

Senators Johnson and Pankonin filed the following amendment to LB245: AM2680

(Amendments to E & R amendments, ER8231)

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. Section 71-3305, Revised Statutes Supplement,
- 3 2007, is amended to read:

4 71-3305 (1) Except as otherwise provided in subsection  
 5 (2) of this section, any political subdivision as defined in  
 6 section 13 702, that provides the water supply of any city or  
 7 village for human consumption having a population of one thousand  
 8 or more inhabitants shall, no later than June 1, 2010, add fluoride  
 9 to such the water supply in the amount and manner prescribed by for  
 10 human consumption for such city or village as provided in the rules  
 11 and regulations of the Department of Health and Human Services  
 12 unless such water supply has sufficient amounts of naturally  
 13 occurring fluoride as provided in such rules and regulations.

14 (2) ~~Fluoride shall not be added to the water supply of~~  
 15 ~~any city or village in which the voters have, after September 2,~~  
 16 ~~1973, adopted an ordinance by initiative prohibiting the adding of~~  
 17 ~~fluoride to its water supply. The procedure for the adoption of~~  
 18 ~~any such ordinance shall be that provided in sections 18 2501 to~~  
 19 ~~18 2536. No such ordinance may be adopted in a city or village~~  
 20 ~~receiving, or which has contracted to receive, its water supply,~~  
 21 ~~or any part thereof, from another political subdivision, or public~~  
 22 ~~or private entity, which adds fluoride to its water supply in~~  
 1 ~~compliance with subsection (1) of this section, or section 71 3306,~~  
 2 ~~or which has available only purchased fluoridated water with which~~  
 3 ~~to supply such city or village. In any city or village which is~~  
 4 ~~required to add fluoride to its water supply under subsection (1)~~  
 5 ~~of this section and in which fluoride is not added to such water~~  
 6 ~~supply as of January 1, 2008, the voters of the city or village~~  
 7 ~~may adopt an ordinance, after the effective date of this act,~~  
 8 ~~but before June 1, 2010, to prohibit the addition of fluoride to~~  
 9 ~~such water supply. The ordinance may be placed on the ballot by a~~  
 10 ~~majority vote of the governing body of the city or village or by~~  
 11 ~~initiative pursuant to sections 18-2501 to 18-2538.~~

12 (3) Any rural water district organized under sections  
 13 46-1001 to 46-1020 that supplies water for human consumption to any  
 14 city or village which is required to add fluoride to such water  
 15 supply under this section shall not be responsible for any costs,  
 16 equipment, testing, or maintenance related to such fluoridation  
 17 unless such district has agreed with the city or village to assume  
 18 such responsibilities.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 1116.** Placed on Select File with amendment.  
 ER8236

- 1 1. In the Standing Committee amendments, AM2629:
- 2 a. On page 4, line 18, after "act" insert an underscored
- 3 comma; and
- 4 b. On page 8, line 1, strike "200 some" and insert "two
- 5 hundred plus"; and in line 3 strike "(Legal Description XXX)".
- 6 2. On page 1, strike beginning with "agriculture" in

7 line 1 through line 4 and insert "the Nebraska State Fair;  
 8 to amend sections 2-101, 2-101.01, and 2-103, Revised Statutes  
 9 Cumulative Supplement, 2006, and sections 2-108 and 84-612, Revised  
 10 Statutes Supplement, 2007; to state intent to relocate the Nebraska  
 11 State Fair; to provide a fair relocation plan; to provide for  
 12 future use of the Nebraska State Fairgrounds; to change membership  
 13 provisions of the Nebraska State Fair Board; to create a fund; to  
 14 transfer funds; to harmonize provisions; and to repeal the original  
 15 sections.".

**LEGISLATIVE BILL 1116A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 1082.** Senator Cornett withdrew her amendment, AM2514, found on page 1111.

Senator Cornett offered the following amendment:  
 AM2670

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 Section 1. Section 48-106, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 48-106 (1) The Nebraska Workers' Compensation Act shall
- 6 apply to the State of Nebraska, to every governmental agency
- 7 created by the state, and, except as provided in this section,
- 8 to every resident employer in this state and nonresident employer
- 9 performing work in this state who employs one or more employees
- 10 in the regular trade, business, profession, or vocation of such
- 11 employer.
- 12 (2) The act shall not apply to:
- 13 (a) A railroad company engaged in interstate or foreign
- 14 commerce;
- 15 (b) Service performed by a worker who is a household
- 16 domestic servant in a private residence;
- 17 (c) Service performed by a worker when performed for an
- 18 employer who is engaged in an agricultural operation and employs
- 19 only related employees;
- 20 (d) Service performed by a worker when performed for
- 21 an employer who is engaged in an agricultural operation and
- 22 employs unrelated employees unless such service is performed for
- 23 an employer who during any calendar year employs ten or more
- 1 unrelated, full-time employees, whether in one or more locations,
- 2 on each working day for thirteen calendar weeks, whether or not
- 3 such weeks are consecutive. The act shall apply to an employer
- 4 thirty days after the thirteenth such week; ~~and~~
- 5 (e) Service performed by a person who is engaged in

6 an agricultural operation, or performed by his or her related  
7 employees, when the service performed is (i) occasional and (ii)  
8 for another person who is engaged in an agricultural operation who  
9 has provided or will provide reciprocal or similar service; and-

10 (f) Mental injuries and mental illness of a worker  
11 unaccompanied by physical injury when such injury is incurred  
12 during the time of employment.

13 (3) If the employer is the state or any governmental  
14 agency created by the state, the exemption from the act under  
15 subdivision (2)(d) of this section does not apply.

16 (4) If the act applies to an employer because the  
17 employer meets the requirements of subdivision (2)(d) of this  
18 section, all unrelated employees shall be covered under the act and  
19 such employees' wages shall be considered for premium purposes.

20 (5) If an employer to whom the act applies because the  
21 employer meets the requirements of subdivision (2)(d) of this  
22 section subsequently does not employ ten or more unrelated,  
23 full-time employees, such employer shall continue to provide  
24 workers' compensation insurance coverage for the employees for  
25 the remainder of the calendar year and for the next full  
26 calendar year. When the required coverage period has expired,  
27 such employer may elect to return to exempt status by (a) posting,  
1 continuously in a conspicuous place at the employment locations  
2 of the employees for a period of at least ninety days, a written  
3 or printed notice stating that the employer will no longer carry  
4 workers' compensation insurance for the employees and the date such  
5 insurance will cease and (b) thereafter no longer carrying a policy  
6 of workers' compensation insurance. Failure to provide notice in  
7 accordance with this subsection voids an employer's attempt to  
8 return to exempt status.

9 (6) An employer who is exempt from the act under  
10 subsection (2) of this section may elect to bring the employees of  
11 such employer under the act. Such election is made by the employer  
12 obtaining a policy of workers' compensation insurance covering  
13 such employees. Such policy shall be obtained from a corporation,  
14 association, or organization authorized and licensed to transact  
15 the business of workers' compensation insurance in this state. If  
16 such an exempt employer procures a policy of workers' compensation  
17 insurance which is in full force and effect at the time of an  
18 accident to an employee of such employer, such procurement is  
19 conclusive proof of the employer's and employee's election to be  
20 bound by the act. Such an exempt employer who has procured a policy  
21 of workers' compensation insurance may elect to return to exempt  
22 status by (a) posting, continuously in a conspicuous place at the  
23 employment locations of the employees for a period of at least  
24 ninety days, a written or printed notice stating that the employer  
25 will no longer carry workers' compensation insurance for the  
26 employees and the date such insurance will cease and (b) thereafter  
27 no longer carrying a policy of workers' compensation insurance.



1 Failure to provide notice in accordance with this subsection voids  
2 an employer's attempt to return to exempt status.

3 (7) Every employer exempted under subdivision (2)(d) of  
4 this section who does not elect to provide workers' compensation  
5 insurance under subsection (6) of this section shall give all  
6 unrelated employees at the time of hiring the following written  
7 notice which shall be signed by the unrelated employee and retained  
8 by the employer: "In this employment you will not be covered  
9 by the Nebraska Workers' Compensation Act and you will not be  
10 compensated under the act if you are injured on the job or suffer  
11 an occupational disease. You should plan accordingly." Failure to  
12 provide the notice required by this subsection subjects an employer  
13 to liability under and inclusion in the act for all unrelated  
14 employees on the basis of failure to give such notice.

15 (8) An exclusion from coverage in any health, accident,  
16 or other insurance policy covering a person employed by an employer  
17 who is exempt from the act under this section which provides that  
18 coverage under the health, accident, or other insurance policy  
19 does not apply if such person is entitled to workers' compensation  
20 coverage is void as to such person if such employer has not elected  
21 to bring the employees of such employer within the act as provided  
22 in subsection (6) of this section.

23 (9) For purposes of this section:

24 (a) Agricultural operation means (i) the cultivation of  
25 land for the production of agricultural crops, fruit, or other  
26 horticultural products or (ii) the ownership, keeping, or feeding  
27 of animals for the production of livestock or livestock products;

1 (b) Full-time employee means a person who is employed to  
2 work one-half or more of the regularly scheduled hours during each  
3 pay period; and

4 (c) Related employee means a spouse of an employer and  
5 an employee related to the employer within the third degree by  
6 blood or marriage. Relationship by blood or marriage within the  
7 third degree includes parents, grandparents, great grandparents,  
8 children, grandchildren, great grandchildren, brothers, sisters,  
9 uncles, aunts, nephews, nieces, and spouses of the same. If  
10 the employer is a partnership, limited liability company, or  
11 corporation in which all of the partners, members, or shareholders  
12 are related within the third degree by blood or marriage, then  
13 related employee means any employee related to any such partner,  
14 member, or shareholder within the third degree by blood or  
15 marriage.

16 Sec. 2. Original section 48-106, Revised Statutes  
17 Cumulative Supplement, 2006, is repealed.

Pending.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Fischer asked unanimous consent to add her name as cointroducer to LB895. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Roger Green from Scottsbluff; Senator Janssen's brother, Monte Janssen, from Gretna; Darrell Fisher from Curtis; members of Delta Sigma Theta Sorority, Inc. - Omaha Alumnae Chapter Gamma Xi and Delta Epsilon Omega Chapter of Alpha Kappa Alpha from Lincoln and Omaha; Anita Wisecup from Papillion and Jamie Anderson from Omaha; Roger and Brooke Foster from Crete; Senator Pedersen's family; and Chuck, Sierra, and Brittany Vestal from Omaha.

**RECESS**

At 11:58 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., Senator Langemeier presiding.

**ROLL CALL**

The roll was called and all members were present except Senator McDonald who was excused until she arrives.

**MOTION - Override Line-Item Veto on LB959**

Senator Heidemann, on behalf of the Appropriations Committee, renewed his motion, MO169, found on page 1301, that LB959 becomes law notwithstanding the line-item objections of the Governor.

**SENATOR SCHIMEK PRESIDING**

Senator Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Senator Heidemann moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

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

Senator Heidemann requested the roll call vote be taken in reverse order.

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

Voting in the affirmative, 34:

Adams	Dierks	Heidemann	Louden	Rogert
Aguilar	Dubas	Hudkins	McDonald	Schimek
Avery	Engel	Janssen	Nantkes	Stuthman
Burling	Fischer	Johnson	Nelson	Synowiecki
Carlson	Flood	Karpisek	Pankonin	Wallman
Christensen	Hansen	Kruse	Pedersen	Wightman
Cornett	Harms	Langemeier	Raikes	

Voting in the negative, 15:

Ashford	Friend	Howard	Lautenbaugh	Pirsch
Chambers	Fulton	Kopplin	McGill	Preister
Erdman	Gay	Lathrop	Pahls	White

Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

## COMMITTEE REPORT

### Judiciary

**LEGISLATIVE BILL 810.** Placed on General File with amendment.  
AM2664

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) A retail licensee shall, prior to allowing
- 4 an employee to sell or serve alcoholic liquor, train the employee
- 5 by electronic means. A retail licensee shall retain proof of
- 6 electronic training until the training under subsection (2) of this
- 7 section is complete.
- 8 (2) A retail licensee shall train its employees who sell
- 9 or serve alcoholic liquor within sixty days after the operative
- 10 date of this act for employees employed on the operative date
- 11 of this act or within sixty days after employment for employees
- 12 hired after the operative date of this act. The training shall be
- 13 provided pursuant to section 53-117.03. An employee shall receive a
- 14 certificate evidencing completion of the training. Employees shall
- 15 complete the training every three years.
- 16 (3) A retail licensee who violates this section shall be
- 17 subject to the same punishment provided for violation of section
- 18 53-180.
- 19 Sec. 2. Section 53-101, Revised Statutes Supplement,
- 20 2007, is amended to read:

21 53-101 Sections 53-101 to 53-1,122 and section 1 of this  
22 act shall be known and may be cited as the Nebraska Liquor Control  
23 Act.

1 Sec. 3. Section 53-1,104, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 53-1,104 (1) Any licensee which sells or permits the  
4 sale of any alcoholic liquor not authorized under the terms of  
5 such license on the licensed premises or in connection with such  
6 licensee's business or otherwise shall be subject to suspension,  
7 cancellation, or revocation of such license by the commission.

8 (2) When an order suspending a license to sell alcoholic  
9 liquor becomes final, the licensee may elect to pay a cash penalty  
10 to the commission in lieu of suspending sales of alcoholic liquor  
11 for the designated period if such election is not prohibited  
12 by order of the commission. Except as otherwise provided in  
13 subsection (3) of this section, for the first such suspension for  
14 any licensee, the penalty shall be fifty dollars per day, and for  
15 a second or any subsequent suspension, the penalty shall be one  
16 hundred dollars per day.

17 (3)(a) For a second suspension for violation of section  
18 53-180 or 53-180.02 or section 1 of this act occurring within four  
19 years after the date of the first suspension, the commission, in  
20 its discretion, may order that the licensee be required to suspend  
21 sales of alcoholic liquor for a period of time not to exceed  
22 forty-eight hours and that the licensee may not elect to pay a  
23 cash penalty. The commission may use the required suspension of  
24 sales of alcoholic liquor penalty either alone or in conjunction  
25 with suspension periods for which the licensee may elect to pay a  
26 cash penalty. For purposes of this subsection, second suspension  
27 for violation of section 53-180 shall include suspension for a  
1 violation of section 53-180.02 following suspension for a violation  
2 of section 53-180 and second suspension for violation of section  
3 53-180.02 shall include suspension for a violation of section  
4 53-180 following suspension for a violation of section 53-180.02;

5 (b) For a third or subsequent suspension for violation  
6 of section 53-180 or 53-180.02 or section 1 of this act occurring  
7 within four years after the date of the first suspension, the  
8 commission, in its discretion, may order that the licensee be  
9 required to suspend sales of alcoholic liquor for a period of time  
10 not to exceed fifteen days and that the licensee may not elect to  
11 pay a cash penalty. The commission may use the required suspension  
12 of sales of alcoholic liquor penalty either alone or in conjunction  
13 with suspension periods for which the licensee may elect to pay a  
14 cash penalty. For purposes of this subsection, third or subsequent  
15 suspension for violation of section 53-180 shall include suspension  
16 for a violation of section 53-180.02 following suspension for a  
17 violation of section 53-180 and third or subsequent suspension  
18 for violation of section 53-180.02 shall include suspension for a  
19 violation of section 53-180 following suspension for a violation of

20 section 53-180.02; and

21 (c) For a first suspension based upon a finding that a  
 22 licensee or an employee or agent of the licensee has been convicted  
 23 of possession of a gambling device on a licensee's premises in  
 24 violation of sections 28-1107 to 28-1111, the commission, in its  
 25 discretion, may order that the licensee be required to suspend  
 26 sales of alcoholic liquor for thirty days and that the licensee  
 27 may not elect to pay a cash penalty. For a second or subsequent  
 1 suspension for such a violation of sections 28-1107 to 28-1111  
 2 occurring within four years after the date of the first suspension,  
 3 the commission shall order that the license be canceled.

4 (4) For any licensee which has no violation for a period  
 5 of four years consecutively, any suspension shall be treated as a  
 6 new first suspension.

7 (5) The election provided for in subsection (2) of  
 8 this section shall be filed with the commission in writing one  
 9 week before the suspension is ordered to commence and shall be  
 10 accompanied by payment in full of the sum required by this section.  
 11 If such election has not been received by the commission by the  
 12 close of business one week before the day such suspension is  
 13 ordered to commence, it shall be conclusively presumed that the  
 14 licensee has elected to close for the period of the suspension  
 15 and any election received later shall be absolutely void and the  
 16 payment made shall be returned to the licensee. The election shall  
 17 be made on a form prescribed by the commission. ~~All funds received~~  
 18 ~~under this section shall be remitted to the State Treasurer for~~  
 19 ~~credit to the temporary school fund. The commission shall remit~~  
 20 all funds collected under this section to the State Treasurer for  
 21 distribution in accordance with Article VII, section 5, of the  
 22 Constitution of Nebraska.

23 Sec. 4. This act becomes operative on January 1, 2009.

24 Sec. 5. Original section 51-1,104, Reissue Revised  
 25 Statutes of Nebraska, and section 53-101, Revised Statutes  
 26 Supplement, 2007, are repealed.

(Signed) Brad Ashford, Chairperson

### AMENDMENTS - Print in Journal

Senator Aguilar filed the following amendment to LB1072:  
 AM2688

(Amendments to E & R amendments, ER8228)

1 1. Insert the following new section:

2 Sec. 5. Since an emergency exists, this act takes effect  
 3 when passed and approved according to law.

4 2. On page 7, line 10, after "district" insert "or  
 5 to serve city-owned electric generating facilities located within  
 6 the boundaries of a city within which the jurisdictional utility

7 extending the transmission line provides natural gas service to  
 8 customers".

Senator Heidemann filed the following amendment to LB609A:  
 AM2684

(Amendments to Final Reading copy)

1 1. Strike the original section and insert the following  
 2 new sections:  
 3 Section 1. Laws 2007, LB 321, section 36, is amended to  
 4 read:

5 Sec. 36. AGENCY NO. 11 - ATTORNEY GENERAL  
 6 Program No. 508 - School Finance Litigation

	FY2007-08	FY2008-09
7 <del>GENERAL FUND</del>	<del>2,500,000</del>	<del>0</del>
8 <del>PROGRAM TOTAL</del>	<del>2,500,000</del>	<del>0</del>
9 <u>GENERAL FUND</u>	<u>2,350,000</u>	<u>0</u>
10 <u>PROGRAM TOTAL</u>	<u>2,350,000</u>	<u>0</u>

11  
 12 Total expenditures for permanent and temporary salaries  
 13 and per diems from funds appropriated in this section shall not  
 14 exceed \$89,806 for FY2007-08, ~~or \$91,603 for FY2008-09.~~  
 15 The unexpended General Fund appropriation balance  
 16 existing on June 30, 2007, is hereby reappropriated.  
 17 Any unexpended, unencumbered appropriations for Program  
 18 508 - School Finance Litigation remaining on June 30, 2008, shall  
 19 be lapsed to the General Fund.

20 Sec. 2. Legislative Bill 959, One Hundredth Legislature,  
 21 Second Session, 2008, section 14, is amended to read:

22 Sec. 14. AGENCY NO. 11 - ATTORNEY GENERAL  
 1 Program No. 507 - Interpretation and Application of Law

	FY2007-08	FY2008-09
2 <u>GENERAL FUND</u>	<u>-0-</u>	<u>150,000</u>
3 CASH FUND	17,500	75,108
4 <u>PROGRAM TOTAL</u>	<u>17,500</u>	<u>75,108</u>
5 <u>PROGRAM TOTAL</u>	<u>17,500</u>	<u>225,108</u>
6 <u>SALARY LIMIT</u>	<u>11,750</u>	<u>49,350</u>
7 <u>SALARY LIMIT</u>	<u>11,750</u>	<u>140,953</u>

8  
 9 Sec. 3. Original Laws 2007, LB 321, section 36, and  
 10 Legislative Bill 959, One Hundredth Legislature, Second Session,  
 11 2008, section 14, are repealed.

12 Sec. 4. The following section is outright repealed:  
 13 Legislative Bill 959, One Hundredth Legislature, Second Session,  
 14 2008, section 15.

15 Sec. 5. Since an emergency exists, this act takes effect  
 16 when passed and approved according to law.

17 2. On page 1, strike beginning with "appropriate" in line  
 18 1 through line 3 and insert "amend Laws 2007, LB 321, section  
 19 36, and Legislative Bill 959, One Hundredth Legislature, Second  
 20 Session, 2008, section 14; to change and eliminate appropriations;  
 21 to repeal the original sections; to outright repeal Legislative

22 Bill 959, One Hundredth Legislature, Second Session, 2008, section  
23 15; and to declare an emergency.".

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 380.** Introduced by Gay, 14.

WHEREAS, David Kluch 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 achievement 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 Eagle. Throughout his Scouting experience, David Kluch 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 twenty-one merit badges, twelve of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates David Kluch on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to David Kluch.

Laid over.

**LEGISLATIVE RESOLUTION 381.** Introduced by Gay, 14.

WHEREAS, Harry Stanley 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 achievement 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 Eagle. Throughout his Scouting experience, Harry Stanley 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 twenty-one merit badges, twelve of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates Harry Stanley on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Harry Stanley.

Laid over.

**LEGISLATIVE RESOLUTION 382.** Introduced by Gay, 14.

WHEREAS, George Townsend 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 achievement 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 Eagle. Throughout his Scouting experience, George Townsend 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 twenty-one merit badges, twelve of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates George Townsend on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to George Townsend.

Laid over.

**LEGISLATIVE RESOLUTION 383.** Introduced by Gay, 14.

WHEREAS, Ryan Guthrie 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 achievement 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 Eagle. Throughout his Scouting experience, Ryan



Guthrie 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 twenty-one merit badges, twelve of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

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

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

Laid over.

## **SPEAKER FLOOD PRESIDING**

### **COMMUNICATION**

April 7, 2008

The Honorable John Gale  
Secretary of State  
2300 State Capitol Building  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB959e with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.

### **CERTIFICATE**

Legislative Bill 959e, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes this 7th day of April as follows:

Sections 31 and 32, Agency 27, Department of Roads Program 569

(Construction) Cash Fund for FY 2008-09.

(Signed) Michael Flood  
President of the Legislature

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 171.

A BILL FOR AN ACT relating to food stamps; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2006; to provide duties for the Department of Health and Human Services relating to options and waivers; to require reporting; to provide duties for the Health and Human Services Committee of the Legislature; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

#### LEGISLATIVE BILL 171A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 171, One Hundredth Legislature, Second Session, 2008.

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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Johnson

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

#### **LEGISLATIVE BILL 179.**

A BILL FOR AN ACT relating to criminal procedure; to require electronic recording of custodial interrogations as prescribed; to define terms; to require jury instructions for failure to comply; to provide exceptions; and to address inaudible portions of recordings.

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, 47:

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

Voting in the negative, 1:

Pirsch

Present and not voting, 1:

Lautenbaugh

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

**LEGISLATIVE BILL 179A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 179, One Hundredth Legislature, Second Session, 2008.

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, 47:

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

Voting in the negative, 1:

Pirsch

Present and not voting, 1:

Dubas

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

**LEGISLATIVE BILL 467.**

A BILL FOR AN ACT relating to the Public Counsel; to amend sections 81-8,240 and 81-8,244, Reissue Revised Statutes of Nebraska; to grant authority relating to county or municipal correctional and jail facilities, mental health and veterans institutions, regional behavioral health authorities, and community-based behavioral health services providers; to provide for appointment of a deputy public counsel for institutions; 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, 44:

Adams	Dubas	Harms	Lathrop	Pirsch
Ashford	Engel	Heidemann	Lautenbaugh	Preister
Avery	Erdman	Howard	Louden	Raikes
Burling	Fischer	Hudkins	McDonald	Rogert
Carlson	Flood	Janssen	McGill	Schimek
Chambers	Friend	Johnson	Nantkes	Synowiecki
Christensen	Fulton	Kopplin	Pahls	Wallman
Cornett	Gay	Kruse	Pankonin	White
Dierks	Hansen	Langemeier	Pedersen	

Voting in the negative, 0.

Present and not voting, 5:

Aguilar	Karpisek	Nelson	Stuthman	Wightman
---------	----------	--------	----------	----------

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

**LEGISLATIVE BILL 467A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 467, One Hundredth Legislature, Second Session, 2008.

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, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Karpisek          Nelson

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

**LEGISLATIVE BILL 575.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2006; to require nonprofit status for a sales and use tax exemption; to exempt assisted-living facilities from sales and use taxes; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Aguilar          Raikes

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

**LEGISLATIVE BILL 888.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Reissue Revised Statutes of Nebraska; to change corporate income tax calculations; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Cornett

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

**LEGISLATIVE BILL 912.**

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2603, Revised Statutes Supplement, 2007; to redefine terms as prescribed; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Burling            Louden

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

**LEGISLATIVE BILL 1049.**

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-101, Reissue Revised Statutes of Nebraska; to change provisions relating to membership and terms; to harmonize provisions; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Dierks	Hansen	Langemeier	Pirsch
Aguilar	Dubas	Harms	Lautenbaugh	Preister
Avery	Erdman	Howard	Louden	Rogert
Burling	Fischer	Hudkins	McDonald	Schimek
Carlson	Flood	Janssen	Nantkes	Stuthman
Chambers	Friend	Johnson	Nelson	Synowiecki
Christensen	Fulton	Kopplin	Pahls	Wallman
Cornett	Gay	Kruse	Pankonin	Wightman

Voting in the negative, 2:

Pedersen            Raikes

Present and not voting, 7:

Ashford	Heidemann	Lathrop	White
Engel	Karpisek	McGill	

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

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 171, 171A, 179, 179A, 467, 467A, 575, 888, 912, and 1049.

**GENERAL FILE**

**LEGISLATIVE BILL 1082.** Senator Cornett renewed her amendment, AM2670, found in this day's Journal.



**PRESIDENT SHEEHY PRESIDING**

Senator Cornett withdrew her amendment.

Senator Cornett offered the following amendment:

AM2709

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

3 Section 1. (1) Personal injury includes mental injuries  
4 and mental illness unaccompanied by physical injury for an employee  
5 who is a first responder if such first responder:

6 (a) Establishes, by a preponderance of the evidence, that  
7 the employee's employment conditions causing the mental injury or  
8 mental illness were extraordinary and unusual in comparison to the  
9 normal conditions of the particular employment; and

10 (b) Establishes, by a preponderance of the evidence, the  
11 medical causation between the mental injury or mental illness and  
12 the employment conditions by medical evidence.

13 (2) For purposes of this section, mental injuries and  
14 mental illness arising out of and in the course of employment  
15 unaccompanied by physical injury are not considered compensable if  
16 they result from any event or series of events which are incidental  
17 to normal employer and employee relations, including, but not  
18 limited to, personnel actions by the employer such as disciplinary  
19 actions, work evaluations, transfers, promotions, demotions, salary  
20 reviews, or terminations.

21 (3) For purposes of this section, first responder means a  
22 firefighter, a law enforcement officer, a crime scene investigator,  
23 or an out-of-hospital emergency care provider as defined in section  
1 38-1208.

2 Sec. 2. Section 48-151, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 48-151 Throughout the Nebraska Workers' Compensation Act,  
5 the following words and phrases shall be considered to have  
6 the following meaning, respectively, unless the context clearly  
7 indicates a different meaning in the construction used:

8 (1) Physician means any person licensed to practice  
9 medicine and surgery, osteopathic medicine, chiropractic, podiatry,  
10 or dentistry in the State of Nebraska or in the state in which the  
11 physician is practicing;

12 (2) Accident means an unexpected or unforeseen injury  
13 happening suddenly and violently, with or without human fault, and  
14 producing at the time objective symptoms of an injury. The claimant  
15 has the burden of proof to establish by a preponderance of the  
16 evidence that such unexpected or unforeseen injury was in fact  
17 caused by the employment. There is no presumption from the mere  
18 occurrence of such unexpected or unforeseen injury that the injury  
19 was in fact caused by the employment;

20 (3) Occupational disease means only a disease which is  
21 due to causes and conditions which are characteristic of and  
22 peculiar to a particular trade, occupation, process, or employment  
23 and excludes all ordinary diseases of life to which the general  
24 public is exposed;

25 (4) Injury and personal injuries mean only violence to  
26 the physical structure of the body and such disease or infection  
27 as naturally results therefrom and personal injuries described in  
1 section 1 of this act. The terms include disablement resulting  
2 from occupational disease arising out of and in the course of  
3 the employment in which the employee was engaged and which was  
4 contracted in such employment. The terms include an aggravation  
5 of a preexisting occupational disease, the employer being liable  
6 only for the degree of aggravation of the preexisting occupational  
7 disease. The terms do not include disability or death due to  
8 natural causes but occurring while the employee is at work and do  
9 not include an injury, disability, or death that is the result of a  
10 natural progression of any preexisting condition;

11 (5) Death, when mentioned as a basis for the right to  
12 compensation, means only death resulting from such violence and its  
13 resultant effects or from occupational disease;

14 (6) Without otherwise affecting either the meaning or the  
15 interpretation of the abridged clause, personal injuries arising  
16 out of and in the course of employment, it is hereby declared  
17 not to cover workers except while engaged in, on, or about the  
18 premises where their duties are being performed or where their  
19 service requires their presence as a part of such service at the  
20 time of the injury and during the hours of service as such workers,  
21 and not to cover workers who on their own initiative leave their  
22 line of duty or hours of employment for purposes of their own.  
23 Property maintained by an employer is considered the premises of  
24 such employer for purposes of determining whether the injury arose  
25 out of employment;

26 (7) Willful negligence consists of (a) a deliberate act,  
27 (b) such conduct as evidences reckless indifference to safety, or  
1 (c) intoxication at the time of the injury, such intoxication being  
2 without the consent, knowledge, or acquiescence of the employer or  
3 the employer's agent;

4 (8) Intoxication includes, but is not limited to, being  
5 under the influence of a controlled substance not prescribed by a  
6 physician;

7 (9) Prospective loss costs means prospective loss costs  
8 as defined in section 44-7504 and prepared, filed, or distributed  
9 by an advisory organization which has been issued a certificate of  
10 authority pursuant to section 44-7518; and

11 (10) Whenever in the Nebraska Workers' Compensation Act  
12 the singular is used, the plural is considered included; when the  
13 masculine gender is used, the feminine is considered included.

14 Sec. 3. Section 48-1,110, Revised Statutes Supplement,

15 2007, is amended to read:

16 48-1,110 Sections 48-101 to 48-1,117 and sections 1 and  
 17 4 of this act shall be known and may be cited as the Nebraska  
 18 Workers' Compensation Act.

19 Sec. 4. The changes made by this legislative bill to the  
 20 Nebraska Workers' Compensation Act apply only to personal injuries  
 21 that occurred on or after the effective date of this act.

22 Sec. 5. Original section 48-151, Reissue Revised Statutes  
 23 of Nebraska, and section 48-1,110, Revised Statutes Supplement,  
 24 2007, are repealed.

Senator Engel raised a point of order on whether the Cornett amendment, AM2709, was a reconsideration of a previously considered amendment, and is therefore not in order.

The Chair ruled that the amendment is not a reconsideration under Rule 7, Sec. 7, because it presented a substantially different question than the amendments previously offered.

Senator Cornett moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Cornett requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 26:

Ashford	Flood	Kopplin	Pedersen	Wallman
Avery	Friend	Kruse	Pirsch	White
Cornett	Howard	Lathrop	Preister	
Dierks	Hudkins	Lautenbaugh	Rogert	
Dubas	Janssen	McGill	Schimek	
Fischer	Karpisek	Nantkes	Synowiecki	

Voting in the negative, 4:

Burling	Engel	Raikes	Stuthman
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Present and not voting, 15:

Adams	Chambers	Fulton	Johnson	Nelson
Aguilar	Christensen	Hansen	Louden	Pankonin
Carlson	Erdman	Harms	McDonald	Wightman

Excused and not voting, 4:

Gay	Heidemann	Langemeier	Pahls
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The Cornett amendment was adopted with 26 ayes, 4 nays, 15 present and

not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1027.** Title read. Considered.

Due to computer network problems, all subsequent votes were taken by voice vote, unless a request for a roll call vote was made by a member.

Committee AM2295, found on page 960, was adopted.

**SPEAKER FLOOD PRESIDING**

Advanced to Enrollment and Review Initial.

**LEGISLATIVE BILL 1027A.** Title read. Considered.

Advanced to Enrollment and Review Initial.

**LEGISLATIVE BILL 720.** Title read. Considered.

Committee AM2044, found on page 705, was considered.

Senator Nelson requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM2713

- 1 1. Strike original sections 3, 4, and 6 and insert the
- 2 following new sections:
- 3 Sec. 3. Section 86-247, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 86-247 All telephone solicitation messages ~~delivered~~
- 6 transmitted by an automatic dialing-announcing device shall:
- 7 (1) At the beginning of the message, state clearly the
- 8 identity of the person making the call; and
- 9 (2) During or after the message, state clearly the
- 10 telephone number, other than that of the device which made the
- 11 call, or address of such person.
- 12 Sec. 5. Section 86-256, Revised Statutes Cumulative
- 13 Supplement, 2006, is amended to read:
- 14 86-256 (1) Any person using an automatic
- 15 dialing-announcing device other than for telephone solicitations
- 16 shall register the device with the commission pursuant to the

17 application process, without a fee, and shall include with the  
 18 application a detailed explanation of the use planned and the  
 19 ~~script message~~ to be used.

20 (2) All telephone messages transmitted by an automatic  
 21 dialing-announcing device other than telephone solicitations shall:

22 (a) At the beginning of the message, state clearly the  
 23 identity of the person on whose behalf the message is being  
 1 transmitted;

2 (b) During or after the message, state clearly the  
 3 telephone number, other than that of the device which made the  
 4 call, or address of the person operating the device; and

5 (c) Transmit messages only between the hours of 8 a.m.  
 6 and 9 p.m. at the location of the person receiving the message.

7 (3) This section does not apply to (a) a message from  
 8 any elementary, secondary, or postsecondary educational institution  
 9 to any of its students, parents, or employees, (b) a message to a  
 10 person with whom the person placing the call or the person on whose  
 11 behalf the message is being transmitted has an established business  
 12 or personal relationship, or (c) a message from an employer  
 13 advising any of its employees of work schedules.

14 2. On page 8, lines 5 and 6, strike "script" and insert  
 15 "message".

16 3. On page 9, line 4, strike "86-248,".

17 4. Renumber the remaining sections accordingly.

The second committee amendment is as follows:

AM2714

1 1. Insert the following new subsections:

2 "(4) A person contracting with a third party to connect  
 3 or operate an automatic dialing-announcing device for other  
 4 than telephone solicitations shall be jointly and severally  
 5 liable with the third party for connecting and operating the  
 6 automatic dialing-announcing device in violation of the Automatic  
 7 Dialing-Announcing Devices Act or the rules and regulations adopted  
 8 and promulgated under the act.

9 (5) A person contracting with a third party to connect  
 10 or operate an automatic dialing-announcing device for other  
 11 than telephone solicitations shall file with the commission the  
 12 message to be used within twenty-four hours after the message is  
 13 transmitted."

The first committee amendment, AM2713, found in this day's Journal, was renewed.

## SENATOR LANGEMEIER PRESIDING

The first committee amendment was adopted.

Pending.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 7, 2008, at 4:05 p.m. were the following: LBs 171, 171A, 179, 179A, 467, 467A, 575, 888, 912, and 1049.

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

**RESOLUTION**

**LEGISLATIVE RESOLUTION 384.** Introduced by Wightman, 36.

WHEREAS, the Gothenburg High School Speech Team won first place in Class B at the 2008 Nebraska State Speech Tournament with the accumulated points of many individual medalists; and

WHEREAS, the Gothenburg High School Speech Team accumulated 156 points to pull ahead of the defending state champions from Gretna High School who had 142 points; and

WHEREAS, the Legislature is proud to recognize the team and individual successes of the youth of our state.

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

1. That Paul Dudley, Kayla Johnson, Kristen Block, Kayla Furrow, Zac Franzen, J.C. Meridith, Jordan France, Dylan France, Megan Frazho, Karina Kelly, Hilary Messersmith, Meredith Chesley, Chelsea Miller, and Trevor Franzen, the members of the Gothenburg High School Speech Team, be congratulated for their success.

2. That the Legislature congratulates head coach Dan Jensen and assistant coach Keri Dudley for their excellent season and guidance of their team.

3. That a copy of this resolution be sent to the Gothenburg High School Speech Team.

Laid over.

**AMENDMENT - Print in Journal**

Senator Ashford filed the following amendment to LB1130: AM2693 is available in the Bill Room.

**MOTION - Print in Journal**

Senator McGill filed the following motion to LB813: MO170

Unanimous consent to bracket until April 17, 2008.

**AMENDMENT - Print in Journal**

Senator Fischer filed the following amendment to LB846:  
AM2700

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 20. Section 84-612, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 84-612 (1) There is hereby created within the state
- 5 treasury a fund known as the Cash Reserve Fund which shall be under
- 6 the direction of the State Treasurer. The fund shall only be used
- 7 pursuant to this section.
- 8 (2) The State Treasurer shall transfer funds from the
- 9 Cash Reserve Fund to the General Fund upon certification by the
- 10 Director of Administrative Services that the current cash balance
- 11 in the General Fund is inadequate to meet current obligations. Such
- 12 certification shall include the dollar amount to be transferred.
- 13 Any transfers made pursuant to this subsection shall be reversed
- 14 upon notification by the Director of Administrative Services that
- 15 sufficient funds are available.
- 16 (3) The State Treasurer, at the direction of the
- 17 budget administrator of the budget division of the Department
- 18 of Administrative Services, shall transfer such amounts not to
- 19 exceed seven million seven hundred fifty-three thousand two hundred
- 20 sixty-three dollars in total from the Cash Reserve Fund to the
- 21 Nebraska Capital Construction Fund between July 1, 2003, and June
- 22 30, 2007.
- 1 (4) The State Treasurer, at the direction of the budget
- 2 administrator, shall transfer an amount equal to the total amount
- 3 transferred pursuant to subsection (3) of this section from the
- 4 General Fund to the Cash Reserve Fund on or before June 30, 2008.
- 5 (5) In addition to receiving transfers from other funds,
- 6 the Cash Reserve Fund shall receive federal funds received by the
- 7 State of Nebraska for undesignated general government purposes,
- 8 federal revenue sharing, or general fiscal relief of the state.
- 9 (6) On June 15, 2007, the State Treasurer shall transfer
- 10 fifteen million six hundred seventy-four thousand one hundred seven
- 11 dollars from the Cash Reserve Fund to the General Fund.
- 12 (7) On June 16, 2008, the State Treasurer shall transfer
- 13 seventeen million nine hundred thirty-one thousand thirty dollars
- 14 from the Cash Reserve Fund to the General Fund.
- 15 (8) On June 15, 2009, the State Treasurer shall transfer
- 16 four million nine hundred ninety thousand five hundred five dollars
- 17 from the Cash Reserve Fund to the General Fund.
- 18 (9) On or before June 16, 2008, the State Treasurer, at
- 19 the direction of the budget administrator, shall transfer fifty
- 20 million dollars from the Cash Reserve Fund to the General Fund.
- 21 (10) On or before June 16, 2009, the State Treasurer,
- 22 at the direction of the budget administrator, shall transfer fifty

23 million dollars from the Cash Reserve Fund to the General Fund.

24 (11) From the effective date of an endowment agreement  
25 as defined in subdivision (3)(c) of section 79-1101 until June  
26 30, 2007, forty million dollars of the Cash Reserve Fund shall be  
27 deemed to constitute the Early Childhood Education Endowment Fund.

1 Such funds shall remain part of the Cash Reserve Fund for all  
2 purposes, except that the interest earned on such forty million  
3 dollars shall accrue as provided in section 84-613.

4 (12) The State Treasurer, at the direction of the budget  
5 administrator, shall transfer such amounts, as certified by the  
6 Director of Administrative Services, for employee health insurance  
7 claims and expenses, not to exceed twelve million dollars in total  
8 from the Cash Reserve Fund to the State Employees Insurance Fund  
9 between May 1, 2007, and June 30, 2011.

10 (13) On July 9, 2007, the State Treasurer shall transfer  
11 twelve million dollars from the Cash Reserve Fund to the Nebraska  
12 Capital Construction Fund.

13 (14) On July 9, 2007, the State Treasurer shall transfer  
14 five million dollars from the Cash Reserve Fund to the Job Training  
15 Cash Fund. The State Treasurer shall transfer from the Job Training  
16 Cash Fund to the Cash Reserve Fund such amounts as directed in  
17 section 81-1201.21.

18 (15) On July 7, 2008, the State Treasurer shall transfer  
19 five million dollars from the Cash Reserve Fund to the Job Training  
20 Cash Fund. The State Treasurer shall transfer from the Job Training  
21 Cash Fund to the Cash Reserve Fund such amounts as directed in  
22 section 81-1201.21.

23 (16) On or before August 1, 2007, the State Treasurer,  
24 at the direction of the budget administrator, shall transfer  
25 seventy-five million dollars from the Cash Reserve Fund to the  
26 Nebraska Capital Construction Fund.

27 (17) On or before June 30, 2009, the State Treasurer  
1 shall transfer nine million five hundred ninety thousand dollars  
2 from the Cash Reserve Fund to the Nebraska Capital Construction  
3 Fund.

4 (18) The State Treasurer, at the direction of the budget  
5 administrator, shall transfer an amount equal to the total amount  
6 transferred pursuant to subsection (12) of this section from  
7 the appropriate health insurance accounts of the State Employees  
8 Insurance Fund in such amounts as certified by the Director of  
9 Administrative Services to the Cash Reserve Fund on or before June  
10 30, 2011.

11 (19) On July 9, 2007, the State Treasurer shall  
12 transfer one million dollars from the Cash Reserve Fund to the  
13 Microenterprise Development Cash Fund.

14 (20) On July 9, 2007, the State Treasurer shall transfer  
15 two hundred fifty thousand dollars from the Cash Reserve Fund to  
16 the Building Entrepreneurial Communities Cash Fund.

17 (21) On July 7, 2008, the State Treasurer shall



18 transfer one million dollars from the Cash Reserve Fund to the  
19 Microenterprise Development Cash Fund.

20 (22) On July 7, 2008, the State Treasurer shall transfer  
21 two hundred fifty thousand dollars from the Cash Reserve Fund to  
22 the Building Entrepreneurial Communities Cash Fund.

23 (23) Within seven days after the operative date of this  
24 section, the State Treasurer shall transfer five million dollars  
25 from the Cash Reserve Fund to the Roads Operations Cash Fund. The  
26 Department of Roads shall use such funds to provide the required  
27 state match for federal funding made available to the state through  
1 congressional earmarks.

2 (24) On July 8, 2009, the State Treasurer shall transfer  
3 five million dollars from the Cash Reserve Fund to the Roads  
4 Operations Cash Fund. The Department of Roads shall use such  
5 funds to provide the required state match for federal funding made  
6 available to the state through congressional earmarks.

7 (25) On July 7, 2010, the State Treasurer shall transfer  
8 five million dollars from the Cash Reserve Fund to the Roads  
9 Operations Cash Fund. The Department of Roads shall use such  
10 funds to provide the required state match for federal funding made  
11 available to the state through congressional earmarks.

12 2. On page 1, line 6, strike "section 66-489" and insert  
13 "sections 66-489 and 84-612"; and in line 8 after the semicolon  
14 insert "to provide for transfers from the Cash Reserve Fund;".

15 3. On page 15, line 24; page 20, lines 6 and 8; and page  
16 23, lines 7 and 9, strike "January" and insert "July".

17 4. On page 20, line 17, strike "October 1, 2008" and  
18 insert "April 1, 2009".

19 5. On page 27, line 23, strike "January" and insert  
20 "July".

21 6. On page 28, line 4, strike "and"; and in line 7  
22 after the last comma insert "and section 84-612, Revised Statutes  
23 Supplement, 2007,".

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

## VISITORS

Visitors to the Chamber were Susan and Jake Kawamoto from Omaha; members of Family Career Community Leaders of America and Mollee Lunkwitz, Myria Knapp, Katie Fletcher, and Audrey Feeney from Maxwell; members of Sutherland Legislative Symposium from Sutherland; Dr. Terri Vrtiska from Rochester, Minnesota; and Patrick, Christian, and Kendal McClure from Lincoln.

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

**ADJOURNMENT**

At 7:08 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, April 8, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FIFTH DAY - APRIL 8, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 8, 2008

**PRAYER**

The prayer was offered by Senator Engel.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Cornett, Lautenbaugh, Louden, Pankonin, Pedersen, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fourth day was approved.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 385.** Introduced by Government, Military and Veterans Affairs Committee: Aguilar, 35, Chairperson; Avery, 28; Friend, 10; Karpisek, 32; Rogert, 16.

**PURPOSE:** To investigate whether, with respect to government procurement in Nebraska, requiring a certain level of purchasing of goods and services produced in the State of Nebraska, or otherwise provided by Nebraska-based suppliers, would prove beneficial for the state.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 386.** Introduced by Howard, 9.

WHEREAS, the Reverend John P. Schlegel, S.J., initially joined the staff of Creighton University in the 1970's and returned to become the twenty-third president of Creighton University in 2000; and

WHEREAS, as an educator, administrator, and visionary leader, Creighton University President Reverend John P. Schlegel, S.J., has long been a champion for women's issues and encouraged women to seek positions of leadership; and

WHEREAS, since his appointment as President, he has named four women to vice-presidential positions and named a fifth woman as an interim vice president; and

WHEREAS, Father Schlegel has named six women to Creighton University's Board of Directors, setting a tone for Creighton University's leadership; and

WHEREAS, Father Schlegel held the first citywide Diversity Forum in 2001 and instituted an annual diversity breakfast and several other campus initiatives related to diversity; and

WHEREAS, Father Schlegel has been named ICAN's (Institute for Career Advancement Needs) 2008 Tim Rouse Advocate for Women in Leadership Award winner.

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

1. That the Legislature honors the Reverend John P. Schlegel, S.J., for his demonstrated commitment to diversity.

2. That a copy of this resolution be sent to Father Schlegel.

Laid over.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB736 with 35 ayes, 2 nays, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 736.**

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-498.02, 60-4,118.06, and 60-6,209, Reissue Revised Statutes of Nebraska, sections 60-480, 60-497.01, 60-4,115, 60-601, 60-6,197.01, 60-6,211.05, and 83-1,127.02, Revised Statutes Cumulative Supplement, 2006, and section 60-6,197.03, Revised Statutes Supplement, 2007; to

provide for an ignition interlock permit; to change penalty provisions; to change provisions relating to installation and use of an ignition interlock device; to provide fees; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 43:

Adams	Dubas	Harms	Langemeier	Raikes
Aguilar	Engel	Heidemann	Lathrop	Rogert
Ashford	Erdman	Howard	Lautenbaugh	Schimek
Avery	Fischer	Hudkins	McDonald	Stuthman
Burling	Flood	Janssen	Nantkes	Wallman
Carlson	Friend	Johnson	Nelson	White
Chambers	Fulton	Karpisek	Pahls	Wightman
Christensen	Gay	Kopplin	Pirsch	
Dierks	Hansen	Kruse	Preister	

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 5:

Cornett	Louden	Pankonin	Pedersen	Synowiecki
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 736A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 736, One Hundredth Legislature, Second Session, 2008.

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

Voting in the affirmative, 43:

Adams	Dubas	Harms	Lathrop	Raikes
Aguilar	Engel	Howard	Lautenbaugh	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Wallman
Carlson	Friend	Karpisek	Nelson	White
Chambers	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pirsch	
Dierks	Hansen	Langemeier	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Heidemann

Excused and not voting, 5:

Cornett      Louden      Pankonin      Pedersen      Synowiecki

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

### **MOTION - Return LB916 to Select File**

Senator Rogert moved to return LB916 to Select File for the following specific amendment:

FA270

Strike the enacting clause.

Senator Rogert withdrew his motion to return.

### **BILLS ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB916 with 30 ayes, 9 nays, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 916.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.32, 77-2704.26, 77-2704.45, 77-2704.46, and 77-2705, Reissue Revised Statutes of Nebraska, section 77-2708, Revised Statutes Cumulative Supplement, 2006, and sections 70-1903, 70-1904, 70-1905, 70-1907, 77-2701, 77-2701.04, 77-2701.16, 77-2701.34, 77-2703, 77-2703.01,

77-2704.09, and 77-2704.57, Revised Statutes Supplement, 2007; to change provisions relating to sales and use tax treatment of community-based energy development projects; to define and redefine terms; to provide for and change provisions relating to sales and use tax exemptions; to change provisions relating to sales and use tax retailer registration and refund claims; to provide for sales tax treatment of digital works; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 34:

Adams	Dierks	Hansen	Karpisek	Preister
Aguilar	Dubas	Harms	Kopplin	Raikes
Ashford	Engel	Heidemann	Kruse	Stuthman
Avery	Erdman	Howard	Langemeier	Wallman
Burling	Fischer	Hudkins	Nantkes	White
Carlson	Flood	Janssen	Nelson	Wightman
Christensen	Gay	Johnson	Pahls	

Voting in the negative, 4:

Chambers	Friend	Pirsch	Rogert
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Present and not voting, 6:

Fulton	Lautenbaugh	McGill
Lathrop	McDonald	Schimek

Excused and not voting, 5:

Cornett	Louden	Pankonin	Pedersen	Synowiecki
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB965 with 33 ayes, 5 nays, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 965.** With Emergency.

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

77-115, 77-1201, 77-1202.01, 77-1210, 77-1214, 77-1219, 77-1230, 77-1233.02, 77-1233.03, and 77-1734.01, Reissue Revised Statutes of Nebraska, sections 77-1234, 77-1345.01, 77-1502, 77-1504.01, and 77-5019, Revised Statutes Cumulative Supplement, 2006, and sections 76-214, 77-1233.04, 77-1233.06, 77-1736.06, 77-4105, 77-5004, 77-5725, and 81-1316, Revised Statutes Supplement, 2007; to change provisions relating to real estate tax statements, county assessors, tangible personal property tax assessment, property tax protests and appeals, refunds, Tax Commissioner duties, and the Tax Equalization and Review Commission; to exempt personnel of the Tax Equalization and Review Commission from the State Personnel System; to eliminate a provision relating to a report; to provide operative dates; to repeal the original sections; to outright repeal section 77-202.13, Revised Statutes Supplement, 2007; and to declare an emergency.

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

Voting in the affirmative, 43:

Adams	Dubas	Harms	Langemeier	Raikes
Aguilar	Engel	Heidemann	Lathrop	Rogert
Ashford	Erdman	Howard	Lautenbaugh	Schimek
Avery	Fischer	Hudkins	McDonald	Stuthman
Burling	Flood	Janssen	McGill	Wallman
Carlson	Friend	Johnson	Nantkes	White
Chambers	Fulton	Karpisek	Nelson	Wightman
Christensen	Gay	Kopplin	Pirsch	
Dierks	Hansen	Kruse	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Pahls

Excused and not voting, 5:

Cornett	Louden	Pankonin	Pedersen	Synowiecki
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1058.** With Emergency.

A BILL FOR AN ACT relating to gambling; to amend sections 71-816 and 71-817, Revised Statutes Cumulative Supplement, 2006; to state intent; to



rename and change powers and duties of the State Advisory Committee on Problem Gambling and Addiction Services; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:

Adams	Dubas	Harms	Langemeier	Preister
Aguilar	Engel	Heidemann	Lathrop	Raikes
Ashford	Erdman	Howard	Lautenbaugh	Rogert
Avery	Fischer	Hudkins	Louden	Schimek
Burling	Flood	Janssen	McDonald	Stuthman
Carlson	Friend	Johnson	McGill	Synowiecki
Chambers	Fulton	Karpisek	Nantkes	Wallman
Christensen	Gay	Kopplin	Pahls	White
Dierks	Hansen	Kruse	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Nelson

Excused and not voting, 3:

Cornett            Pankonin            Pedersen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 1068.**

A BILL FOR AN ACT relating to transportation; to amend sections 39-1817, 39-1818, 39-2103, 39-2105, 39-2109, 39-2110, 39-2112, and 39-2113, Reissue Revised Statutes of Nebraska, and section 13-1210, Revised Statutes Cumulative Supplement, 2006; to require reports regarding the public transportation assistance program; to create the classification of remote residential road; to change and eliminate provisions relating to functional classification of roads; 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, 46:

Adams	Engel	Howard	Louden	Schimek
Aguilar	Erdman	Hudkins	McDonald	Stuthman
Ashford	Fischer	Janssen	McGill	Synowiecki
Avery	Flood	Johnson	Nantkes	Wallman
Burling	Friend	Karpisek	Nelson	White
Carlson	Fulton	Kopplin	Pahls	Wightman
Chambers	Gay	Kruse	Pirsch	
Christensen	Hansen	Langemeier	Preister	
Dierks	Harms	Lathrop	Raikes	
Dubas	Heidemann	Lautenbaugh	Rogert	

Voting in the negative, 0.

Excused and not voting, 3:

Cornett            Pankonin            Pedersen

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1154 with 33 ayes, 4 nays, 9 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 1154.**

A BILL FOR AN ACT relating to education; to amend sections 79-234, 79-1202, 79-1210, 79-1225, 81-1203, and 81-1204, Reissue Revised Statutes of Nebraska, sections 13-508, 13-519, and 79-201, Revised Statutes Cumulative Supplement, 2006, sections 32-546.01, 32-604, 77-3442, 79-611, 79-769, 79-1073, 79-1241.03, 79-2102, 79-2102.01, 79-2104, 79-2107, 79-2110, 79-2111, 79-2113, 79-2115, 79-2117, and 79-2118, Revised Statutes Supplement, 2007, and section 46, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008; to change provisions relating to learning community coordinating councils, educational service units, budgets, tax levies, diversity plans, open enrollment, state aid, and job training grants; to require reporting by school districts; to provide for nonvoting learning community coordinating council members; to provide for an advisory committee; 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, 30:

Adams	Chambers	Janssen	Nantkes	Rogert
Aguilar	Engel	Johnson	Nelson	Schimek
Ashford	Flood	Kruse	Pahls	Stuthman
Avery	Friend	Lathrop	Pirsch	Synowiecki
Burling	Harms	McDonald	Preister	White
Carlson	Howard	McGill	Raikes	Wightman

Voting in the negative, 15:

Christensen	Erdman	Gay	Karpisek	Lautenbaugh
Dierks	Fischer	Hansen	Kopplin	Louden
Dubas	Fulton	Hudkins	Langemeier	Wallman

Present and not voting, 1:

Heidemann

Excused and not voting, 3:

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1154A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1154, One Hundredth Legislature, Second Session, 2008.

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, 32:

Adams	Engel	Hudkins	Nantkes	Schimek
Aguilar	Fischer	Janssen	Nelson	Stuthman
Ashford	Flood	Johnson	Pahls	Synowiecki
Avery	Friend	Kruse	Pirsch	White
Burling	Harms	Lathrop	Preister	
Carlson	Heidemann	Lautenbaugh	Raikes	
Chambers	Howard	McGill	Rogert	

Voting in the negative, 9:

Christensen	Erdman	Gay	Karpisek	Wallman
Dubas	Fulton	Hansen	Langemeier	

Present and not voting, 5:

Dierks	Kopplin	Louden	McDonald	Wightman
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Excused and not voting, 3:

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

### **MOTION - Return LB1001 to Select File**

Senator White moved to return LB1001 to Select File for the following specific amendment:

AM2715

(Amendments to Final Reading copy)

- 1 1. On page 4, line 2, strike "For" through "2007" and
- 2 insert "Commencing July 1, 2009"; strike beginning with line 4
- 3 through the comma in line 5; and in line 8 after the period insert
- 4 "The total amount designated in any calendar year shall not exceed
- 5 five percent of the total state sales tax collected in the prior
- 6 calendar year.".
- 7 2. On page 16, strike beginning with "Sections" in line 3
- 8 through "become" in line 5 and insert "This act becomes".

The White motion to return prevailed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 1001.** The White specific amendment, AM2715, found in this day's Journal, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 736, 736A, 916, 965, 1058, 1068, 1154, and 1154A.

### **RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR351 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR351.

**SENATOR LANGEMEIER PRESIDING****RESOLUTION**

**LEGISLATIVE RESOLUTION 283.** Read. Considered.

Committee AM2582, found on page 1146, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LR283, as amended, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 229CA.** Read. Considered.

**SENATOR ERDMAN PRESIDING**

Senator Chambers offered the following motion:

MO171

Indefinitely postpone.

Senator Chambers withdrew his motion.

Advanced to Enrollment and Review Initial with 30 ayes, 4 nays, 11 present and not voting, and 4 excused and not voting.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 8, 2008, at 10:14 a.m. were the following: LBs 736, 736A, 916, 965e, 1058e, 1068, 1154, and 1154A.

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

**EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 736, 736A, 1058e, 1154, and 1154A.

(Signed) Dwite Pedersen

**VISITORS**

Visitors to the Chamber were 75 fourth-grade students and teachers from St. Patrick's School, Elkhorn; 54 fourth-grade students from Hayward School, Nebraska City; and 38 fourth-grade students from Lincoln Elementary, Beatrice.

**RECESS**

At 11:54 a.m., on a motion by Senator Pirsch, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Ashford, Cornett, Engel, Heidemann, and McDonald who were excused until they arrive.

**COMMITTEE REPORT****Enrollment and Review****Correctly Enrolled**

The following resolution was correctly enrolled: LR283.

(Signed) Amanda McGill, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 283.** Introduced by Flood, 19.

The United States Department of Justice issued a report on March 7, 2008, to Governor Heineman detailing the findings from its 2007 investigation of the Beatrice State Developmental Center ("BSDC") pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. 1997. The department concluded that numerous conditions and practices at BSDC violated the constitutional and federal statutory rights of its residents. In particular, the department found that BSDC failed to provide its residents with adequate: (1) Protection from harm; (2) training and associated behavioral and mental health services; (3) health care, including nutritional and physical management; and (4) discharge planning and placement in the most integrated setting. In its report, the department listed the minimum remedial measures required to protect the constitutional and statutory rights of the BSDC residents, including increasing the number of employees and ensuring that center residents can live and work in the most integrated

setting possible. The report specifically expressed grave concerns regarding staffing difficulties at BSDC and the relationship of those staffing concerns to reports of abuse, neglect, and substandard care.

The Legislature recognizes that it is essential that citizens under the twenty-four-hour care and supervision of the State of Nebraska be provided with qualified care from trained employees. This care is jeopardized when employees are mandated to work overtime for unnecessarily long hours.

In addition to the United States Department of Justice investigation, BSDC has not complied with the care standards set by the federal Centers for Medicare and Medicaid Service for the past eighteen months. Federal funding of the BSDC has continued only because the state has filed an appeal of the federal government's plan to terminate the state's Medicare and Medicaid funding for the facility. The safety, quality of life, and rights of the BSDC residents are of the utmost concern to the State of Nebraska and it is clear the facility has reached a critical point in its ability to care for its residents.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to study the quality of care and related staffing issues at the Beatrice State Developmental Center. The committee shall also investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, including the determination of whether adequate funding and capacity exists for persons to be served in the community, options for service provisions for current residents of the Beatrice State Developmental Center at other twenty-four-hour care facilities in the state, and the staffing practices at twenty-four-hour care facilities and the relationship of those practices to the quality of care provided to the developmentally disabled. The committee shall also study the Department of Health and Human Services with respect to such facilities, including how and why services to the developmentally disabled were permitted to decline to the current level as documented by the United States Department of Justice report. The committee shall utilize existing studies and reports and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or

legislation. The committee shall issue a report with its findings and recommendations to the Legislature no later than December 15, 2008.

### **GENERAL FILE**

**LEGISLATIVE BILL 1172.** Title read. Considered.

Committee AM2305, found on page 920, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1172A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

### **SENATOR LANGEMEIER PRESIDING**

**LEGISLATIVE BILL 720.** The second committee amendment, AM2714, found on page 1349, was renewed.

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

The second committee amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Nelson offered the following amendment:

AM2717

- 1 1. Insert the following new section:
- 2 Sec. 6. This act becomes operative on January 1, 2009.

The Nelson amendment was adopted with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 810.** Title read. Considered.

Committee AM2664, found on page 1331, was considered.



Senator Kruse offered the following amendment to the committee amendment:

AM2687

(Amendments to AM2664)

1 1. Strike section 3 and insert the following new section:

2 Sec. 3. Section 53-1,104, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 53-1,104 (1) Any licensee which sells or permits the  
5 sale of any alcoholic liquor not authorized under the terms of  
6 such license on the licensed premises or in connection with such  
7 licensee's business or otherwise shall be subject to suspension,  
8 cancellation, or revocation of such license by the commission.

9 ~~(2) When an order suspending a license to sell alcoholic~~  
10 ~~liquor becomes final, the licensee may elect to pay a cash penalty~~  
11 ~~to the commission in lieu of suspending sales of alcoholic liquor~~  
12 ~~for the designated period if such election is not prohibited~~  
13 ~~by order of the commission. Except as otherwise provided in~~  
14 ~~subsection (3) of this section, for the first such suspension for~~  
15 ~~any licensee, the penalty shall be fifty dollars per day, and for~~  
16 ~~a second or any subsequent suspension, the penalty shall be one~~  
17 ~~hundred dollars per day.~~

18 (2) For a first suspension for violation of section  
19 53-180 or 53-180.02 or section 1 of this act, the commission shall  
20 order that the licensee be required to suspend sales of alcoholic  
21 liquor for a period of time not to exceed seven days.

22 (3)(a) For a second suspension for violation of section  
1 53-180 or 53-180.02 or section 1 of this act occurring within four  
2 years after the date of the first suspension, the commission, ~~in~~  
3 its discretion, may shall order that the licensee be required to  
4 suspend sales of alcoholic liquor for a period of time not to  
5 exceed forty eight hours and that the licensee may not elect to pay  
6 a cash penalty. The commission may use the required suspension of  
7 sales of alcoholic liquor penalty either alone or in conjunction  
8 with suspension periods for which the licensee may elect to pay  
9 a cash penalty. ten days. For purposes of this subsection, second  
10 suspension for violation of section 53-180 shall include suspension  
11 for a violation of section 53-180.02 following suspension for a  
12 violation of section 53-180 and second suspension for violation  
13 of section 53-180.02 shall include suspension for a violation of  
14 section 53-180 following suspension for a violation of section  
15 53-180.02;

16 (b) For a third or subsequent suspension for violation  
17 of section 53-180 or 53-180.02 or section 1 of this act occurring  
18 within four years after the date of the first suspension, the  
19 commission, ~~in its discretion, may shall~~ order that the licensee be  
20 required to suspend sales of alcoholic liquor for a period of time  
21 not to exceed fifteen days, ~~and that the licensee may not elect to~~  
22 pay a cash penalty. The commission may use the required suspension  
23 of sales of alcoholic liquor penalty either alone or in conjunction

24 ~~with suspension periods for which the licensee may elect to pay a~~  
 25 ~~cash penalty.~~ For purposes of this subsection, third or subsequent  
 26 suspension for violation of section 53-180 shall include suspension  
 27 for a violation of section 53-180.02 following suspension for a  
 1 violation of section 53-180 and third or subsequent suspension  
 2 for violation of section 53-180.02 shall include suspension for a  
 3 violation of section 53-180 following suspension for a violation of  
 4 section 53-180.02; and

5 (c) For a first suspension based upon a finding that a  
 6 licensee or an employee or agent of the licensee has been convicted  
 7 of possession of a gambling device on a licensee's premises in  
 8 violation of sections 28-1107 to 28-1111, the commission, in its  
 9 discretion, may order that the licensee be required to suspend  
 10 sales of alcoholic liquor for thirty days, ~~and that the licensee~~  
 11 ~~may not elect to pay a cash penalty.~~ For a second or subsequent  
 12 suspension for such a violation of sections 28-1107 to 28-1111  
 13 occurring within four years after the date of the first suspension,  
 14 the commission shall order that the license be canceled.

15 (4) For any licensee which has no violation for a period  
 16 of four years consecutively, any suspension shall be treated as a  
 17 new first suspension.

18 ~~(5) The election provided for in subsection (2) of~~  
 19 ~~this section shall be filed with the commission in writing one~~  
 20 ~~week before the suspension is ordered to commence and shall be~~  
 21 ~~accompanied by payment in full of the sum required by this section.~~  
 22 ~~If such election has not been received by the commission by the~~  
 23 ~~close of business one week before the day such suspension is~~  
 24 ~~ordered to commence, it shall be conclusively presumed that the~~  
 25 ~~licensee has elected to close for the period of the suspension~~  
 26 ~~and any election received later shall be absolutely void and the~~  
 27 ~~payment made shall be returned to the licensee. The election shall~~  
 1 ~~be made on a form prescribed by the commission. All funds received~~  
 2 ~~under this section shall be remitted to the State Treasurer for~~  
 3 ~~credit to the temporary school fund.~~

## SENATOR CARLSON PRESIDING

Senator Kruse withdrew his amendment.

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

Senator Pedersen moved for a call of the house. The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

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

Voting in the affirmative, 20:

Aguilar	Carlson	Johnson	McGill	Preister
Ashford	Chambers	Kopplin	Nelson	Raikes
Avery	Harms	Kruse	Pankonin	Schimek
Burling	Howard	Lathrop	Pirsch	Wightman

Voting in the negative, 21:

Adams	Fulton	Karpisek	Pedersen	White
Christensen	Gay	Langemeier	Rogert	
Dubas	Hansen	Louden	Stuthman	
Erdman	Hudkins	McDonald	Synowiecki	
Friend	Janssen	Pahls	Wallman	

Present and not voting, 1:

Nantkes

Excused and not voting, 7:

Cornett	Engel	Flood	Lautenbaugh
Dierks	Fischer	Heidemann	

The committee amendment lost with 20 ayes, 21 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

### **SENATOR LANGEMEIER PRESIDING**

Senator Kruse offered the following motion:

MO176

Unanimous consent to pass over.

No objections. So ordered.

### **AMENDMENTS - Print in Journal**

Senator White filed the following amendment to LB1001A:  
AM2720

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated (1) \$201,800 from
- 4 the General Fund for FY2008-09 and (2) \$56,900 from the General
- 5 Fund for FY2009-10 to the Department of Revenue, for Program 102,
- 6 to aid in carrying out the provisions of Legislative Bill 1001, One

- 7 Hundredth Legislature, Second Session, 2008.  
 8 Total expenditures for permanent and temporary salaries  
 9 and per diems from funds appropriated in this section shall not  
 10 exceed \$31,000 for FY2008-09 or \$42,900 for FY2009-10.  
 11 Sec. 2. There is hereby appropriated \$8,547,200 from  
 12 the Energy Conservation Improvement Fund for FY2009-10 to the  
 13 Department of Revenue, for Program 110, to aid in carrying out  
 14 the provisions of Legislative Bill 1001, One Hundredth Legislature,  
 15 Second Session, 2008.  
 16 No expenditures for permanent and temporary salaries and  
 17 per diems for state employees shall be made from funds appropriated  
 18 in this section.

Senator Schimek filed the following amendment to LB720:  
 AM2716

(Amendments to AM2713)

- 1 1. On page 2, line 12, strike the second "or"; and
- 2 in line 13 after "schedules" insert ", or (d) a message from a
- 3 political subdivision to its residents or employees".

## COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 1082.** Placed on Select File with amendment.  
 ER8237

- 1 1. On page 1, strike lines 3 and 4 and insert
- 2 "Nebraska, and section 48-1,110, Revised Statutes Supplement,
- 3 2007; to describe covered personal injuries for first responders
- 4 as prescribed; to define and redefine terms; to provide for
- 5 applicability; to harmonize provisions; and to repeal the original
- 6 sections.".

**LEGISLATIVE BILL 1027.** Placed on Select File with amendment.  
 ER8238

- 1 1. On page 1, strike beginning with "sections" in line
- 2 1 through line 4 and insert "section 77-5204, Reissue Revised
- 3 Statutes of Nebraska, and sections 77-202, 77-5201, 77-5203,
- 4 77-5208, 77-5209, 77-5211, and 77-5215, Revised Statutes Cumulative
- 5 Supplement, 2006; to exempt certain agricultural and horticultural
- 6 machinery and equipment from property taxation; to redefine a
- 7 term; to provide exemption procedures; to change provisions of the
- 8 Beginning Farmer Tax Credit Act; to provide for applicability; to
- 9 harmonize provisions;".

**LEGISLATIVE BILL 1027A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**MOTION - Print in Journal**

Senator Fulton filed the following motion to LB736:

MO174

To direct the Clerk to request the Governor to return the bill to the Legislature for further consideration, in the nature of technical or clarifying amendment.

**AMENDMENT - Print in Journal**

Senator Fulton filed the following amendment to LB736:

AM2722

(Amendments to Final Reading copy)

- 1 1. On page 1, line 10, after "fees" insert "for permits".
- 2 2. On page 10, line 21, after "section" insert ".except
- 3 for the ignition interlock permit and associated fees as outlined
- 4 in subsection (4) of this section".
- 5 3. On page 11, lines 4 through 8, strike the new matter.
- 6 4. On page 13, strike line 18.
- 7 5. On page 15, after line 3, insert the following new
- 8 subsection:
- 9 "(4)(a) The fee for an ignition interlock permit shall be
- 10 forty-five dollars. Five dollars of the fee shall be remitted to
- 11 the State Treasurer for credit to the Department of Motor Vehicles
- 12 Cash Fund. Forty dollars of the fee shall be remitted to the State
- 13 Treasurer for credit to the Ignition Interlock Device Fund.
- 14 (b) The fee for a duplicate or replacement ignition
- 15 interlock permit shall be ten dollars. Twenty-five cents of the
- 16 fee shall be remitted to the county treasurer for credit to the
- 17 county general fund. Five dollars of the fee shall be remitted to
- 18 the State Treasurer for credit to the Department of Motor Vehicles
- 19 Cash Fund. Four dollars and seventy-five cents of the fee shall
- 20 be remitted to the State Treasurer for credit to the Ignition
- 21 Interlock Device Fund.
- 22 (c) The fee for adding, changing, or removing a class,
- 1 endorsement, or restriction on an ignition interlock permit shall
- 2 be five dollars. The fee shall be remitted to the State Treasurer
- 3 for credit to the Department of Motor Vehicles Cash Fund.".
- 4 6. On page 36, strike line 18 and insert "The Office
- 5 of Probation Administration shall use the money in the fund for
- 6 the costs of installing"; and in line 20 after the period insert
- 7 "The Office of Probation Administration shall use no more than five
- 8 percent of the fund revenue in each fiscal year for purposes of
- 9 administering the fund.".

**MOTION - Print in Journal**

Senator Fulton filed the following motion to LB736A:  
MO175

To direct the Clerk to request the Governor to return the bill to the Legislature for further consideration, in the nature of technical or clarifying amendment.

**AMENDMENT - Print in Journal**

Senator Fulton filed the following amendment to LB736A:  
AM2723

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 2. There is hereby appropriated \$10,000 from the
- 3 Ignition Interlock Device Fund for FY2008-09 to the Supreme
- 4 Court, for Program 67, to aid in carrying out the provisions
- 5 of Legislative Bill 736, One Hundredth Legislature, Second Session,
- 6 2008.
- 7 No expenditures for permanent and temporary salaries and
- 8 per diems for state employees shall be made from funds appropriated
- 9 in this section.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 1001.** Placed on Final Reading Second.  
ST9093

(Final Reading copy)

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

1. On page 1, line 7, "operative dates" has been struck and "an operative date" inserted.
2. On page 4, line 3, the comma has been struck.

(Signed) Amanda McGill, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1130.** Title read. Considered.

**SENATOR NELSON PRESIDING**

Committee AM2330, found on page 984, was considered.

Senator Ashford withdrew his amendment, AM2693, found on page 1350.

Senator Ashford offered the following amendment to the committee amendment:

AM2721

(Amendments to Standing Committee amendments, AM2330)

- 1 1. Strike amendment 1 and all amendments thereto and
- 2 insert the following new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 Section 1. Sections 1 to 11 of this act shall be known
- 6 and may be cited as the Probation and Parole Merger Act.
- 7 Sec. 2. For purposes of the Probation and Parole Merger
- 8 Act:
- 9 (1) Chief probation and parole officer means the
- 10 probation and parole officer in charge of a community corrections
- 11 district;
- 12 (2) Committed offender has the definition found in
- 13 section 83-170;
- 14 (3) Court means a district court, county court, or
- 15 juvenile court as defined in section 43-245;
- 16 (4) Court services officer includes a chief court
- 17 services officer, deputy court services officer, juvenile
- 18 court officer, juvenile intake officer, presentence officer, or
- 19 problem-solving court officer;
- 20 (5) Department means the Department of Correctional
- 21 Services;
- 22 (6) Director means the Director of Correctional Services;
- 1 (7) Division means the Division of Community Corrections
- 2 of the department;
- 3 (8) Juvenile probation means the release by a court,
- 4 subject to conditions imposed by the court and subject to
- 5 supervision, of a juvenile adjudicated delinquent or in need
- 6 of special supervision;
- 7 (9) Office means the Office of Court Services;
- 8 (10) Parole means release by decision of the Board of
- 9 Parole from incarceration in an adult correctional facility;
- 10 (11) Parolee means a person on parole;
- 11 (12) Probation has the definition found in section
- 12 29-2246;
- 13 (13) Probation administrator means the probation
- 14 administrator appointed pursuant to section 29-2251;
- 15 (14) Probation and parole officer means an employee of
- 16 the division who supervises probationers and parolees; and
- 17 (15) Probationer has the definition found in section
- 18 29-2246.
- 19 Sec. 3. The Legislature finds that:
- 20 (1) The separate and distinct supervision of adult
- 21 offenders in the community by the executive branch of government
- 22 and the judicial branch of government present significant barriers
- 23 to the efficient supervision of adult offenders in the community

24 and to statewide coordination of community-based programs promoting  
25 the rehabilitation of offenders; and

26 (2) The interests of society and the protection of  
27 the public are best served by placing the supervision of  
1 adult offenders in the community under the executive branch of  
2 government.

3 Sec. 4. (1) On or before September 15, 2008, the director  
4 and the probation administrator shall submit a plan to the  
5 chairperson of the Judiciary Committee of the Legislature, the  
6 Governor, and the Chief Justice of the Supreme Court to implement  
7 the provisions of the Probation and Parole Merger Act. The plan  
8 shall include suggested legislation and a budget proposal that  
9 address the division of personnel, the assignment of duties,  
10 the allocation of fees, funds, furniture, equipment, books, and  
11 files, and all other matters related to creation of the Division  
12 of Community Corrections and the Office of Court Services. The  
13 director and the probation administrator shall work cooperatively with  
14 the Probation and Parole Advisory Board and all other interested  
15 governmental entities in developing the plan.

16 (2) The chairperson of the Judiciary Committee of the  
17 Legislature shall prepare and introduce legislation, based upon the  
18 plan submitted by the director and the probation administrator,  
19 during the One Hundred First Legislature, First Session.

20 Sec. 5. (1) On July 1, 2009 the Division of Community  
21 Corrections is created within the department. Administrative  
22 support for the division shall be provided by employees of the  
23 department. On and after July 1, 2009, the division shall consist  
24 of the community corrections administrator and the field community  
25 corrections service described in section 7 of this act who are  
26 responsible for adult parolees. Beginning July 1, 2009, the  
27 division shall also consist of the personnel of the field community  
1 corrections service who are responsible for the supervision of  
2 adult probationers.

3 (2) Beginning July 1, 2009, the division shall  
4 be responsible for supervision of adult parolees and adult  
5 probationers.

6 Sec. 6. Beginning July 1, 2009, the chief administrative  
7 officer of the division shall be known as the community corrections  
8 administrator. The Governor shall appoint the community corrections  
9 administrator, with the approval of a majority of the Legislature,  
10 and set the salary of the administrator on the operative date  
11 of this section. The community corrections administrator shall be  
12 qualified for the position by appropriate training and experience  
13 in the fields of probation, parole, criminal law, and criminal  
14 justice. The community corrections administrator shall serve at the  
15 pleasure of the Governor.

16 Sec. 7. Section 83-1,103, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 83-1,103 The field ~~parole~~ community corrections service,



19 consisting of ~~district parole~~ chief probation and parole officers  
20 and deputy ~~parole~~ probation and parole officers working under  
21 the direction of the ~~Parole Administrator or district judge,~~  
22 community corrections administrator shall be responsible for the  
23 investigation of parolees, and supervision, and assistance of adult  
24 parolees, adult probationers, or individuals subject to community  
25 supervision under section 83-174.03. The field ~~parole~~ community  
26 corrections service shall be sufficient in size to assure that  
27 no ~~district parole~~ probation and parole officer carries a case  
1 load-caseload larger than is compatible with adequate ~~parole~~  
2 investigation or supervision.

3 Sec. 8. (1) The Probation and Parole Advisory Board is  
4 created. The Chief Justice of the Supreme Court or his or her  
5 designee shall be the chairperson of the advisory board. The  
6 advisory board shall have the following members:

7 (a) One county court judge, appointed by the Chief  
8 Justice;

9 (b) One district court judge, appointed by the Chief  
10 Justice;

11 (c) On July 1, 2009, the court services administrator;

12 (d) The chairperson of the Board of Parole;

13 (e) Until July 1, 2009, the probation administrator, and  
14 on and after such date, the community corrections administrator;  
15 and

16 (f) The Director of Correctional Services.

17 (2) Until July 1, 2009, the advisory board shall meet  
18 monthly at the call of the Chief Justice. The advisory board  
19 shall work cooperatively with the director and the probation  
20 administrator in developing and implementing the plan described in  
21 section 4 of this act.

22 (3) On and after July 1, 2009:

23 (a) The advisory board shall meet at least twice each  
24 year and may meet more often on the call of the Chief Justice,  
25 except that the advisory board shall meet at least once each month  
26 prior to the appointment of the community corrections administrator  
27 under section 6 of this act. The advisory board shall monitor  
1 the operation, professionalism, and success of the division and  
2 its employees and ensure open lines of communication between the  
3 division and the judiciary;

4 (b) All decisions regarding the budget and allocation  
5 of resources of the division shall remain with the Director of  
6 Correctional Services; and

7 (c) The chairperson of the Judiciary Committee of the  
8 Legislature shall consult with the advisory board to determine  
9 if further legislation is necessary to provide for a seamless  
10 transition from the organization of probation and parole services  
11 existing on the effective date of this act to the provisions of  
12 the Probation and Parole Merger Act. If legislation is necessary,  
13 the chairperson of the Judiciary Committee shall prepare such

14 legislation for introduction in the One Hundred First Legislature.  
 15 Sec. 9. On July 1, 2009, the Office of Court Services  
 16 is created within the judicial branch of government and directly  
 17 responsible to the Supreme Court. The office shall consist of the  
 18 court services administrator, court services officers, and such  
 19 other employees as may be necessary to carry out the functions of  
 20 the office.

21 Sec. 10. The office shall be responsible for juvenile  
 22 intake services, for adult presentence investigations, for  
 23 juvenile predisposition investigations, for the direct supervision  
 24 of juveniles placed on probation, and for adult and juvenile  
 25 non-probation-based programs and services authorized by an  
 26 interlocal agreement.

27 Sec. 11. On July 1, 2009, the Supreme Court shall  
 1 appoint a court services administrator who shall be a person with  
 2 appropriate experience and training in relevant disciplines at  
 3 a recognized college or university and who shall serve at the  
 4 pleasure of the Supreme Court.

5 Sec. 12. Original section 83-1,103, Revised Statutes  
 6 Cumulative Supplement, 2006, is repealed.

## **SENATOR LANGEMEIER PRESIDING**

Pending.

### **SELECT FILE**

**LEGISLATIVE BILL 844.** ER8180, found on page 850, was adopted.

Senator McDonald renewed her amendment, AM2257, found on page 1190.

Senator McDonald withdrew her amendment.

Senator Karpisek offered the following amendment:

FA271

Amend ER8180

Page 7 lines 12-13 strike new language.

The Karpisek 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.

### **COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE RESOLUTION 229CA.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**AMENDMENTS - Print in Journal**

Senator Schimek filed the following amendment to LB838:  
FA272

Strike the enacting clause.

Senator Raikes filed the following amendment to LB1153:  
AM2701

(Amendments to E & R amendments, ER8234)

1 1. Strike section 2 and insert the following new  
2 sections:  
3 Sec. 2. For school year 2008-09, any early childhood  
4 education program as defined in section 79-1101 established by a  
5 school board or an educational service unit that is not receiving a  
6 grant pursuant to section 79-1103 or funding through the Tax Equity  
7 and Educational Opportunities Support Act may enroll children who  
8 meet the age requirements to be enrolled in kindergarten pursuant  
9 to section 79-214, but who are not then enrolled in kindergarten  
10 and who are not of mandatory attendance age pursuant to section  
11 79-201.

12 Sec. 7. Section 13, Legislative Bill 988, One Hundredth  
13 Legislature, Second Session, 2008, is amended to read:

14 (1) Except as otherwise provided in this section, for  
15 school fiscal year 2008-09, each school district's formula need  
16 shall equal the difference of the sum of the school district's  
17 basic funding, poverty allowance, limited English proficiency  
18 allowance, elementary class size allowance, focus school and  
19 program allowance, summer school allowance, special receipts  
20 allowance, transportation allowance, elementary site allowance,  
21 distance education and telecommunications allowance, averaging  
22 adjustment, and teacher education adjustment, minus the sum of the  
1 limited English proficiency allowance correction, poverty allowance  
2 correction, and local choice adjustment.

3 (2) Except as otherwise provided in this section, for  
4 school fiscal years 2009-10 and 2010-11, each school district's  
5 formula need shall equal the difference of the sum of the  
6 school district's basic funding, poverty allowance, limited  
7 English proficiency allowance, elementary class size allowance,  
8 focus school and program allowance, summer school allowance,  
9 special receipts allowance, transportation allowance, elementary  
10 site allowance, instructional time allowance, distance education  
11 and telecommunications allowance, averaging adjustment, teacher  
12 education adjustment, new learning community transportation  
13 adjustment, student growth adjustment, and new school adjustment,  
14 minus the sum of the limited English proficiency allowance  
15 correction, poverty allowance correction, and local choice  
16 adjustment.

17 (3) Except as otherwise provided in this section, for

18 school fiscal years 2011-12 and 2012-13, each school district's  
19 formula need shall equal the difference of the sum of the  
20 school district's basic funding, poverty allowance, limited  
21 English proficiency allowance, elementary class size allowance,  
22 focus school and program allowance, summer school allowance,  
23 special receipts allowance, transportation allowance, elementary  
24 site allowance, instructional time allowance, distance education  
25 and telecommunications allowance, averaging adjustment, teacher  
26 education adjustment, new learning community transportation  
27 adjustment, student growth adjustment, any positive student growth  
1 adjustment correction, and new school adjustment, minus the sum  
2 of the limited English proficiency allowance correction, poverty  
3 allowance correction, any negative student growth adjustment  
4 correction, and local choice adjustment.

5 (4) Except as otherwise provided in this section, for  
6 school fiscal year 2013-14 and each school fiscal year thereafter,  
7 each school district's formula need shall equal the difference of  
8 the sum of the school district's basic funding, poverty allowance,  
9 limited English proficiency allowance, focus school and program  
10 allowance, summer school allowance, special receipts allowance,  
11 transportation allowance, elementary site allowance, instructional  
12 time allowance, distance education and telecommunications  
13 allowance, averaging adjustment, teacher education adjustment,  
14 new learning community transportation adjustment, student growth  
15 adjustment, any positive student growth adjustment correction,  
16 and new school adjustment, minus the sum of the limited English  
17 proficiency allowance correction, poverty allowance correction, any  
18 negative student growth adjustment correction, and local choice  
19 adjustment.

20 (5) If the formula need calculated for a school district  
21 pursuant to subsections (1) through (4) of this section is less  
22 than one hundred percent of the formula need for such district  
23 for the school fiscal year immediately preceding the school fiscal  
24 year for which aid is being calculated, the formula need for such  
25 district shall equal one hundred percent of the formula need for  
26 such district for the school fiscal year immediately preceding  
27 the school fiscal year for which aid is being calculated. If  
1 the formula need calculated for a school district pursuant to  
2 subsections (1) through (4) of this section is more than one  
3 hundred twelve percent of the formula need for such district for  
4 the school fiscal year immediately preceding the school fiscal  
5 year for which aid is being calculated, the formula need for such  
6 district shall equal one hundred twelve percent of the formula  
7 need for such district for the school fiscal year immediately  
8 preceding the school fiscal year for which aid is being calculated,  
9 except that the formula need shall not be reduced pursuant to  
10 this subsection for any district (a) receiving a student growth  
11 adjustment for the school fiscal year for which aid is being  
12 calculated or (b) for school fiscal year 2008-09, for which

13 the formula students for the certification of aid pursuant to  
14 section 79-1022 for school fiscal year 2008-09 minus the formula  
15 students for the certification of aid pursuant to section 79-1022  
16 for school fiscal year 2007-08 equals at least the greater of  
17 twenty-five students or one percent of the formula students for the  
18 certification of aid pursuant to section 79-1022 for school fiscal  
19 year 2007-08. For purposes of this subsection, the formula need  
20 for the school fiscal year immediately preceding the school fiscal  
21 year for which aid is being calculated shall be the formula need  
22 used in the final calculation of aid pursuant to section 79-1065  
23 and for districts that were affected by a reorganization with an  
24 effective date in the calendar year preceding the calendar year  
25 in which aid is certified for the school fiscal year for which  
26 aid is being calculated, the formula need for the school fiscal  
27 year immediately preceding the school fiscal year for which aid  
1 is being calculated shall be attributed to the affected school  
2 districts based on information provided to the department by the  
3 school districts or proportionally based on the adjusted valuation  
4 transferred if sufficient information has not been provided to the  
5 department.

6 Sec. 8. The Revisor of Statutes shall assign section 1 of  
7 this act within Chapter 79, article 7.

8 Sec. 9. Sections 7, 9, 11, and 12 of this act become  
9 operative on their effective date. The other sections of this act  
10 become operative three calendar months after the adjournment of  
11 this legislative session.

12 Sec. 11. Original section 13, Legislative Bill 988, One  
13 Hundredth Legislature, Second Session, 2008, is repealed.

14 Sec. 12. Since an emergency exists, this act takes effect  
15 when passed and approved according to law.

## GENERAL FILE

**LEGISLATIVE BILL 837.** Title read. Considered.

Committee AM1767, found on page 532, was considered.

## SENATOR SCHIMEK PRESIDING

The committee amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 387.** Introduced by Howard, 9.

WHEREAS, George and Sarah Joslyn earned their fortune in Omaha through their auxiliary printing company, the Western Newspaper Union; and

WHEREAS, George and Sarah Joslyn were noted for their philanthropy as they actively supported Omaha community projects toward which it is estimated they gave nearly eight million dollars; and

WHEREAS, Sarah's only child died in infancy and she and George raised their foster daughter, Violet Car, as their own; and

WHEREAS, Sarah Joslyn served on the executive board of several organizations, including the Child Saving Institute and the Humane Society; and

WHEREAS, Sarah Joslyn became the wealthiest individual in Omaha following her husband's death in 1916 and used her wealth and influence to continue to support a broad range of charities in the community; and

WHEREAS, when asked why she continued to give to the Omaha community instead of retiring to some sunny place, Sarah Joslyn said "The money was made in Omaha and it will be spent here"; and

WHEREAS, Sarah Joslyn continued to give generously to the Child Saving Institute, the Humane Society, the University of Omaha, and many other charities; and

WHEREAS, the Joslyn Art Museum was Sarah Joslyn's most generous gift to the people of Omaha in memory of her husband, George A. Joslyn.

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

1. That the Nebraska Legislature honors Sarah Joslyn (1851-1940) for her philanthropic work in the Omaha community.

Laid over.

**LEGISLATIVE RESOLUTION 388.** Introduced by Education Committee: Raikes, 25, Chairperson; Adams, 24; Avery, 28; Burling, 33; Johnson, 37; Kopplin, 3; Flood, 19; McDonald, 41.

**PURPOSE:** To review the constitutional references to and the statutory powers and duties of the State Board of Education and the Commissioner of Education.

The Education Committee of the Legislature shall study the powers and duties granted to the State Board of Education and the Commissioner of Education by the Constitution of Nebraska and Nebraska statute. The study may include, but need not be limited to, the following:

- (1) Qualifications for the Commissioner of Education;
- (2) Duties of the Commissioner of Education;
- (3) Qualifications for members of the State Board of Education;
- (4) Duties of the State Board of Education;

(5) Line of authority between the state board and the commissioner, to include powers and duties that are shared by, granted to, or constitutionally established for each;

(6) The statutory role of the commissioner as "secretary of the board";

(7) The ability of the state board to meet without the commissioner;

(8) The ability of the commissioner to act in his or her official capacity contrary to board policy;

(9) The rationale for the statutory power of the commissioner to "decide disputed points of school law" granted under section 79-305;

(10) Other powers and duties specifically described in statute or assumed as a matter of practice; and

(11) The role and relationship among the branches of government impacting education policy.

The Education Committee of the Legislature may confer with the State Board of Education, the State Department of Education, and other appropriate persons in the study of these issues.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## **GENERAL FILE**

**LEGISLATIVE BILL 734.** Title read. Considered.

### **SENATOR ERDMAN PRESIDING**

Committee AM1794, found on page 711, was considered.

Senator Pahls moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

### **SPEAKER FLOOD PRESIDING**

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR283.

**AMENDMENT - Print in Journal**

Senator Preister filed the following amendment to LB986:  
AM2730 is available in the Bill Room.

**VISITORS**

Visitors to the Chamber were 46 fourth-grade students from Sandoz Elementary, Lexington.

The Doctor of the Day was Dr. Mike Myers from Lincoln.

**ADJOURNMENT**

At 6:45 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Wednesday, April 9, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SIXTH DAY - APRIL 9, 2008**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
SECOND SESSION**

**FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 9, 2008

**PRAYER**

The prayer was offered by Senator Carlson.

**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 Louden, Stuthman, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fifth day was approved.

**MOTION - Return LB1014A to Select File**

Senator Ashford moved to return LB1014A to Select File for his specific amendment, AM2345, found on page 979.

The Ashford motion to return prevailed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1014A.** The Ashford specific amendment, AM2345, found on page 979, was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION - Return LB1001A to Select File**

Senator White moved to return LB1001A to Select File for his specific amendment, AM2720, found on page 1371.

The White motion to return prevailed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 1001A.** The White specific amendment, AM2720, found on page 1371, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**LEGISLATIVE BILL 1147A.** Advanced to Enrollment and Review for Engrossment.

### **MOTION - Request Return of LB736 From Governor**

Senator Fulton renewed his motion, MO174, found on page 1373, to direct the Clerk to request the Governor to return the bill to the Legislature for further consideration, in the nature of technical or clarifying amendment.

The Fulton motion prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

### **MOTION - Request Return of LB736A From Governor**

Senator Fulton renewed his motion, MO175, found on page 1374, to direct the Clerk to request the Governor to return the bill to the Legislature for further consideration, in the nature of technical or clarifying amendment.

The Fulton motion prevailed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

### **COMMUNICATION**

April 8, 2008

The Honorable David Heineman  
Governor - State of Nebraska  
State Capitol Building  
Lincoln, NE 68509

Dear Governor Heineman:

The Legislature has directed that I respectfully request the return of LB736 and LB736A to the Legislature for further consideration.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

**MESSAGE FROM THE GOVERNOR**

April 9, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 736 and 736A were received in my office on April 8, 2008. Pursuant to the Legislature's formal request to return these bills for further action, I am returning both bills without having given any consideration to, or taken any action upon, either of them.

Sincerely,  
(Signed) Dave Heineman  
Governor

**MOTION - Reconsider Final Passage of LB736**

Senator Fulton offered the following motion to LB736:  
MO177

Reconsider the vote on final passage, pursuant to Rule 7, Section 7(d).

The Fulton motion to reconsider prevailed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

**MOTION - Return LB736 to Select File**

Senator Fulton moved to return LB736 to Select File for his specific amendment, AM2722, found on page 1373.

The Fulton motion to return prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 736.** The Fulton specific amendment, AM2722, found on page 1373, was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION - Reconsider Final Passage of LB736A**

Senator Fulton offered the following motion to LB736A:

MO178

Reconsider the vote on final passage, pursuant to Rule 7, Section 7(d).

The Fulton motion to reconsider prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**MOTION - Return LB736A to Select File**

Senator Fulton moved to return LB736A to Select File for his specific amendment, AM2723, found on page 1374.

The Fulton motion to return prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 736A.** The Fulton specific amendment, AM2723, found on page 1374, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 1104.** Title read. Considered.

Committee AM2397, found on page 1028, was considered.

Senator Fulton offered the following motion:

MO179

Unanimous consent to bracket until April 17, 2008.

No objections. So ordered.

**LEGISLATIVE BILL 746.** Title read. Considered.

Committee AM1675, found on page 462, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**SPEAKER FLOOD PRESIDING**

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 781.** Title read. Considered.

**SENATOR AGUILAR PRESIDING**

Committee AM2097, found on page 830, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE RESOLUTION 238.** Reported to the Legislature for further consideration.

The Health and Human Services 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.

Mary Ann Burke - Commission for the Deaf and Hard of Hearing  
David Rutledge - Commission for the Deaf and Hard of Hearing  
Dillard Delts - Commission for the Deaf and Hard of Hearing

Aye: 6 Senators Erdman, Gay, Hansen, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0. Present and not voting: 1 Senator Howard.

The Health and Human Services 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.

James Jirak - Commission for the Blind and Visually Impaired

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

(Signed) Joel Johnson, Chairperson

**MESSAGE FROM THE GOVERNOR**

April 9, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 888 was received in our office on April 7, 2008.

I signed this bill and delivered it to the Secretary of State on April 9, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 844.** Placed on Final Reading.

ST9094

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

1. In lieu of the Karpisek amendment, FA271, in the E & R amendments, ER8180:

a. Section 2 has been struck and section 3 has been renumbered as section 2;

b. On page 7, lines 24 and 25; and page 8, lines 1 and 2, "section 29-433, Reissue Revised Statutes of Nebraska, and" has been struck;

c. On page 7, line 26, "are" has been struck and "is" inserted; and

d. On page 8, the matter beginning with "to" in line 4 through the semicolon in line 5 has been struck; and in line 6 "sections" has been struck and "section" inserted.

(Signed) Amanda McGill, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 911.** Title read. Considered.

Committee AM1971, found on page 702, was considered.

Senator Fischer renewed her amendment, AM2180, found on page 1250, to the committee amendment.

The Fischer amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Kopplin renewed his amendment, AM2634, found on page 1250, to the committee amendment.

Senator Kopplin withdrew his amendment.

**PRESIDENT SHEEHY PRESIDING**

Pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 389.** Introduced by General Affairs Committee: McDonald, 41, Chairperson; Dubas, 34; Erdman, 47; Friend, 10; Janssen, 15; Karpisek, 32; Ashford, 20; Lathrop, 12; McGill, 26; Pedersen, 39; Pirsch, 4; Schimek, 27.

**PURPOSE:** To study and develop a plan for implementation of mandatory alcoholic liquor server training for employees of retail liquor licensees in Nebraska. The study shall include, but not be limited to: An analysis of the methods available for mandatory training; the standards that should be required for mandatory training; the costs associated with implementation of mandatory training; the duties and preparations the Nebraska Liquor Control Commission must complete to implement mandatory training; the retail licensees for whom training would be required; the time frame necessary to implement mandatory training; the certification and reporting requirements that will be required; and the statutory changes necessary to implement such training.

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

1. That the Judiciary and General Affairs Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB781. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Steve and Julia Ourecky from Omaha; Laura Fisher and Brandon Humphrey from Omaha; 16 fourth-grade students from Immanuel Lutheran, Columbus; members of Tree City USA from Imperial; 21 fourth-grade students and teacher from Northern Hill, Norfolk; 19 fourth-grade students, teacher, and sponsors from Grant School, Norfolk; 40 fourth-grade students from Fort Calhoun; and 20 fourth-grade students, teacher, and sponsors from St. Bernard's School, Omaha.

**RECESS**

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

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Ashford, Dierks, Langemeier, and Synowiecki who were excused until they arrive.

**SENATOR AGUILAR PRESIDING****COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 1001A.** Placed on Final Reading Second.

**LEGISLATIVE BILL 1014A.** Placed on Final Reading Second.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 1172.** Placed on Select File with amendment.  
ER8240

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 8 of this act shall be known and
- 4 may be cited as the Food Supply Animal Veterinary Incentive Program
- 5 Act.
- 6 Sec. 2. For purposes of the Food Supply Animal Veterinary
- 7 Incentive Program Act:
- 8 (1) Department means the Department of Agriculture;
- 9 (2) Food supply animal includes cattle, hogs, sheep,
- 10 goats, and poultry;
- 11 (3) Food supply animal veterinarian means a veterinarian
- 12 who is engaged in general or food supply animal practice as his
- 13 or her primary focus of practice and who has a substantial portion
- 14 of his or her practice devoted to food supply animal veterinary
- 15 medicine;
- 16 (4) Program means the Food Supply Animal Veterinary
- 17 Incentive Program; and
- 18 (5) Rural mixed animal veterinary practice means practice
- 19 as a food supply animal veterinarian in a rural area and a
- 20 substantial portion of the practice involves food supply animal
- 21 veterinary practice.
- 22 Sec. 3. Each year the department shall select from a
- 23 pool of applicants up to four veterinarians to participate in the
- 1 program. The selected veterinarians are eligible to receive up



2 to eighty thousand dollars under the program as an incentive to  
3 locate in rural Nebraska and practice food supply animal veterinary  
4 medicine.

5 Sec. 4. (1) To be eligible for funds under the program,  
6 an applicant shall:

7 (a) Be a graduate of an approved veterinary medical  
8 school;

9 (b) Be licensed to practice veterinary medicine in this  
10 state;

11 (c) Enter into a contract with the department to provide  
12 full-time veterinary medicine services as a food supply animal  
13 veterinarian in a food supply animal veterinary practice or in a  
14 rural mixed animal veterinary practice for four years in one or  
15 more communities approved by the department; and

16 (d) Be accredited by the United States Department of  
17 Agriculture, Animal and Plant Inspection Service, Veterinary  
18 Services to provide services relating to food supply animals by the  
19 end of the first year of service.

20 (2) The department shall give preference for approving  
21 communities for purposes of subdivision (1)(c) of this section  
22 to communities located in areas designated by the department as  
23 shortage areas for food supply animal veterinary medical services.  
24 In designating such areas, the department may initially utilize  
25 shortage areas as designated by the American Veterinary Medical  
26 Association on the effective date of this act and may revise  
27 designations as necessary and appropriate to achieve the purposes  
1 of the program.

2 Sec. 5. (1) To the extent that funds are available,  
3 program funds shall be distributed as follows:

4 (a) After completing the first year of service under the  
5 contract, the veterinarian is eligible to receive up to fifteen  
6 thousand dollars;

7 (b) After completing the second year of service under the  
8 contract, the veterinarian is eligible to receive up to fifteen  
9 thousand dollars;

10 (c) After completing the third year of service under the  
11 contract, the veterinarian is eligible to receive up to twenty-five  
12 thousand dollars; and

13 (d) After completing the fourth year of service under the  
14 contract, the veterinarian is eligible to receive up to twenty-five  
15 thousand dollars.

16 (2) If the veterinarian does not complete an entire year  
17 of service or if sufficient funds are not available to provide the  
18 full dollar amount of incentive in a year, the amount distributed  
19 under this section for that year shall be prorated.

20 Sec. 6. (1) A veterinarian shall be released from the  
21 program contract without penalty if:

22 (a) The veterinarian has completed the service  
23 requirements of the contract;

24 (b) The veterinarian is unable to complete the service  
 25 requirements of the contract because of a permanent physical  
 26 disability;

27 (c) The veterinarian demonstrates extreme hardship or  
 1 shows other good cause justifying the release; or

2 (d) The veterinarian dies.

3 (2)(a) A veterinarian shall be released from further  
 4 performance of veterinary services under the program contract if  
 5 he or she is unable to perform his or her contractual obligations  
 6 to provide veterinary services due to the suspension or revocation  
 7 of his or her federal accreditation or denial, refusal of renewal,  
 8 limitation, suspension, revocation, or other disciplinary measure  
 9 taken against his or her license to practice in Nebraska pursuant  
 10 to section 71-1,163 until December 1, 2008, and section 38-3324 on  
 11 and after December 1, 2008.

12 (b) If a veterinarian is released from his or her  
 13 contract pursuant to subdivision (a) of this subsection, the  
 14 department may recover a portion of or all of the payments made  
 15 to such veterinarian under section 5 of this act. The department  
 16 shall remit any such funds to the State Treasurer for credit to the  
 17 Food Supply Animal Veterinary Incentive Fund. The department may  
 18 use appropriate remedies available to enforce this subdivision.

19 (3) The State of Nebraska shall be released from  
 20 any further obligation under the Food Supply Animal Veterinary  
 21 Incentive Program Act or any contract entered into with a  
 22 veterinarian under the act if the veterinarian is released from the  
 23 program pursuant to this section.

24 Sec. 7. The Food Supply Animal Veterinary Incentive Fund  
 25 is created. The fund may be used to carry out the purposes of  
 26 the Food Supply Animal Veterinary Incentive Program Act. The State  
 27 Treasurer shall credit to the fund any money appropriated to the  
 1 fund by the Legislature and any money received as gifts or grants  
 2 or other private or public funds received under the act. Any money  
 3 in the fund available for investment shall be invested by the state  
 4 investment officer pursuant to the Nebraska Capital Expansion Act  
 5 and the Nebraska State Funds Investment Act.

6 Sec. 8. The department shall adopt and promulgate rules  
 7 and regulations to carry out the Food Supply Animal Veterinary  
 8 Incentive Program Act.

9 2. On page 1, strike beginning with the semicolon in line  
 10 2 through "intent" in line 3.

**LEGISLATIVE BILL 1172A.** Placed on Select File.

**LEGISLATIVE BILL 720.** Placed on Select File with amendment.  
 ER8239

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 49-1474.02, Revised Statutes

4 Cumulative Supplement, 2006, is amended to read:

5 49-1474.02 (1) Any person who makes an expenditure  
6 reportable under the Nebraska Political Accountability and  
7 Disclosure Act to disseminate by any means of telecommunication a  
8 prerecorded message or a recorded message relating to a candidate  
9 or ballot question shall include, immediately preceding in the  
10 message, the name of the person, ~~including committees,~~ making the  
11 expenditure. Such messages shall be disseminated only between the  
12 hours of 8 a.m. and 9 p.m. at the location of the person receiving  
13 the messages.

14 (2) Any person who makes an expenditure reportable under  
15 the act to disseminate by any means of telecommunication a message  
16 relating to a candidate or ballot question which is not a recorded  
17 message or a prerecorded message shall, immediately upon the  
18 request of the recipient of the message, disclose the name of  
19 the person, ~~including committees,~~ making the expenditure. If the  
20 message is disseminated through an employee or agent of the person  
21 making the expenditure, the employee or agent shall, immediately  
22 upon the request of the recipient of the message, disclose the name  
23 of the person, ~~including committees,~~ making the expenditure.

1 (3) Any person who makes an expenditure reportable under  
2 the act to disseminate by any electronic means, including the  
3 Internet or email, a message relating to a candidate or ballot  
4 question shall include in the message the name of the person,  
5 ~~including committees,~~ making the expenditure.

6 Sec. 2. Section 86-242, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8 86-242 (1) Telephone solicitation means a telephone call  
9 or message using an automatic dialing-announcing device for the  
10 purpose of encouraging the purchase or rental of, or investment in,  
11 property, goods, or services, which call or message is transmitted  
12 to any person.

13 (2) Telephone solicitation does not include a call or  
14 message ~~(1)-(a)~~ made to any person with the person's prior express  
15 invitation or permission, ~~(2)-(b)~~ made to any person with whom the  
16 caller has an established business relationship, ~~(3)-(c)~~ made by a  
17 tax-exempt nonprofit organization, ~~(4)-(d)~~ not made for commercial  
18 purposes, ~~(5)-(e)~~ made for a commercial purpose but which does not  
19 include the transmission of an unsolicited advertisement, or ~~(6)~~  
20 ~~(f)~~ placed by a live operator and a prerecorded message is not  
21 utilized.

22 Sec. 3. Section 86-247, Revised Statutes Cumulative  
23 Supplement, 2006, is amended to read:

24 86-247 All telephone solicitation messages ~~delivered~~  
25 transmitted by an automatic dialing-announcing device shall:

26 (1) At the beginning of the message, state clearly the  
27 identity of the person making the call; and

1 (2) During or after the message, state clearly the  
2 telephone number, other than that of the device which made the

3 call, or address of such person.

4 Sec. 4. Section 86-250, Revised Statutes Cumulative

5 Supplement, 2006, is amended to read:

6 86-250 (1) A person shall not connect or operate an  
7 automatic dialing-announcing device for the purpose of making  
8 telephone solicitations on any telephone line unless the person  
9 has a current permit from the commission for the device. An  
10 applicant for a permit shall make a written application to the  
11 commission. The application shall be in a form prescribed by the  
12 commission and shall require information about the type of device  
13 proposed for connection and operation, the time of day telephone  
14 solicitations will be made using the device, the anticipated  
15 number of calls proposed to be placed during the specified calling  
16 period, the average length of a completed call, or such alternative  
17 or additional information as the commission may require. If the  
18 applicant is an individual, the application shall include the  
19 applicant's social security number. The applicant shall remit a fee  
20 of five hundred dollars for each device with the application.

21 (2) Upon receiving an application for a permit, the  
22 commission may grant, grant as modified, or deny the application.  
23 The commission may modify or deny the permit if the commission  
24 determines that (a) the applicant is unwilling or unable to  
25 meet the requirements placed on such operations by law, rule, or  
26 regulation or has failed to comply with the requirements in the  
27 past, (b) the connection or operation of the device will result  
1 in a significant decline in the quality of service or access to  
2 service for other telephone users, (c) the applicant's equipment is  
3 unable to meet the requirements of law, rule, or regulation, or (d)  
4 the application does not contain adequate information.

5 (3) If a permit is granted, the permit shall remain in  
6 force for two years from the date of issuance, and each application  
7 for the renewal of a permit shall be treated as a new application.

8 (4) After receiving a permit but prior to connecting or  
9 operating an automatic dialing-announcing device on any telephone  
10 line, the permitholder shall notify the telephone company of the  
11 telephone line on which the device is proposed to be connected  
12 or operated. The telephone line shall be considered a business  
13 telephone line. The telephone company shall release to the  
14 commission the identity of any person connecting or operating  
15 an automatic dialing-announcing device when requested to do so by  
16 the commission pursuant to an investigation.

17 (5) A person contracting with a third party to connect  
18 or operate an automatic dialing-announcing device for the purpose  
19 of making telephone solicitations on any telephone line shall be  
20 jointly and severally liable with the third party for connecting  
21 and operating the automatic dialing-announcing device in violation  
22 of the Automatic Dialing-Announcing Devices Act or the rules and  
23 regulations adopted and promulgated under the act.

24 (6) A person contracting with a third party to connect

25 or operate an automatic dialing-announcing device for the purpose  
26 of making telephone solicitations shall file with the commission  
27 the message to be used to comply with the requirements of section  
1 86-247. Such person shall file any subsequent change to the message  
2 with the commission within five days after the change.

3 Sec. 5. Section 86-256, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 86-256 (1) Any person using an automatic  
6 dialing-announcing device other than for telephone solicitations  
7 shall register the device with the commission pursuant to the  
8 application process, without a fee, and shall include with the  
9 application a detailed explanation of the use planned and the  
10 ~~script message~~ to be used.

11 (2) All telephone messages transmitted by an automatic  
12 dialing-announcing device other than telephone solicitations shall:

13 (a) At the beginning of the message, state clearly the  
14 identity of the person on whose behalf the message is being  
15 transmitted;

16 (b) During or after the message, state clearly the  
17 telephone number, other than that of the device which made the  
18 call, or address of the person operating the device; and

19 (c) Transmit messages only between the hours of 8 a.m.  
20 and 9 p.m. at the location of the person receiving the message.

21 (3) This section does not apply to (a) a message from  
22 any elementary, secondary, or postsecondary educational institution  
23 to any of its students, parents, or employees, (b) a message to a  
24 person with whom the person placing the call or the person on whose  
25 behalf the message is being transmitted has an established business  
26 or personal relationship, or (c) a message from an employer  
27 advising any of its employees of work schedules.

1 (4) A person contracting with a third party to connect  
2 or operate an automatic dialing-announcing device for other  
3 than telephone solicitations shall be jointly and severally  
4 liable with the third party for connecting and operating the  
5 automatic dialing-announcing device in violation of the Automatic  
6 Dialing-Announcing Devices Act or the rules and regulations adopted  
7 and promulgated under the act.

8 (5) A person contracting with a third party to connect  
9 or operate an automatic dialing-announcing device for other  
10 than telephone solicitations shall file with the commission the  
11 message to be used within twenty-four hours after the message is  
12 transmitted.

13 Sec. 6. This act becomes operative on January 1, 2009.

14 Sec. 7. Original sections 49-1474.02, 86-242, 86-247,  
15 86-250, and 86-256, Revised Statutes Cumulative Supplement, 2006,  
16 are repealed.

17 2. On page 1, line 2, strike "86-248, "; and in line 6  
18 after the second semicolon insert "to provide an operative date;".

**LEGISLATIVE BILL 837.** Placed on Select File.

**LEGISLATIVE BILL 734.** Placed on Select File with amendment.  
ER8241

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 13-1622, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 13-1622 (1) Except as provided in subsection (4) of this  
 6 section, the plan sponsor shall obtain excess insurance which will  
 7 limit the plan sponsor's total claims liability for each plan year  
 8 to not more than one hundred twenty-five percent of the expected  
 9 claims liability as projected by an independent actuary or insurer.  
 10 (2) If the expected claims liability of the self-funded  
 11 portion of the employee benefit plan is exceeded, the plan sponsor  
 12 shall fund such additional liability by (a) allocating necessary  
 13 funds from the operating fund of the general fund, (b) setting up  
 14 an additional reserve in the operating fund of the general fund, or  
 15 (c) setting up the monthly accruals at a level to fund claims in  
 16 excess of the expected claims liability.  
 17 (3) An insurer shall pay claims for which it is obligated  
 18 under excess insurance within three months of the time the claims  
 19 are paid by the plan sponsor.  
 20 (4) A city of the metropolitan or primary class or a  
 21 city with a population of more than two hundred thousand may  
 22 provide an employee benefit plan without excess insurance if the  
 23 city or county obtains a determination from an independent actuary  
 1 or insurer that excess insurance is not necessary to preserve the  
 2 safety and soundness of the employee benefit plan.  
 3 Sec. 2. Original section 13-1622, Reissue Revised  
 4 Statutes of Nebraska, is repealed.

(Signed) Amanda McGill, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 390.** Introduced by Judiciary Committee:  
Ashford, 20, Chairperson; Chambers, 11; Lathrop, 12; McDonald, 41;  
McGill, 26; Pedersen, 39; Schimek, 27.

**PURPOSE:** The purpose of this resolution is to examine firearm-related violence in Nebraska. The examination shall include, but not be limited to, the following issues:

- (1) Firearm-related injuries and deaths;
- (2) Illegal firearm sales;
- (3) Illegal firearm trafficking;
- (4) The types of firearms used during the commission of violent crimes;

(5) Providing access to a person's mental health records, if any, in order for such person to obtain a certificate pursuant to sections 69-2401 to 69-2425;

(6) Firearm safety;

(7) Firearm training; and

(8) Obstacles related to the sharing of information by local, state, and federal agencies about violent offenses involving firearms.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 911.** Committee AM1971, found on page 702 and considered in this day's Journal, as amended, was renewed.

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

The committee amendment, as amended, was adopted with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 11 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 911A.** Title read. Considered.

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

Advanced to Enrollment and Review Initial with 25 ayes, 9 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**PRESIDENT SHEEHY PRESIDING**

## SELECT FILE

**LEGISLATIVE BILL 1022.** ER8224, found on page 1158, was adopted.

Senator Hansen offered the following amendment:

AM2662

(Amendments to E & R amendments, ER8224)

- 1 1. Strike sections 4, 7, 8, 10, and 24 and insert the
- 2 following new sections:
- 3 Sec. 6. (1) Distribution means the act of receiving
- 4 orders, possessing, warehousing, and record keeping related to the
- 5 sale and delivery of veterinary legend drugs.
- 6 (2) Distribution does not include (a) intracompany sales
- 7 of veterinary legend drugs, including any transaction or transfer
- 8 between any division, subsidiary, or parent company and an
- 9 affiliated or related company under common ownership or common
- 10 control or (b) the delivery of or the offer to deliver veterinary
- 11 legend drugs by a common carrier solely in the usual course of
- 12 business of transporting such drugs as a common carrier if the
- 13 common carrier does not store, warehouse, or take legal ownership
- 14 of such drugs.
- 15 Sec. 8. Veterinary drug distributor means any person or
- 16 entity, other than a pharmacy, that engages in the distribution of
- 17 veterinary legend drugs in the State of Nebraska.
- 18 Sec. 28. This act becomes operative on December 1, 2008.
- 19 2. On page 1, line 3, strike "30" and insert "27"; strike
- 20 beginning with "facilities" in line 7 through line 9 and insert
- 21 "veterinary drug distributors in the State of Nebraska and for the
- 22 development, establishment, and enforcement of basic standards for
- 1 such distributors."; and in line 11 strike "12" and insert "10".
- 2 3. On page 2, strike beginning with "meaning" in line 18
- 3 through the comma in line 22.
- 4 4. On page 3, strike beginning with "the" in line 9
- 5 through "of" in line 10; strike beginning with "For" in line 10
- 6 through line 13; and strike beginning with the first comma in line
- 7 26 through line 27 and insert "or entity".
- 8 5. On page 4, line 1, strike "location" and after
- 9 "distributor" insert "in this state"; and in line 8 strike "19" and
- 10 insert "17".
- 11 6. On page 5, line 7, strike "manager" and insert
- 12 "representative".
- 13 7. On page 6, line 16, strike "18" and insert "16"; in
- 14 line 18 strike "15" and insert "13"; and in line 21 strike "13 to
- 15 16" and insert "11 to 14".
- 16 8. On page 9, line 12, strike "16" and insert "14".
- 17 9. On page 10, strike beginning with "by" in line 8
- 18 through line 9 and insert "adopted and promulgated under the act.".
- 19 10. On page 11, line 2, strike "22" and insert "20";
- 20 in lines 7 and 20 after "the" insert "veterinary legend"; in



21 line 10 strike the third "the" and insert "those in the employ  
 22 of the veterinary drug"; in lines 13, 16, 21, 22, and 23 before  
 23 "order" insert "veterinary drug"; in line 19 strike "Drug" and  
 24 insert "Veterinary legend drug"; and in line 26 after "The" insert  
 25 "veterinary legend".

26 11. On page 14, lines 16 and 26, strike "26" and insert  
 27 "23".

1 12. Renumber the remaining sections accordingly.

The Hansen amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 830.** ER8221, found on page 1158, was adopted.

Senator Heidemann offered the following amendment:

AM2746

(Amendments to Standing Committee amendments, AM2357)

1 1. Insert the following new sections:  
 2 Sec. 9. Section 71-7611, Revised Statutes Supplement,  
 3 2007, as amended by section 2, Legislative Bill 480, One Hundredth  
 4 Legislature, Second Session, 2008, and section 5, Legislative Bill  
 5 961, One Hundredth Legislature, Second Session, 2008, is amended to  
 6 read:  
 7 71-7611 (1) The Nebraska Health Care Cash Fund is  
 8 created. The State Treasurer shall transfer (a) fifty-six million  
 9 four hundred thousand dollars no later than July 30, 2008, and  
 10 (b) fifty-five million seven hundred thousand dollars annually  
 11 thereafter no later than July 15 from the Nebraska Medicaid  
 12 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement  
 13 Trust Fund to the Nebraska Health Care Cash Fund, except that  
 14 such amount shall be reduced by the amount of the unobligated  
 15 balance in the Nebraska Health Care Cash Fund at the time the  
 16 transfer is made. On or before May 1, 2008, the State Treasurer  
 17 shall transfer from the Nebraska Medicaid Intergovernmental Trust  
 18 Fund and the Nebraska Tobacco Settlement Trust Fund an additional  
 19 two hundred fifty thousand dollars to the Nebraska Health Care  
 20 Cash Fund. The state investment officer upon consultation with  
 21 the Nebraska Investment Council shall advise the State Treasurer  
 22 on the amounts to be transferred from the Nebraska Medicaid  
 1 Intergovernmental Trust Fund and from the Nebraska Tobacco  
 2 Settlement Trust Fund under this section in order to sustain such  
 3 transfers in perpetuity. The state investment officer shall report  
 4 to the Legislature on or before October 1 of every even-numbered  
 5 year on the sustainability of such transfers. Except as otherwise  
 6 provided by law, no more than ~~fifty-five million seven hundred~~  
 7 ~~thousand dollars~~ the amount specified in subdivision (1)(a) and  
 8 (b) of this subsection may be appropriated or transferred from the

9 Nebraska Health Care Cash Fund in any fiscal year.

10 (2) Any money in the Nebraska Health Care Cash Fund  
11 available for investment shall be invested by the state investment  
12 officer pursuant to the Nebraska Capital Expansion Act and the  
13 Nebraska State Funds Investment Act.

14 (3) One million dollars in the Nebraska Health Care Cash  
15 Fund is designated each year for the Autism Treatment Program  
16 Act for five fiscal years beginning in fiscal year 2007-08 and  
17 shall be distributed in each fiscal year as follows: (a) First,  
18 to the Department of Health and Human Services for costs related  
19 to application and implementation of the waiver; (b) second, to  
20 the department for other medical costs for children who would  
21 not otherwise qualify for medicaid except for the waiver; and (c)  
22 third, the balance to the Autism Treatment Program Cash Fund. The  
23 State Treasurer shall transfer the balance of the funding to the  
24 Autism Treatment Program Cash Fund based on the estimated costs  
25 of administrative and other medical costs as determined by the  
26 Legislature through the appropriation process. The transfers to  
27 the Autism Treatment Program Cash Fund in any fiscal year shall  
1 be contingent upon the receipt of private matching funds under  
2 the Autism Treatment Program Act, with no less than one dollar of  
3 private funds received for every two dollars transferred from the  
4 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash  
5 Fund.

6 (4) The University of Nebraska and postsecondary  
7 educational institutions having colleges of medicine in Nebraska  
8 and their affiliated research hospitals in Nebraska, as a condition  
9 of receiving any funds appropriated or transferred from the  
10 Nebraska Health Care Cash Fund, shall not discriminate against any  
11 person on the basis of sexual orientation.

12 (5) The State Treasurer shall transfer two hundred  
13 thousand dollars from the Nebraska Health Care Cash Fund to the  
14 University of Nebraska Medical Center Cash Fund for the Nebraska  
15 Regional Poison Center within fifteen days after each July 1.

16 Sec. 12. Original section 71-7611, Revised Statutes  
17 Supplement, 2007, as amended by section 2, Legislative Bill 480,  
18 One Hundredth Legislature, Second Session, 2008, and section 5,  
19 Legislative Bill 961, One Hundredth Legislature, Second Session,  
20 2008, is repealed.

21 2. On page 5, line 16, strike "This act becomes" and  
22 insert "Sections 1 to 8 and 11 of this act become"; and after the  
23 period insert "The other sections of this act become operative on  
24 their effective date."

25 3. Renumber the remaining sections accordingly.

The Heidemann amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Lathrop offered the following amendment:

AM2729

(Amendments to Standing Committee amendments, AM2357)

- 1 1. Strike section 9.
- 2 2. On page 1, line 14, after the period insert "The  
3 preferred drug list and other activities mandated by the act  
4 shall not be construed to replace, prohibit, or limit other lawful  
5 activities of the department not specifically permitted or required  
6 by the act.".
- 7 3. On page 2, line 13, strike "The" and insert "No later  
8 than July 1, 2010, the"; and strike beginning with "Except" in line  
9 19 through line 27 and insert "The committee shall consist of at  
10 least (a) eight physicians, (b) four pharmacists, (c) a university  
11 professor of pharmacy or a person with a doctoral degree in  
12 pharmacology, and (d) two public members. No more than twenty-five  
13 percent of the committee shall be state employees.
- 14 (3) The physician members of the committee, so far as  
15 practicable, shall include physicians practicing in the areas  
16 of (a) family medicine, (b) internal medicine, (c) pediatrics,  
17 (d) cardiology, (e) psychiatry or neurology, (f) obstetrics or  
18 gynecology, (g) endocrinology, and (h) oncology.".
- 19 4. On page 3, strike lines 1 through 5; in line 6 strike  
20 "(5)" and insert "(4)"; in line 10 strike "(6)" and insert "(5)";  
21 in line 14 strike "(7)" and insert "(6)"; and in line 15 strike  
22 "for" and insert "relating to".
- 1 5. On page 4, line 12, after "list" insert ", after  
2 consideration of applicable rebates or discounts negotiated by the  
3 department"; in line 19 strike "prescriber" and insert "provider";  
4 in line 20 after "been" insert "therapeutically"; and in line 21  
5 after "be" insert "therapeutically".
- 6 6. On page 5, line 3, after "if" insert "the provider  
7 certifies that (a)"; in line 4 strike "already" through  
8 "successful" and insert "achieving therapeutic success with a"; in  
9 line 7 after "or" insert "(b)" and strike "had a prior failure" and  
10 insert "experienced a prior therapeutic failure"; and strike lines  
11 8 and 9 and insert an underscored period.
- 12 7. Renumber the remaining section accordingly.

The Lathrop amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 830A.** Senator Heidemann offered the following amendment:

AM2740

- 1 1. On page 2, line 2, strike "General" and insert  
2 "Nebraska Health Care Cash".

The Heidemann amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 245.** ER8231, found on page 1268, was adopted.

Senator Johnson renewed the Johnson-Pankonin amendment, AM2680, found on page 1325.

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

Senator Kruse moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Christensen requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 27 ayes, 6 nays, 15 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 245A.** ER8232, found on page 1269, was adopted.

Senator Johnson offered the following amendment:

AM2741

- 1 1. Strike original section 1 and all amendments thereto
- 2 and insert the following new sections:
- 3 Section 1. There is hereby appropriated (1) \$55,405 from
- 4 the General Fund and \$10,000 from the Department of Health and
- 5 Human Services Cash Fund for FY2008-09 and (2) \$94,686 from the
- 6 General Fund and \$20,000 from the Department of Health and Human
- 7 Services Cash Fund for FY2009-10 to the Department of Health
- 8 and Human Services, for Program 33, to aid in carrying out the
- 9 provisions of Legislative Bill 245, One Hundredth Legislature,
- 10 Second Session, 2008.
- 11 Total expenditures for permanent and temporary salaries
- 12 and per diems from funds appropriated in this section shall not
- 13 exceed \$37,551 for FY2008-09 or \$76,980 for FY2009-10.
- 14 Sec. 2. Since an emergency exists, this act takes effect
- 15 when passed and approved according to law.

The Johnson amendment was adopted with 26 ayes, 3 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1165.** ER8233, found on page 1292, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 995.** ER8223, found on page 1162, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 745.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1153.** ER8234, found on page 1315, was adopted.

Senator Raikes renewed his amendment, AM2701, found on page 1379.

The Raikes amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Raikes offered the following amendment:

AM2731

(Amendments to E & R amendments, ER8234)

- 1 1. Insert the following new sections:
- 2 Sec. 7. Section 79-1248, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 79-1248 The powers and duties of the Educational Service
- 5 Unit Coordinating Council include, but are not limited to:
- 6 (1) Providing public access to lists of qualified
- 7 distance education courses;
- 8 (2) Collecting and providing school schedules for
- 9 participating educational entities;
- 10 (3) Facilitation of scheduling for qualified distance
- 11 education courses;
- 12 (4) Brokering of qualified distance education courses to
- 13 be purchased by educational entities;
- 14 (5) Assessment of distance education needs and evaluation
- 15 of distance education services;
- 16 (6) Compliance with technical standards as set forth
- 17 by the Nebraska Information Technology Commission and academic
- 18 standards as set forth by the State Department of Education related
- 19 to distance education;
- 20 (7) Establishment of a system, in cooperation with the
- 21 Chief Information Officer, for prioritizing courses if the demand
- 22 for Network Nebraska exceeds the capacity available for distance
- 1 education and for choosing receiving educational entities when the
- 2 demand for a course exceeds the capacity as determined by either
- 3 the technology available or the course provider;
- 4 (8) ~~Scheduling and prioritization for access to Network~~
- 5 ~~Nebraska by educational entities in cooperation with the Chief~~

6 ~~Information Officer and using~~ Coordination of scheduling software  
 7 or scheduling services which provide a distance education  
 8 clearinghouse and device control and which meet any applicable  
 9 standards established by the commission;

10 (9) Administration of learning management systems that  
 11 are in compliance with any applicable standards of the commission  
 12 either through the staff of the council or by delegation to an  
 13 appropriate educational entity with the funding for such systems  
 14 provided by participating educational entities; and

15 (10) Coordination with educational service units and  
 16 postsecondary educational institutions to provide assistance for  
 17 instructional design for both two-way interactive video distance  
 18 education courses and the offering of graduate credit courses in  
 19 distance education.

20 Sec. 8. Section 86-5,100, Revised Statutes Supplement,  
 21 2007, is amended to read:

22 86-5,100 The Chief Information Officer, in partnership  
 23 with the University of Nebraska, shall develop and maintain a  
 24 statewide, multipurpose, high capacity, scalable telecommunications  
 25 network to be called Network Nebraska. The network shall consist of  
 26 contractual arrangements with providers to meet the demand of state  
 27 agencies, local governments, and educational entities as defined in  
 1 section 79-1201.01. Such network shall provide access to a reliable  
 2 and affordable infrastructure capable of carrying a spectrum of  
 3 services and applications, including distance education, across  
 4 the state. The Chief Information Officer shall provide access  
 5 to each school district, each educational service unit, each  
 6 community college, each state college, and the University of  
 7 Nebraska at the earliest feasible date and no later than July  
 8 1, 2012. Access may be provided through educational service units  
 9 or other aggregation points. Each participating school district  
 10 and educational service unit may be required to participate in  
 11 a distance education clearinghouse coordinated by the Educational  
 12 Service Unit Coordinating Council but shall not be required to  
 13 participate in device control. The Chief Information Officer shall  
 14 aggregate demand for those state agencies and educational entities  
 15 choosing to participate and shall reduce costs for participants  
 16 whenever feasible. The Chief Information Officer shall establish a  
 17 cost structure based on actual costs plus administrative expenses  
 18 and shall charge participants according to such cost structure.

19 2. On page 14, line 20, strike "and 79-1104.04" and  
 20 insert ", 79-1104.04, 79-1248, and 86-5,100".

21 3. Renumber the remaining section accordingly.

Senator Raikes withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 806.** Senator Wallman offered the following amendment:

AM2584

- 1 1. Strike sections 12 and 13.
- 2 2. Renumber the remaining sections and correct the
- 3 repealer accordingly.

The Wallman amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 819.** ER8226, found on page 1159, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 953.** ER8222, found on page 1159, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 907.** ER8225, found on page 1166, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 308.** ER8227, found on page 1167, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 308A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 956.** ER8235, found on page 1315, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1072.** ER8228, found on page 1193, was adopted.

Senator Aguilar renewed his amendment, AM2688, found on page 1333.

The Aguilar amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 928.** ER8230, found on page 1197, was adopted.

Senator Johnson renewed his amendment, AM2304, found on page 1030.

The Johnson amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Heidemann renewed his amendment, AM2519, found on page 1253.

The Heidemann amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Senator Erdman renewed his amendment, AM2598, found on page 1276.

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

The Erdman amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Johnson renewed his amendment, AM2642, found on page 1301.

Pending.

### **AMENDMENT - Print in Journal**

Senator Synowiecki filed the following amendment to LB1147:  
AM2719 is available in the Bill Room.

### **COMMITTEE REPORTS**

#### Enrollment and Review

**LEGISLATIVE BILL 746.** Placed on Select File with amendment.  
ER8242

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 85-505, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 85-505 Any member of the Nebraska National Guard who
- 6 enrolls in any state-supported university, college, or community
- 7 college or any independent, not-for-profit, regionally accredited
- 8 college or university in this state shall be entitled to a
- 9 credit of seventy-five percent of the resident tuition charges of
- 10 such school, except that any member who attends an independent,
- 11 not-for-profit, regionally accredited college or university in this
- 12 state shall receive a credit in an amount no higher than that
- 13 person would receive if he or she attended the University of
- 14 Nebraska-Lincoln. Such entitlement shall be for a period of ten
- 15 years from the date of the member's initial membership so long as
- 16 the member maintains satisfactory performance with the guard and
- 17 pursues his or her course of study in such institution in a manner



18 which satisfies the normal requirements of the institution. If a  
19 member is unable to complete his or her course of study within the  
20 ten-year period due to deployment on federal or state active-duty  
21 status for not less than one hundred twenty days, the Adjutant  
22 General may extend the entitlement period for such member for a  
23 period equal to the period of such person's active-duty status, not  
1 to exceed a maximum of five years. During the extended entitlement  
2 period, the member shall maintain satisfactory performance with the  
3 guard and pursue his or her course of study in such institution  
4 which satisfies the usual requirements of such institution. Any  
5 member entitled to a credit of seventy-five percent of resident  
6 tuition charges and enrolled in the tuition credit program as of  
7 October 1, 1992, shall on and after May 27, 1999, be entitled to  
8 the credit at such rate until completion of the educational program  
9 in which he or she is enrolled on October 1, 1992, so long as  
10 the member maintains satisfactory performance with the guard and  
11 pursues his or her course of study in such institution in a manner  
12 which satisfies the normal requirements of the institution. The  
13 number of individuals granted tuition credit shall not exceed the  
14 number specified in section 85-505.01 during any fiscal year, and  
15 the amount of tuition credits granted shall not exceed nine hundred  
16 thousand dollars during any fiscal year. When determining to whom  
17 such tuition credit shall be awarded, priority shall be given  
18 to those individuals who have previously received tuition credits  
19 while a National Guard member, and the Nebraska National Guard  
20 shall apply those program qualifications and limitations consistent  
21 with efficient and effective program management as determined by  
22 the Adjutant General.

23 Sec. 2. Section 85-505.01, Revised Statutes Cumulative  
24 Supplement, 2006, is amended to read:

25 85-505.01 (1) The tuition assistance program prescribed  
26 in sections 85-505 to 85-508 shall not be available to:

27 (a) More than one thousand two hundred members during any  
1 fiscal year;

2 (b) Commissioned and warrant officers who have a  
3 baccalaureate degree or are eligible for any other equivalent  
4 federal benefits;

5 (c) Enlisted personnel entitled to any equivalent federal  
6 educational benefits, except that this subdivision shall not apply  
7 to personnel receiving assistance from the federal Educational  
8 Assistance Program for Members of the Selected Reserve, as it  
9 existed on September 1, 2001; and

10 (d) Enlisted personnel who have a baccalaureate degree.

11 (2) The tuition assistance program prescribed in sections  
12 85-505 to 85-508 shall be available to members of the Nebraska  
13 National Guard for a period of ten years, as provided in section  
14 85-505, from the date of initial membership.

15 (3) Any member of the Nebraska National Guard receiving  
16 tuition assistance under sections 85-505 to 85-508 may obtain only

17 one undergraduate degree under such tuition assistance program.  
 18 Only credit-bearing courses which meet degree requirements shall be  
 19 approved for tuition assistance. Members shall not receive tuition  
 20 assistance for any noncredit courses.

21 (4) If a member of the Nebraska National Guard  
 22 voluntarily withdraws from a course for which he or she is  
 23 receiving tuition assistance, the member shall be liable for all  
 24 costs relating to such withdrawal, including, but not limited to,  
 25 all of the costs billed by the educational institution to the  
 26 Nebraska National Guard. Reimbursement shall be in accordance with  
 27 section 72-1601.

1 (5) Any member of the Nebraska National Guard who  
 2 receives tuition assistance shall agree in writing to serve in  
 3 the Nebraska National Guard for three years after the completion  
 4 of the courses for which tuition assistance was given. Any member  
 5 who receives tuition assistance may be asked to reimburse the State  
 6 of Nebraska if any such member leaves the Nebraska National Guard  
 7 during such three-year period. Reimbursement shall be in accordance  
 8 with section 72-1601.

9 (6) The Military Department shall retain the  
 10 responsibility and authority to establish any limitations  
 11 and controls it deems necessary to ensure maximum fiscal efficiency  
 12 and productivity of the tuition assistance program prescribed in  
 13 sections 85-505 to 85-508.

14 Sec. 3. Original section 85-505, Reissue Revised Statutes  
 15 of Nebraska, and section 85-505.01, Revised Statutes Cumulative  
 16 Supplement, 2006, are repealed.

17 2. On page 1, line 2, after "Nebraska" insert ", and  
 18 section 85-505.01, Revised Statutes Cumulative Supplement, 2006";  
 19 in line 3 after the semicolon insert "to harmonize provisions";  
 20 and in line 4 strike "section" and insert "sections".

**LEGISLATIVE BILL 781.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

## **COMMITTEE REPORTS**

### General Affairs

The General Affairs 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.

Helen Abbott Feller - State Racing Commission

Aye: 7 Senators Dierks, Dubas, Friend, Janssen, Karpisek, McDonald, Preister. Nay: 0. Absent: 1 Senator Erdman.

The General Affairs 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.

Robert "Bob" Culver Jr. - Nebraska Arts Council

Aye: 7 Senators Dierks, Dubas, Friend, Janssen, Karpisek, McDonald, Preister. Nay: 0. Absent: 1 Senator Erdman.

(Signed) Vickie McDonald, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 1116.** ER8236, found on page 1326, was adopted.

Senator Erdman offered the following amendment:  
AM2747

(Amendments to Standing Committee amendments, AM2629)

- 1 1. Strike section 6 and insert the following sections:
- 2 Sec. 6. (1) Upon completion of the conditions specified
- 3 in subsection (2) of this section, the Director of Administrative
- 4 Services shall, on or before December 31, 2009, transfer by
- 5 warranty deed the site and tract of land in Lancaster County known
- 6 as the Nebraska State Fairgrounds, to the Board of Regents of the
- 7 University of Nebraska. Such transfer shall occur notwithstanding
- 8 sections 72-811 to 72-818 or any other provision of law.
- 9 (2) The transfer described in subsection (1) of this
- 10 section shall be contingent upon:
  - 11 (a) Funds for the purpose of carrying out subsection
  - 12 (4) of section 2-101 having been provided by or on behalf of the
  - 13 University of Nebraska in a total amount of no less than twenty-one
  - 14 million five hundred thousand dollars in cash or legally binding
  - 15 commitments. Such funds may be provided over time, but they shall
  - 16 in cumulative increments equal at least seven million five hundred
  - 17 thousand dollars by October 1, 2008, fourteen million five hundred
  - 18 thousand dollars by February 1, 2009, and twenty-one million five
  - 19 hundred thousand dollars by July 1, 2009;
  - 20 (b) The University of Nebraska providing a master plan
  - 21 and business plan to carry out the master plan for the Innovation
  - 22 Campus to the Department of Administrative Services and to the
  - 1 Clerk of the Legislature on or before December 1, 2009, and
  - 2 a commitment to provide on or before December 1 of each year
  - 3 thereafter an annual update of the master plan and business plan to
  - 4 the Clerk of the Legislature; and
  - 5 (c) Funds for the purpose of carrying out subsection
  - 6 (4) of section 2-101 having been provided by or on behalf of the
  - 7 city of Grand Island in a total amount of no less than eight
  - 8 million five hundred thousand dollars in cash or legally binding
  - 9 commitments. Such funds may be provided over time, but they shall

10 in cumulative increments equal at least three million dollars by  
 11 October 1, 2008, six million dollars by February 1, 2009, and eight  
 12 million five hundred thousand dollars by July 1, 2009.

13 (3) The University of Nebraska and the city of  
 14 Grand Island shall provide certification to the Department of  
 15 Administrative Services on October 1, 2008, February 1, 2009, and  
 16 July 1, 2009, of all funds provided to carry out subsection (4) of  
 17 section 2-101. All amounts as certified in subdivisions (2)(a) and  
 18 (c) of this section shall be held and expended as determined by  
 19 agreement between the Hall County Livestock Improvement Association  
 20 and the Nebraska State Fair Board.

21 (4)(a) The Nebraska State Fair shall be relocated to  
 22 the city of Grand Island pursuant to subsection (4) of section  
 23 2-101 contingent upon completion of the conditions specified in  
 24 subsection (2) of this section.

25 (b) The Nebraska State Fair Board shall be responsible  
 26 for any remaining costs associated with site improvements for  
 27 relocating the Nebraska State Fair, not to exceed seven million  
 1 dollars.

2 (c) On or before December 31, 2009, the Nebraska  
 3 State Fair Board shall provide written release or other written  
 4 instrument acceptable to the State Building Administrator in  
 5 consultation with the President of the University of Nebraska  
 6 in connection with the transfer of the Nebraska State Fairgrounds  
 7 to the Board of Regents.

8 Sec. 7. Section 2-258, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 2-258 The money raised by the operational tax levy  
 11 authorized in section 2-257 shall be used for the purpose of paying  
 12 premiums and for permanent improvements for such fair, for the  
 13 purpose of purchasing the necessary fair supplies, advertising, and  
 14 the paying of necessary labor in connection therewith, and for  
 15 other necessary expenses for the operation of the fair. ~~In counties~~  
 16 ~~having a population of more than sixty thousand inhabitants but~~  
 17 ~~not more than three hundred fifty thousand inhabitants, and also~~  
 18 ~~containing a city of the primary class, In the county in which the~~  
 19 Nebraska State Fair is located, the money so raised may be used  
 20 for permanent improvements on the state and county fairgrounds or  
 21 Nebraska State Fairgrounds, or for leasing, contracting for, or in  
 22 any manner acquiring use of fairground facilities for such fair,  
 23 fairs.

24 Sec. 8. Section 81-1108.33, Revised Statutes Cumulative  
 25 Supplement, 2006, is amended to read:

26 81-1108.33 (1) It is the intent of the Legislature  
 27 that the state will not assume responsibility for the substandard  
 1 construction, repair, or maintenance of, or for the excessive  
 2 maintenance or repair costs for, real property, structures, or  
 3 improvements which will be made available by gift, bequest,  
 4 or devise to any state agency, board, or commission. Therefor,

5 prior to any construction, repair, or maintenance work on such  
6 real property, structure, or improvement, the state building  
7 division and the Task Force for Building Renewal shall review the  
8 plans, specifications, other construction or repair documents, and  
9 potential maintenance requirements as a requirement for acceptance  
10 by the state of such real property, structure, or improvement.

11 (2)(a) Any gift of, bequest of, or devise of (i) real  
12 property, (ii) a structure, or (iii) an improvement proposed to  
13 be made available to any state agency, board, or commission shall  
14 be reviewed by the state building division and the Task Force  
15 for Building Renewal pursuant to sections 81-176, 81-1108.15,  
16 and 81-1114. Such review shall include any potential matching of  
17 state funds, any plans, specifications, and other construction  
18 or repair documents reviewed pursuant to subsection (1) of  
19 this section, and any potential maintenance requirements as a  
20 condition of acceptance. Subsequent to such review, the state  
21 building division and the task force shall submit a report to  
22 the Governor, the Committee on Building Maintenance, and the  
23 Legislative Fiscal Analyst including a summary of the review of the  
24 plans, specifications, and other construction or repair documents  
25 and potential maintenance requirements and outlining the terms and  
26 conditions of the proposed gift, bequest, or devise along with its  
27 recommendation.

1 (b) Any proposed gift of, bequest of, or devise of  
2 (i) real property, (ii) a structure, or (iii) an improvement in  
3 excess of ten thousand dollars shall be approved by the Governor  
4 and the Legislature prior to acceptance. If the Legislature is  
5 not in session, the Executive Board of the Legislative Council,  
6 after recommendation by the Committee on Building Maintenance, may  
7 approve such gift, bequest, or devise along with the Governor.

8 (c) No construction or other work related to the proposed  
9 gift, bequest, or devise shall be initiated prior to receiving the  
10 approval required by this section.

11 (3) For purposes of this section, gift of, bequest of,  
12 or devise of (a) real property, (b) a structure, or (c) an  
13 improvement shall include, but not be limited to, a donation of,  
14 gift of, bequest of, devise of, or grant of (i) real property,  
15 (ii) a structure, or (iii) an improvement from an individual, an  
16 organization, a corporation, a foundation, or a similar entity  
17 or from a nonfederal governmental agency. For purposes of this  
18 section, gift, bequest, or devise shall not include a donation,  
19 gift, bequest, devise, or grant of tangible or intangible personal  
20 property.

21 (4) This section shall not apply to ~~(a)~~ the University  
22 of Nebraska or any Nebraska state college, since these agencies  
23 are subject to and participate in statewide facilities planning  
24 developed by the Coordinating Commission for Postsecondary  
25 Education pursuant to the Coordinating Commission for Postsecondary  
26 Education Act, ~~or (b) improvements or structures on Nebraska State~~

27 Fairgrounds property reviewed and approved pursuant to section  
1 ~~2-104.01.~~

2 Sec. 10. Sections 3 and 12 of this act become operative  
3 on January 1, 2009. Sections 8, 13, and 14 of this act becomes  
4 operative on December 31, 2009. The other sections of this act  
5 become operative on their effective date.

6 Sec. 12. Original section 2-103, Revised Statutes  
7 Cumulative Supplement, 2006, is repealed.

8 Sec. 13. Original section 81-1108.33, Revised Statutes  
9 Cumulative Supplement, 2006, is repealed.

10 Sec. 14. The following sections are outright repealed:  
11 Sections 2-104, 2-104.01, and 2-106, Revised Statutes Cumulative  
12 Supplement, 2006.

13 2. On page 2, line 11, after "(4)" insert "(a)" and after  
14 line 27 insert the following new subdivision:

15 "(b) The Nebraska State Fair Board, the Department of  
16 Administrative Services, and the Board of Regents of the University  
17 of Nebraska shall cooperate with each other and with other  
18 appropriate entities to provide for and carry out the plan to  
19 relocate the Nebraska State Fair and transfer the Nebraska State  
20 Fairgrounds in Lancaster County to the Board of Regents, including  
21 activities by the Board of Regents to obtain due diligence surveys,  
22 reports, and site assessments at the Nebraska State Fairgrounds in  
23 Lancaster County and by the Nebraska State Fair Board in connection  
24 with providing marketable title to the same in a form acceptable to  
25 the Board of Regents.".

26 3. On page 4, lines 6 and 7, strike the new matter; and  
27 in line 7 strike "the", show as stricken and insert "The".

1 4. On page 4, lines 17 and 18 and 24; and on page 13,  
2 line 19, strike "effective date of this act" and insert "operative  
3 date of this section".

4 5. On page 13, line 22, after "Original" insert "section  
5 2-258, Reissue Revised Statutes of Nebraska," and strike ",  
6 2-101.01, and 2-103," and insert "and 2-101.01,".

7 6. Renumber the remaining sections accordingly.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

The Erdman amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1116A.** Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 736.** Placed on Final Reading Second.  
ST9095

(Final Reading copy)

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

1. On page 1, line 1, "driving under the influence" has been struck and "motor vehicle operators' licenses" inserted; and in line 8 "relating to driving under the influence" has been inserted after "provisions".

**LEGISLATIVE BILL 736A.** Placed on Final Reading Second.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORT**  
Judiciary

**LEGISLATIVE RESOLUTION 284.** Reported to the Legislature for further consideration with the following amendment:

AM2750

- 1 1. Strike the resolved clauses and insert:
- 2 "1. That the Legislature expresses its profound regret
- 3 for the state's role in slavery, especially during its Territorial
- 4 period prior to statehood, and condemns racial discrimination in
- 5 any form toward African-Americans.
- 6 2. That the Legislature encourages all citizens to teach
- 7 their children about the history of slavery and its effects,
- 8 especially as concerns modern day slavery, to ensure that these
- 9 tragedies will neither be forgotten nor repeated.
- 10 3. That this resolution shall not be used in, or be the
- 11 basis of, any type of litigation and shall not be deemed a waiver
- 12 of the state's sovereign immunity."

(Signed) Brad Ashford, Chairperson

**AMENDMENT - Print in Journal**

Senator Kopplin filed the following amendment to LB734:  
AM2751

(Amendments to E & R amendments, ER8241)

- 1 1. On page 1, line 20, strike "or primary" and insert "
- 2 primary, or first"; and in line 21 strike "two" and insert "one".

**RESOLUTION**

**LEGISLATIVE RESOLUTION 391.** Introduced by Heidemann, 1.

WHEREAS, Jacob Dean Knutson of Troop 334, Palmyra, 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 of Tenderfoot, Second Class, First Class, Star, Life, and Eagle. Throughout his scouting experience, Jacob 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, Jacob Dean Knutson 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 Jacob Dean Knutson on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jacob Dean Knutson.

Laid over.

**SELECT FILE**

**LEGISLATIVE BILL 928.** The Johnson amendment, AM2642, found on page 1301 and considered in this day's Journal, was renewed.

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

The Johnson amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Dubas offered the following amendment:

AM2282

- 1 1. Insert the following new sections:
- 2 Section 1. Section 68-909, Revised Statutes Cumulative



3 Supplement, 2006, is amended to read:

4 68-909 (1) All contracts, agreements, rules, and  
5 regulations relating to the medical assistance program as entered  
6 into or adopted and promulgated by the department prior to July 1,  
7 2006, and all provisions of the medicaid state plan and waivers  
8 adopted by the department prior to July 1, 2006, shall remain in  
9 effect until revised, amended, repealed, or nullified pursuant to  
10 law.

11 (2) Prior to the adoption and promulgation of proposed  
12 rules and regulations under section 68-912 or relating to the  
13 implementation of medicaid state plan amendments or waivers,  
14 the department shall provide a report to the Governor, the  
15 Legislature, and the Medicaid Reform Council at least sixty  
16 days prior to the beginning of a regular legislative session  
17 summarizing the purpose and content of such proposed rules and  
18 regulations and the projected impact of such proposed rules  
19 and regulations on recipients of medical assistance and medical  
20 assistance expenditures.

21 (3) The Medicaid Reform Council, no later than thirty  
22 days after the date of receipt of any report under subsection  
23 (2) of this section, may conduct a public meeting to receive  
1 public comment regarding such report. The council shall promptly  
2 provide any comments and recommendations regarding such report in  
3 writing to the department. Such comments and recommendations shall  
4 be advisory only and shall not be binding on the department, but  
5 the department shall promptly provide a written response to such  
6 comments or recommendations to the council.

7 (4) The department shall monitor and shall periodically,  
8 as necessary, but no less than biennially, report to the  
9 Governor, the Legislature, and the Medicaid Reform Council on  
10 the implementation of rules and regulations, medicaid state plan  
11 amendments, and waivers adopted under the Medical Assistance Act  
12 and the effect of such rules and regulations, amendments, or  
13 waivers on eligible recipients of medical assistance and medical  
14 assistance expenditures.

15 Sec. 2. Section 68-912, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17 68-912 (1) The department may establish (a) premiums,  
18 copayments, and deductibles for goods and services provided under  
19 the medical assistance program, (b) limits on the amount, duration,  
20 and scope of goods and services that recipients may receive  
21 under the medical assistance program, and (c) requirements for  
22 recipients of medical assistance as a necessary condition for the  
23 continued receipt of such assistance, including, but not limited  
24 to, active participation in care coordination and appropriate  
25 disease management programs and activities.

26 (2) In establishing and limiting coverage for services  
27 under the medical assistance program, the department shall consider  
1 (a) the effect of such coverage and limitations on recipients

2 of medical assistance and medical assistance expenditures, (b)  
 3 the public policy in section 68-905, (c) the experience and  
 4 outcomes of other states, (d) the nature and scope of benchmark or  
 5 benchmark-equivalent health insurance coverage as recognized under  
 6 federal law, and (e) other relevant factors as determined by the  
 7 department.

8 (3) Coverage for mandatory and optional services and  
 9 limitations on covered services as established by the department  
 10 prior to July 1, 2006, shall remain in effect until revised,  
 11 amended, repealed, or nullified pursuant to law. Any proposed  
 12 reduction or expansion of services or limitation of covered  
 13 services by the department under this section shall be subject  
 14 to the reporting and review requirements of section 68-909.

15 (4) Except as otherwise provided in this subsection,  
 16 proposed rules and regulations under this section relating to the  
 17 establishment of premiums, copayments, or deductibles for eligible  
 18 recipients or limits on the amount, duration, or scope of covered  
 19 services for eligible recipients shall not become effective until  
 20 the conclusion of the earliest regular session of the Legislature  
 21 in which there has been a reasonable opportunity for legislative  
 22 consideration of such rules and regulations. This subsection does  
 23 not apply to rules and regulations that are (a) required by  
 24 federal or state law, (b) related to a waiver in which recipient  
 25 participation is voluntary, or (c) proposed due to a loss of  
 26 federal matching funds relating to a particular covered service  
 27 or eligibility category. Legislative consideration includes, but  
 1 is not limited to, the introduction of a legislative bill, a  
 2 legislative resolution, or an amendment to pending legislation  
 3 relating to such rules and regulations.

4 (5) The department shall implement a process under which  
 5 an eligible recipient may, upon request of the recipient or a  
 6 person on behalf of the recipient, obtain an exception from  
 7 the service limitation placed on an optional service up to the  
 8 limit established under the medical assistance program as the  
 9 limit existed on January 1, 2008. The process shall provide  
 10 that if the department does not notify an eligible recipient  
 11 regarding its decision on the recipient's request for an exception  
 12 within ten days after the department receives the request, the  
 13 department shall be deemed to have found the services requested to  
 14 be medically necessary.

15 Sec. 3. Original sections 68-909 and 68-912, Revised  
 16 Statutes Cumulative Supplement, 2006, are repealed.

17 2. Renumber the remaining section accordingly.

**SENATOR LANGEMEIER PRESIDING**

**PRESIDENT SHEEHY PRESIDING**

Senator Dubas offered the following amendment to her amendment:

FA273

Amend AM2282

1. Strike section 2.
2. On page 1 strike the new matter in lines 15 and 16 and insert "no later than December 1 before the next regular session of the Legislature"
3. Change the original repealer accordingly.

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

The Dubas amendment, AM2282, as amended, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator Dierks offered the following amendment:

AM2755

- 1 1. In AM2304, strike sections 1 and 5.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

The Dierks amendment was adopted with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Senator Flood offered the following amendment:

AM2759

(Amendments to Standing Committee amendments, AM2435)

- 1 1. Insert the following new sections:
- 2 Sec. 12. Section 71-810, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 71-810 (1) The division shall encourage and facilitate
- 5 the statewide development and provision of an appropriate array of
- 6 community-based behavioral health services and continuum of care
- 7 for the purposes of (a) providing greater access to such services
- 8 and improved outcomes for consumers of such services and (b)
- 9 reducing the necessity and demand for regional center behavioral
- 10 health services.
- 11 (2) The division may reduce or discontinue regional
- 12 center behavioral health services only if (a) appropriate
- 13 community-based services or other regional center behavioral health
- 14 services are available for every person receiving the regional
- 15 center services that would be reduced or discontinued, (b) such
- 16 services possess sufficient capacity and capability to effectively
- 17 replace the service needs which otherwise would have been
- 18 provided at such regional center, and (c) no further commitments,
- 19 admissions, or readmissions for such services are required due
- 20 to the availability of community-based services or other regional
- 21 center services to replace such services.
- 22 (3) The division shall notify the Governor and the
- 1 Legislature of any intended reduction or discontinuation of

2 regional center services under this section. Such notice shall  
3 include detailed documentation of the community-based services or  
4 other regional center services that are being utilized to replace  
5 such services. The Behavioral Health Oversight Commission of the  
6 Legislature shall review such documentation and shall report to  
7 the Governor and the Health and Human Services Committee of the  
8 Legislature whether, in its opinion, the requirements of subsection  
9 (2) of this section have been met with respect to such intended  
10 reduction or discontinuation of regional center services and shall  
11 enumerate the criteria used by the commission in making such  
12 determination.

13 (4) As regional center services are reduced or  
14 discontinued under this section, the division shall make  
15 appropriate corresponding reductions in regional center personnel  
16 and other expenditures related to the provision of such services.  
17 All funding related to the provision of regional center services  
18 that are reduced or discontinued under this section shall be  
19 reallocated and expended by the division for purposes related  
20 to the statewide development and provision of community-based  
21 services.

22 (5) The division may establish state-operated  
23 community-based services to replace regional center services  
24 that are reduced or discontinued under this section. The division  
25 shall provide regional center employees with appropriate training  
26 and support to transition such employees into positions as may be  
27 necessary for the provision of such state-operated services.

1 (6) When the occupancy of the licensed psychiatric  
2 hospital beds of any regional center reaches twenty percent or  
3 less of its licensed psychiatric hospital bed capacity on March 15,  
4 2004, the division shall notify the Governor and the Legislature of  
5 such fact. Upon such notification, the division, with the approval  
6 of a majority of members of the Executive Board of the Legislative  
7 Council, may provide for the transfer of all remaining patients  
8 at such center to appropriate community-based services or other  
9 regional center services pursuant to this section and cease the  
10 operation of such regional center.

11 (7) The division, in consultation with each regional  
12 behavioral health authority, shall establish and maintain a data  
13 and information system for all persons receiving state-funded  
14 behavioral health services under the Nebraska Behavioral Health  
15 Services Act. Information maintained by the division shall include,  
16 but not be limited to, (a) the number of persons receiving regional  
17 center services, (b) the number of persons ordered by a mental  
18 health board to receive inpatient or outpatient treatment and  
19 receiving regional center services, (c) the number of persons  
20 ordered by a mental health board to receive inpatient or outpatient  
21 treatment and receiving community-based services, (d) the number of  
22 persons voluntarily admitted to a regional center and receiving  
23 regional center services, (e) the number of persons waiting

24 to receive regional center services, (f) the number of persons  
 25 waiting to be transferred from a regional center to community-based  
 26 services or other regional center services, (g) the number of  
 27 persons discharged from a regional center who are receiving  
 1 community-based services or other regional center services, and  
 2 (h) the number of persons admitted to behavioral health crisis  
 3 centers. Each regional behavioral health authority shall provide  
 4 such information as requested by the division and necessary to  
 5 carry out this subsection. The division shall submit reports of  
 6 such information to the Governor and the Legislature on a quarterly  
 7 basis beginning July 1, 2005, in a format which does not identify  
 8 any person by name, address, county of residence, social security  
 9 number, or other personally identifying characteristic.

10 (8) The provisions of this section are self-executing and  
 11 require no further authorization or other enabling legislation.

12 Sec. 13. Section 71-818, Revised Statutes Cumulative  
 13 Supplement, 2006, is amended to read:

14 71-818 ~~(1)-(1)(a)~~ The Behavioral Health Oversight  
 15 Commission ~~of the Legislature~~ is created. ~~The~~

16 (b) Until June 30, 2008, the commission shall consist  
 17 of not more than twenty-five members appointed by the chairperson  
 18 of the Health and Human Services Committee of the Legislature  
 19 and confirmed by a majority of members of the committee, and  
 20 members. ~~Members~~ of the commission shall ~~(a)-(i)~~ include, but  
 21 not be limited to, representatives of the Legislature, consumers,  
 22 and consumer advocacy organizations, behavioral health providers,  
 23 the communities of Norfolk and Hastings, state employees,  
 24 regional behavioral health authorities, mental health boards, and  
 25 law enforcement, ~~(b)-(ii)~~ possess a demonstrated interest and  
 26 commitment and specialized knowledge, experience, or expertise  
 27 relating to the provision of behavioral health services in the  
 1 State of Nebraska, and ~~(c)-(iii)~~ be broadly representative of all  
 2 the behavioral health regions.

3 (c) Beginning on July 1, 2008, the members of the  
 4 commission shall possess a demonstrated interest and commitment and  
 5 specialized knowledge, experience, or expertise relating to the  
 6 provision of behavioral health services in the State of Nebraska,  
 7 and the commission shall consist of twelve members appointed  
 8 by the Governor as follows: (i) One consumer of behavioral  
 9 health services, (ii) one consumer advocate of behavioral  
 10 health services, (iii) three providers of community-based  
 11 behavioral health services, including one representative from each  
 12 congressional district, (iv) three regional behavioral health  
 13 authority administrators, including one from each congressional  
 14 district, (v) one representative of the Norfolk Regional Center,  
 15 (vi) one representative of the Lincoln Regional Center, (vii)  
 16 one representative of the city of Norfolk, and (viii) one  
 17 representative of the city of Hastings.

18 (d) Members of the commission shall serve without

19 compensation but shall be reimbursed from the Nebraska Health Care  
 20 Cash Fund for their actual and necessary expenses as provided in  
 21 sections 81-1174 to 81-1177.

22 ~~(2) The (2)(a) Until June 30, 2008, the commission, under~~  
 23 the direction of and in consultation with the Health and Human  
 24 Services Committee of the Legislature, shall oversee and support  
 25 implementation of the Nebraska Behavioral Health Services Act and  
 26 shall administer such funds as appropriated by the Legislature from  
 27 the Nebraska Health Care Cash Fund for such purpose, ~~and the -~~  
 1 The commission may employ staff, enter into contracts, establish  
 2 and utilize task forces and subcommittees, and perform such other  
 3 activities as necessary and appropriate to carry out its duties  
 4 under this section.

5 (b) Beginning on July 1, 2008, the commission shall  
 6 be responsible to the division and shall oversee and support  
 7 implementation of the Nebraska Behavioral Health Services Act. To  
 8 carry out this duty, the commission shall (i) conduct regular  
 9 meetings, (ii) provide advice and assistance to the division  
 10 relating to the implementation of the act, (iii) promote the  
 11 interests of consumers and their families, (iv) provide reports as  
 12 requested by the division, and (v) engage in such other activities  
 13 as directed or authorized by the division.

14 (3) To assist the commission in its role of oversight,  
 15 the division shall provide the commission with a quarterly report  
 16 regarding the implementation of the Nebraska Behavioral Health  
 17 Services Act.

18 ~~(3)-(4) The commission and this section terminate on June~~  
 19 ~~30, 2008. 2009.~~

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 sections added by this amendment become operative on their  
 24 effective date with the emergency clause.

The Flood amendment was adopted with 34 ayes, 1 nay, 4 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 928A.** Senator Johnson withdrew his amendment AM2620, found on page 1255.

Senator Johnson offered the following amendment:  
 AM2757

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

3 Section 1. There is hereby appropriated (1) \$56,101 from  
 4 the Health and Human Services Cash Fund for FY2008-09 and (2)  
 5 \$97,949 from the Health and Human Services Cash Fund for FY2009-10

6 to the Department of Health and Human Services, for Program 33, to  
 7 aid in carrying out the provisions of Legislative Bill 928, One  
 8 Hundredth Legislature, Second Session, 2008.

9 Sec. 2. There is hereby appropriated (1) \$25,000 from the  
 10 General Fund for FY2008-09 and (2) \$9,000 from the General Fund for  
 11 FY2009-10 to the University of Nebraska, for Program 781, to aid in  
 12 carrying out the provisions of Legislative Bill 928, One Hundredth  
 13 Legislature, Second Session, 2008.

14 Sec. 3. The General Fund appropriation for FY2009-10 to  
 15 the Department of Health and Human Services, for Program 33, is  
 16 hereby reduced by \$42,000.

17 Sec. 4. (1) The General Fund appropriation for FY2008-09  
 18 to the Department of Health and Human Services, for Program 348,  
 19 is hereby reduced by \$144,402. The federal fund appropriation for  
 20 FY2008-09 to the Department of Health and Human Services, for  
 21 Program 348, is hereby reduced by \$216,603.

22 (2) The General Fund appropriation for FY2009-10 to the  
 23 Department of Health and Human Services, for Program 348, is hereby  
 1 reduced by \$204,570. The federal fund appropriation for FY2009-10  
 2 to the Department of Health and Human Services, for Program 348, is  
 3 hereby reduced by \$306,854.

4 The reductions made pursuant to this section are to  
 5 aid in carrying out the provisions of Legislative Bill 928, One  
 6 Hundredth Legislature, Second Session, 2008.

The Johnson amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Senator Flood offered the following amendment:

AM2760

1 1. Insert the following new section:

2 Sec. 3. There is hereby appropriated \$10,000 from the  
 3 Nebraska Health Care Cash Fund for FY2008-09 to the Department of  
 4 Health and Human Services, for Program 33, to aid in carrying out  
 5 the provisions of Legislative Bill 928, One Hundredth Legislature,  
 6 Second Session, 2008.

7 No expenditures for permanent and temporary salaries and  
 8 per diems for state employees shall be made from funds appropriated  
 9 in this section.

The Flood amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**VISITORS**

Visitors to the Chamber were Diane Beninato from Omaha; 61 fourth-grade students from Howard Elementary, Fremont; 21 fourth-grade students and teachers from Battle Creek; 30 fifth-grade students and teachers from Thayer Central School, Hebron; and Senator Louden's wife, SharonAnn, from Ellsworth, and his daughter-in-law, Kelly Sutton, from Ft. Collins, Colorado.

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

**ADJOURNMENT**

At 7:08 p.m., on a motion by Senator Christensen, the Legislature adjourned until 9:00 a.m., Thursday, April 10, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SEVENTH DAY - APRIL 10, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 10, 2008

**PRAYER**

The prayer was offered by Pastor Joann Kramer, St. John's Lutheran Church, Beatrice.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Heidemann, and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-sixth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 9, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

O'Hara, Lindsay & Associates, Inc.

Guardian Healthcare Providers, Inc. and Guardian Community Living, LLC

Schmit Industries, Inc.

Moylan, James (Withdrawn 04/09/2008)

**REPORTS**

The following reports were received by the Legislature:

**Criminal Justice, Nebraska Commission on Law Enforcement**

Traffic Stops in Nebraska

**Labor, Department of**

Strategic Five-Year State Workforce Investment Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act for the Period of July 1, 2007 through June 30, 2009

**Retirement Systems, Public Employees**

State of Nebraska Public Employees Retirement System Service Report for the Year Ending December 31, 2007

**MOTION - Return LB1147 to Select File**

Senator Synowiecki moved to return LB1147 to Select File for his specific amendment, AM2719, found on page 1408.

The Synowiecki motion to return prevailed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1147.** The Synowiecki specific amendment, AM2719, found on page 1408, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**MOTION - Return LB1055 to Select File**

Senator Cornett moved to return LB1055 to Select File for her specific amendment, AM2623, found on page 1301.

The Cornett motion to return prevailed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1055.** The Cornett specific amendment, AM2623, found on page 1301, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**WITHDRAW - Amendments to LB609A**

Senator Heidemann withdrew his amendments, AM2681 and AM2684, found on pages 1311 and 1334, to LB609A.

**MOTION - Suspend Rules**

Senator Heidemann offered the following motion to LB609A:  
MO180

Suspend Rule 5, Section 7, and Rule 7, Section 3(d) to permit consideration of AM2682.

The Heidemann motion to suspend the rules prevailed with 35 ayes, 2 nays, and 12 present and not voting.

**MOTION - Return LB609A to Select File**

Senator Heidemann moved to return LB609A to Select File for the following specific amendment:  
AM2682

(Amendments to Final Reading copy)

1 1. Strike the original section and insert the following  
2 new sections:

3 Section 1. Legislative Bill 959, One Hundredth  
4 Legislature, Second Session, 2008, section 15, is amended to read:  
5 Sec. 15. AGENCY NO. 11 -- ATTORNEY GENERAL  
6 Program No. 508 - School Finance Litigation

	FY2007-08	FY2008-09
7		
8	<del>GENERAL FUND</del> 600,000	600,000
9	<del>PROGRAM TOTAL</del> 600,000	600,000
10	<u>GENERAL FUND</u> -0-	-0-
11	<u>PROGRAM TOTAL</u> -0-	-0-
12	SALARY LIMIT -0-	-0-

13 Any unexpended, unencumbered appropriations remaining on  
14 June 30, 2008, shall be lapsed to the General Fund.

15 Sec. 2. Original Legislative Bill 959, One Hundredth  
16 Legislature, Second Session, 2008, section 15, is repealed.

17 Sec. 3. Since an emergency exists, this act takes effect  
18 when passed and approved according to law.

19 2. On page 1, strike beginning with "appropriate" in  
20 line 1 through line 3 and insert "amend Legislative Bill 959, One  
21 Hundredth Legislature, Second Session, 2008, section 15; to change  
22 an appropriation; to repeal the original section; and to declare an  
1 emergency.".

The Heidemann motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 609A.** The Heidemann specific amendment, AM2682, found in this day's Journal, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION - Suspend Rules**

Senator Chambers renewed his motion, MO147, found on page 1023, to suspend Rule 5, Section 7, and Rule 7, Section 3(d) to permit consideration of AM2300 to LB280A.

**SENATOR ROBERT PRESIDING****SENATOR LANGEMEIER PRESIDING**

Senator Chambers withdrew his motion to suspend the rules.

**WITHDRAW - Amendment to LB280A**

Senator Chambers withdrew his amendment, AM2300, found on page 932, to LB280A.

**COMMITTEE REPORTS**

## Education

**LEGISLATIVE BILL 490.** Indefinitely postponed.  
**LEGISLATIVE BILL 614.** Indefinitely postponed.  
**LEGISLATIVE BILL 649.** Indefinitely postponed.  
**LEGISLATIVE BILL 655.** Indefinitely postponed.  
**LEGISLATIVE BILL 691.** Indefinitely postponed.  
**LEGISLATIVE BILL 873.** Indefinitely postponed.  
**LEGISLATIVE BILL 879.** Indefinitely postponed.  
**LEGISLATIVE BILL 886.** Indefinitely postponed.  
**LEGISLATIVE BILL 970.** Indefinitely postponed.  
**LEGISLATIVE BILL 976.** Indefinitely postponed.  
**LEGISLATIVE BILL 987.** Indefinitely postponed.  
**LEGISLATIVE BILL 990.** Indefinitely postponed.  
**LEGISLATIVE BILL 1005.** Indefinitely postponed.  
**LEGISLATIVE BILL 1021.** Indefinitely postponed.  
**LEGISLATIVE BILL 1023.** Indefinitely postponed.  
**LEGISLATIVE BILL 1083.** Indefinitely postponed.  
**LEGISLATIVE BILL 1155.** Indefinitely postponed.  
**LEGISLATIVE BILL 1158.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

**MESSAGE FROM THE GOVERNOR**

April 10, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1157 and 1157A were received in our office on April 7, 2008.

I signed these bills and delivered them to the Secretary of State on April 10, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

**SELECT FILE**

**LEGISLATIVE BILL 986.** ER8212, found on page 1101, was adopted.

Senator Louden renewed his amendment, AM2522, found on page 1119.

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

Senator White raised a point of order on whether the adoption of the Louden amendment would require a three-fifths majority vote, pursuant to Rule 6, Sec. 6(a).

The Chair ruled the point of order was not in order because it should have been raised while the amendment was still under debate, rather than following the closing by the sponsor.

The Louden amendment lost with 3 ayes, 25 nays, 19 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Louden asked unanimous consent to withdraw his amendment, AM2555, found on page 1121, and replace it with his substitute amendment, AM2625, found on page 1208. No objections. So ordered.

Senator Louden withdrew his amendment, AM2625.

Senator Kopplin withdrew his amendments, AM2536 and AM2535, found

on page 1174.

Senator Preister renewed his amendment, AM2730, found on page 1384.

Senator Kopplin offered the following amendment to the Preister amendment:

AM2763

(Amendments to AM2730)

- 1 1. On page 5, strike beginning with "that" in line 3
- 2 through "percent" in line 5 and insert "the number of electronic
- 3 devices recycled as a percentage"; in line 22 strike "(2)" and
- 4 insert "(2)(a)"; and strike beginning with "the" in line 22 through
- 5 line 27 and insert "the registration fee prescribed in subsection
- 6 (1) of this section shall be reduced pursuant to subdivision (b) of
- 7 this subsection if the manufacturer or group of manufacturers has
- 8 certified to the department the percentage of electronic devices
- 9 recycled as described in subsection (2) of section 5 of this act.
- 10 (b) If the percentage certified pursuant to subsection
- 11 (2) of section 5 of this act is at least ten percent and less
- 12 than twenty percent, the manufacturer or group of manufacturers
- 13 shall receive a ten percent reduction in the registration fee.
- 14 If the percentage certified is at least twenty percent and less
- 15 than thirty percent, such reduction shall be twenty percent. If
- 16 the percentage certified is thirty percent or more, such reduction
- 17 shall be fifty percent."

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

The Preister amendment, as amended, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 986A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1082.** ER8237, found on page 1372, was adopted.

Senator Fulton requested a machine vote on the advancement of the bill.

Senator Cornett moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Cornett requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 22:

Ashford	Flood	Kopplin	Pirsch	Wallman
Avery	Friend	Kruse	Preister	White
Cornett	Howard	Lathrop	Rogert	
Dierks	Janssen	McGill	Schimek	
Dubas	Karpisek	Nantkes	Synowiecki	

Voting in the negative, 18:

Adams	Engel	Gay	Langemeier	Stuthman
Burling	Erdman	Hansen	Louden	Wightman
Carlson	Fischer	Harms	McDonald	
Christensen	Fulton	Johnson	Nelson	

Present and not voting, 5:

Aguilar	Chambers	Pahls	Pankonin	Raikes
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Excused and not voting, 4:

Heidemann	Hudkins	Lautenbaugh	Pedersen
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Failed to advance to Enrollment and Review for Engrossment with 22 ayes, 18 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1027.** ER8238, found on page 1372, was adopted.

Senator Erdman offered the following amendment:

AM2761

(Amendments to Standing Committee amendments, AM2295)

- 1 1. On page 15, strike lines 22 through 27 and insert
- 2 "(5) The credit allowed under this section shall not be
- 3 allowed to an owner of agricultural assets for a rental agreement
- 4 with a beginning farmer or livestock producer who is a relative,
- 5 as defined in section 36-702, of the owner of agricultural assets
- 6 or of a partner, member, shareholder, or trustee of the owner
- 7 of agricultural assets unless the rental agreement is included in
- 8 a written succession plan. Such succession plan shall be in the
- 9 form of a written contract or other instrument legally binding the
- 10 parties to a process and timetable for the transfer of agricultural
- 11 assets from the owner of agricultural assets to the beginning
- 12 farmer or livestock producer. The succession plan shall provide
- 13 for the transfer of assets to be completed within a period of
- 14 no longer than thirty years, except that when the asset to be
- 15 transferred is land owned by an individual, the period of transfer
- 16 may be for a period up to the date of death of the owner. The
- 17 owner of agricultural assets shall be allowed the credit provided
- 18 for qualified rental agreements under this section if the board

19 certifies the plan as providing a reasonable manner and probability  
20 of successful transfer.".

The Erdman amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1027A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 720.** ER8239, found on page 1394, was adopted.

Senator Schimek withdrew her amendment, AM2716, found on page 1372.

Senator Schimek offered the following amendment:

AM2753

(Amendments to E & R amendments, ER8239)

- 1 1. On page 5, line 26, strike the second "or"; and
- 2 in line 27 after "schedules" insert ", or (d) a message from a
- 3 political subdivision as defined in section 13-903".

The Schimek 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 1172.** ER8240, found on page 1392, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1172A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 837.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 734.** ER8241, found on page 1398, was adopted.

Senator Kopplin renewed his amendment, AM2751, found on page 1415.

Senator Kopplin withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 469.** Senator Fulton renewed his amendment, AM1174, found on page 1364, First Session, 2007.



Senator Chambers offered the following motion:

MO182

Bracket until April 17, 2008.

### **SENATOR ROBERT PRESIDING**

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

Senator Erdman requested a ruling of the Chair on whether there had been a full and fair debate, pursuant to Rule 7, Sec. 4, on the Chambers motion.

The Chair ruled there had not been a full and fair debate on the Chambers motion.

Senator Howard moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Chambers withdrew his motion to bracket.

The Fulton amendment, AM1174, found on page 1364, First Session, 2007, and considered in this day's Journal, was renewed.

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Fulton amendment lost with 13 ayes, 21 nays, 7 present and not voting, and 8 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

Senator Fulton requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Adams	Erdman	Hudkins	McGill	Synowiecki
Aguilar	Fischer	Janssen	Nantkes	Wallman
Ashford	Flood	Johnson	Pahls	White
Avery	Friend	Karpisek	Pankonin	Wightman
Carlson	Gay	Kruse	Preister	
Chambers	Hansen	Langemeier	Rogert	
Cornett	Harms	Lathrop	Schimek	
Dubas	Howard	McDonald	Stuthman	

Voting in the negative, 8:

Christensen	Engel	Kopplin	Nelson
Dierks	Fulton	Lautenbaugh	Pirsch

Present and not voting, 1:

Raikes

Excused and not voting, 4:

Burling	Heidemann	Louden	Pedersen
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Advanced to Enrollment and Review for Engrossment with 36 ayes, 8 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 245.** Placed on Final Reading.

**LEGISLATIVE BILL 245A.** Placed on Final Reading.

ST9097

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

1. In the Johnson amendment, AM2741, on page 1, lines 4 and 6, "Department of" has been struck.

2. On page 1, line 3, "; and to declare an emergency" has been inserted before the period.

**LEGISLATIVE BILL 308.** Placed on Final Reading.

ST9098

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

1. In the Standing Committee amendments, AM2016, on page 2, subdivisions (9) and (10) have been renumbered as subdivisions (10) and (9), respectively.

**LEGISLATIVE BILL 308A.** Placed on Final Reading.

**LEGISLATIVE BILL 745.** Placed on Final Reading.

**LEGISLATIVE BILL 806.** Placed on Final Reading.

ST9099

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

1. On page 1, lines 2 and 3; and page 29, line 19, "28-1313, 28-1314," has been struck.

**LEGISLATIVE BILL 819.** Placed on Final Reading.

**LEGISLATIVE BILL 830.** Placed on Final Reading.

ST9096

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

1. In the Lathrop amendment, AM2729, amendments 1 and 7 have been struck and the remaining amendments renumbered accordingly.

2. In the Heidemann amendment, AM2746:

a. Section 12 has been renumbered as section 10;

b. Amendments 2 and 3 have been struck; and

c. On page 3, line 16, "section 68-901, Revised Statutes Cumulative Supplement, 2006, and" has been inserted after "Original"; and in line 20 "is" has been struck and "are" inserted.

3. In the E & R amendments, ER8221, amendment 1.a. has been struck and the remaining amendment renumbered accordingly.

4. In the Standing Committee amendments, AM2357, on page 5, line 16 has been struck.

5. On page 1, line 1, "prescriptions" has been struck and "public health and welfare" inserted; in line 2 ", and section 71-7611, Revised Statutes Supplement, 2007, as amended by section 2, Legislative Bill 480, One Hundredth Legislature, Second Session, 2008, and section 5, Legislative Bill 961, One Hundredth Legislature, Second Session, 2008" has been inserted after "2006"; in line 6 "provide an operative date;" has been struck and "change provisions relating to use of the Nebraska Health Care Cash Fund; and" inserted; and the matter beginning with "section" in line 7 through line 8 has been struck and "sections." inserted.

**LEGISLATIVE BILL 830A.** Placed on Final Reading.

**LEGISLATIVE BILL 907.** Placed on Final Reading.

**LEGISLATIVE BILL 953.** Placed on Final Reading.

**LEGISLATIVE BILL 956.** Placed on Final Reading.

**LEGISLATIVE BILL 995.** Placed on Final Reading.

**LEGISLATIVE BILL 1022.** Placed on Final Reading.

ST9104

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

1. In the E & R amendments, ER8224:

a. On page 11, line 11, "possesses" has been struck and "possess" inserted; and

b. On page 12, line 6, "layman" has been struck and "layperson" inserted.

2. On page 1, line 2, "and" has been struck; and in line 3 "; and to provide an operative date" has been inserted after "penalty".

**LEGISLATIVE BILL 1153.** Placed on Final Reading.

ST9100

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

1. On page 1, the matter beginning with "schools" in line 1 through line 11 and all amendments thereto have been struck and "education; to amend sections 79-1104.01 and 79-1104.02, Revised Statutes Cumulative Supplement, 2006, sections 79-1103 and 79-1104.04, Revised Statutes Supplement, 2007, and section 13, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008; to provide for a certificate of attendance for students receiving special education services; to permit certain early childhood education programs to enroll certain kindergarten-age students; to change provisions relating to calculation of state aid; to change and eliminate provisions relating to early childhood education endowment funds; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 1165.** Placed on Final Reading.  
ST9103

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

1. In the E & R amendments, ER8233, on page 6, line 22, "requirements" has been inserted after "provide"; and in line 23 "the General Fund and" has been inserted after "from".

(Signed) Amanda McGill, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 911.** Placed on Select File with amendment.  
ER8243 is available in the Bill Room.

**LEGISLATIVE BILL 911A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 572.** Senator Wightman offered the following motion:  
MO181  
Indefinitely postpone.

**SENATOR LANGEMEIER PRESIDING**

**SENATOR ROBERT PRESIDING**

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

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

The Wightman motion to indefinitely postpone failed with 19 ayes, 14 nays, 9 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

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

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

Voting in the affirmative, 22:

Adams	Flood	Karpisek	Pahls	Wallman
Aguilar	Friend	Kopplin	Pankonin	White
Avery	Howard	Kruse	Preister	
Carlson	Hudkins	Lathrop	Rogert	
Cornett	Janssen	McGill	Synowiecki	

Voting in the negative, 19:

Chambers	Fischer	Harms	Nantkes	Schimek
Dubas	Fulton	Johnson	Nelson	Stuthman
Engel	Gay	Lautenbaugh	Pirsch	Wightman
Erdman	Hansen	McDonald	Raikes	

Excused and not voting, 8:

Ashford	Christensen	Heidemann	Louden
Burling	Dierks	Langemeier	Pedersen

Failed to advance to Enrollment and Review for Engrossment with 22 ayes, 19 nays, and 8 excused and not voting.

The Chair declared the call raised.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 1072.** Placed on Final Reading.

**LEGISLATIVE BILL 1116.** Placed on Final Reading.  
ST9101

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

1. On page 1, the matter beginning with "agriculture" in line 1 through line 4 and all amendments thereto has been struck and "the Nebraska State Fair;

to amend section 2-258, Reissue Revised Statutes of Nebraska, sections 2-101, 2-101.01, 2-103, and 81-1108.33, Revised Statutes Cumulative Supplement, 2006, and sections 2-108 and 84-612, Revised Statutes Supplement, 2007; to state intent to relocate the Nebraska State Fair; to provide a fair relocation plan; to provide for future use of the Nebraska State Fairgrounds; to change membership provisions of the Nebraska State Fair Board; to create a fund; to change provisions relating to use of a tax levy; to change and eliminate provisions relating to the Nebraska State Fairgrounds; to transfer funds; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 2-104, 2-104.01, and 2-106, Revised Statutes Cumulative Supplement, 2006." inserted.

**LEGISLATIVE BILL 1116A.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

### VISITORS

Visitors to the Chamber were Senator Langemeier's parents, brother, and sister-in-law, Roland and Norma Langemeier, from Schuyler, and Joe and Kathey Langemeier, from Omaha; 19 fourth-grade students from Fullerton; 23 fourth-grade students from St. John's School, Lincoln; 32 fourth-grade students from Christ Lutheran Elementary, Norfolk; Tim and Jake Andersen from Omaha; 59 fourth-grade students from Central City; 24 fourth-grade students from Seymour Elementary, Ralston; 70 fifth-grade students and teachers from Swanson Elementary, Omaha; members of Boy Scouts from across the state; Mary Peterson from Bertrand; 50 eighth-grade students from Mary Our Queen School, Omaha and Senator Lathrop's daughter, Nicole Lathrop; 47 fourth-grade students from Pierce; and Kristi and Delaney Booth from Palm Coast, Florida.

The Doctor of the Day was Dr. Sandy Baumberger from Fremont.

### ADJOURNMENT

At 2:18 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, April 15, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-EIGHTH DAY - APRIL 15, 2008**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
SECOND SESSION**

**FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 15, 2008

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

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

The roll was called and all members were present except Senators Cornett, Lautenbaugh, Preister, and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-seventh day was approved.

**MESSAGES FROM THE GOVERNOR**

April 11, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 171, 171A, 179, 179A, 467, 467A, 575, 765, 766, 777, 889, 912, 952, 973, and 1049 were received in our office on April 7, 2008.

I signed these bills and delivered them to the Secretary of State on April 11, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 14, 2008

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 916, 965e, 1058e, 1068, and 1154 were received in my office on April 8, 2008.

I signed these bills and delivered them to the Secretary of State on April 14, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 14, 2008

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

Dear Mr. President and Members of the Legislature:

I am returning LB 1154A without my signature and with my objections.

The legislation appropriates \$7,650 of General Funds to the Nebraska Secretary of State in order to convene the first three meetings of the Learning Community Coordinating Council. The expenses for the Secretary of State to schedule and host the first meeting of the newly-elected council members during the month of January 2009, and to schedule and host at least one meeting in the following February and March, can be absorbed within existing appropriations.

During the 2007 session, LB 641A was enacted and will provide, in the 2008-09 fiscal year, \$500,000 to the metropolitan area learning community to be used for the administration, operation and programs of the learning community. Therefore, the appropriation proposed in LB 1154A is duplicative of the appropriation which was enacted last year.

For these reasons, I urge you to sustain my veto of LB 1154A.

Sincerely,  
(Signed) Dave Heineman  
Governor



**REFERENCE COMMITTEE REPORT**2008 Resolutions calling for an Interim Study

- LR221 Interim study to examine implementation of a statewide stroke registry  
Health and Human Services
- LR275 Interim study to examine the process of creating legislative task forces, committees, and commissions  
Executive Board
- LR276 Interim study to examine the standards and oversight of death investigations in Nebraska  
Judiciary
- LR285 Interim study to examine whether state-funded building projects should be required to meet high performance green building standards  
Government, Military and Veterans Affairs
- LR286 Interim study to examine return flow issues as they affect surface water irrigation  
Natural Resources
- LR287 Interim study to examine Nebraska state forests as potential renewable energy resources  
Natural Resources
- LR288 Interim study to examine the causes and effects of water depletion across the state of Nebraska  
Natural Resources
- LR289 Interim study to examine public power issues relating to the generation of power in the state of Nebraska  
Natural Resources
- LR290 Interim study to examine the possibility of recycling construction waste and deconstruction materials  
Natural Resources
- LR291 Interim study to examine the process for obtaining an instream flow right by either a natural resources district or the Game and Parks Commission  
Natural Resources
- LR292 Interim study to review services available for at-risk children age birth to five years  
Education

- LR293 Interim study to examine ways to develop interest in science and math disciplines  
Education
- LR294 Interim study to examine alternative salary compensation and funding systems for teachers  
Education
- LR295 Interim study to examine regional models of delivering education in rural communities  
Education
- LR296 Interim study of the impact of a future Base Realignment and Closure Commission on Nebraska's current military installations and missions  
Government, Military and Veterans Affairs
- LR297 Interim study to examine issues relating to the inspection requirements for Class B swimming pools and certified swimming pool operators  
Health and Human Services
- LR298 Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee  
Government, Military and Veterans Affairs
- LR299 Interim study to examine changes being implemented by insurance companies to reduce private insurance benefits covering prosthetic limbs  
Banking, Commerce and Insurance
- LR300 Interim study to examine issues relating to the authority of the Dept. of Natural Resources to set the boundaries of game refuges  
Natural Resources
- LR301 Interim study to examine issues regarding the Comprehensive Health Insurance Pool  
Banking, Commerce and Insurance
- LR302 Interim study to examine issues relating to the availability and use of rooms for school children visiting the State Capitol and coordination of tours by the tour office  
Executive Board
- LR303 Interim study to examine issues relating to establishment of a laboratory at the University of Nebraska Medical Center to conduct medical research on umbilical cord blood and tissue  
Health and Human Services

- LR304 Interim study to examine issues relating to early retirement by public school teachers  
Education
- LR305 Interim study to examine requiring issuers of group health benefit plans to provide information regarding claims paid and the amount of premiums by line of coverage  
Banking, Commerce and Insurance
- LR306 Interim study to examine issues relating to the use of latex in public places and efforts to restrict or eliminate the use of latex  
Health and Human Services
- LR307 Interim study to examine Nebraska's aid to dependent children program  
Health and Human Services/Appropriations
- LR308 Interim study to examine costs associated with the creation of the learning community  
Appropriations/Education
- LR309 Interim study to determine whether Nebraska should enact the Uniform Limited Partnership Act (2001)  
Banking, Commerce and Insurance
- LR310 Interim study to examine the mandatory retirement age and lack of purchase of service provisions in the Nebraska State Patrol Retirement System  
Nebraska Retirement Systems
- LR311 Interim study to examine the public employee retirement systems administered by the Public Employees Retirement Board  
Nebraska Retirement Systems
- LR312 Interim study to examine whether the Legislature should adopt a statewide 24/7 sobriety program  
Judiciary
- LR313 Interim study to examine the need for a uniform voluntary procedure of dispute resolution between railroads and entities who enter into agreements to construct certain facilities  
Transportation and Telecommunications
- LR314 Interim study to examine means to fully cash fund the duties carried out by the Dept. of Agriculture under the Noxious Weed Control Act  
Agriculture

- LR315 Interim study to review the statutory provisions for disease eradication programs administered by the Bureau of Animal Industry  
Agriculture
- LR316 Interim study to continue examination of activities and staffing of the Dept. of Agriculture and the Bureau of Animal Industry  
Agriculture
- LR317 Interim study to examine the use of electronic surveillance devices and software by individuals who engage in the crime of stalking  
Judiciary
- LR318 Interim study to examine the participation rate of the food stamp program in Nebraska  
Health and Human Services
- LR319 Interim study to examine the statutes governing the placement of electric transmission lines  
Natural Resources
- LR321 Interim study to examine issues relating to the Nebraska expressway system  
Transportation and Telecommunications
- LR322 Interim study to examine the current and proposed system that the Dept. of Roads uses to prioritize the needs of Nebraska's highways  
Transportation and Telecommunications
- LR323 Interim study to examine tax incentive programs in Nebraska and other states to assess cost and effectiveness  
Revenue
- LR324 Interim study to conduct a comprehensive study on Nebraska's highway development and funding system  
Transportation and Telecommunications
- LR326 Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee  
Transportation and Telecommunications
- LR327 Interim study to review the report and recommendations of the Tax Policy Reform Commission  
Revenue

- LR328 Interim study to develop and publish information necessary to implement a method of valuation of agricultural real estate used by neighboring agricultural states  
Revenue
- LR329 Interim study to examine state policy changes that should be pursued to ensure that state economic development efforts fully leverage the state's public and private research capacity  
Appropriations/Revenue
- LR330 Interim study to identify points of diversion for transferring excess water, flood water, and storm water between river basins to increase water management capabilities  
Natural Resources
- LR331 Interim study to examine how to simplify and grant authority to a single entity to divert excess water in the Platte River to Johnson and Elwood Reservoirs after stream flows reach a specific level  
Natural Resources
- LR332 Interim study to examine the concept of transferring storm water runoff from cities to the Republican River Basin to help with interstate water compact compliance  
Natural Resources
- LR333 Interim study to review the crime of destruction of property through the use of graffiti and to make recommendations to combat the crime  
Judiciary
- LR334 Interim study of the effects of LB 588, 2007, on the premium cost to consumers of workers' compensation insurance in Nebraska and the impact of certain hospital fee schedules on Nebraska hospitals  
Business and Labor
- LR335 Interim study to examine policies, programs, services, and strategies to encourage and support family farm proprietorship  
Agriculture
- LR336 Interim study to examine how to better educate parents, school officials, day care providers, and the public regarding the administration of the influenza vaccine  
Health and Human Services
- LR337 Interim study to examine the needs of the state for development of a plan to provide behavioral health workers support personnel necessary to support community-based behavioral health services and funding of the plan

## Health and Human Services

- LR338 Interim study to conduct research and develop recommendations relating to the implementation of the Nebraska Behavioral Health Services Act  
Health and Human Services/Appropriations
- LR339 Interim study to examine issues raised by LB 742, 2008, relating to educational requirements for licensure as an engineer  
Health and Human Services
- LR340 Interim study to examine transparency in health care pricing and billing  
Health and Human Services
- LR341 Interim study to review issues associated with requiring that DNA samples be collected for arrestees for felony sex offenses and other specified offenses  
Judiciary
- LR342 Interim study to examine the transfer of administration and enforcement of construction standards for onsite wastewater treatment systems from the Dept. of Environmental Quality to the Dept. of Health and Human Services  
Natural Resources/Health and Human Services
- LR343 Interim study to examine the collection and distribution of municipal aid and equalization to communities in Nebraska  
Revenue
- LR344 Interim study to examine the process and standards used to revise the State Electrical Act  
General Affairs
- LR345 Interim study to examine issues relating to the horseracing industry in Nebraska  
General Affairs
- LR346 Interim study to reexamine the effects of changing the age of majority from age nineteen to age eighteen  
Judiciary
- LR347 Interim study to examine issues under the jurisdiction of the Education Committee  
Education
- LR348 Interim study to examine the issue of language access in Nebraska's health care and human services systems  
Health and Human Services

- LR349 Interim study to conduct a comprehensive examination of city and county state aid programs currently in state law  
Revenue
- LR350 Interim study to examine development of renewable energy and other systems for capturing energy values from agricultural products and waste streams  
Agriculture
- LR352 Interim study to examine a model for wind and solar rights in the State of Nebraska  
Natural Resources
- LR353 Interim study to examine the rural economic development potential of wind energy development in Nebraska  
Agriculture
- LR354 Interim study to review the statutory provisions of the Adult Protective Services Act  
Judiciary
- LR355 Interim study to examine the feasibility of the Dept. of Health and Human Services contracting with other social services agencies for the provision of foster care services  
Health and Human Services
- LR356 Interim study to examine financing mechanisms for a natural resources district encompassing a city of the metropolitan class in order to implement flood control and water quality projects  
Revenue
- LR357 Interim study to examine policies relating to livestock friendly county programs in the state  
Agriculture
- LR358 Interim study to examine issues raised by LB 1073, 2008, that proposed to adopt the Nebraska Construction Prompt Pay Act  
Business and Labor
- LR359 Interim study to review changes to Nebraska's statewide assessment statutes and the Quality Education Accountability Act and to evaluate models for implementing statewide assessment  
Education
- LR360 Interim study to examine the feasibility of including Highway 133 as part of the expressway system in Nebraska  
Transportation and Telecommunications

- LR361 Interim study to examine the impact of federal and state bans on the slaughter of horses  
Agriculture
- LR362 Interim study to examine issues relating to illegal immigration  
Judiciary
- LR363 Interim study to identify powers and duties of the Dept. of Health and Human Services, to prioritize programs and services, and to examine funding of programs and services  
Health and Human Services
- LR364 Interim study to review matters under the jurisdiction of the Natural Resources Committee  
Natural Resources
- LR365 Interim study to examine railroads' responsibilities to the citizens of the state  
Transportation and Telecommunications
- LR366 Interim study to examine the impact that improved irrigation efficiency could have on Nebraska's water shortage  
Natural Resources
- LR367 Interim study to examine issues relating to the current and future availability and access to telecommunications and information services throughout the state  
Transportation and Telecommunications
- LR368 Interim study to examine policy changes to provide cooperation between governmental agencies and tribal governments relating to paleontological resources  
Government, Military and Veterans Affairs
- LR369 Interim study to examine policy changes in order to provide guidance and oversight of Nebraska's home schools  
Education
- LR370 Interim study to examine issues relating to the effect of mandatory overtime at twenty-four-hour care facilities  
Business and Labor/Health and Human Services
- LR371 Interim study to determine current energy usage by schools and school districts and to examine effective energy efficiency measures  
Natural Resources/Education



- LR372 Interim study to examine standardization among the different classes of cities and villages regarding adoption, implementation, and enforcement of municipal ordinances  
Urban Affairs
- LR373 Interim study to review the use of homeowners associations in sanitary and improvement districts  
Urban Affairs
- LR374 Interim study to examine issues under the jurisdiction of the Urban Affairs Committee  
Urban Affairs
- LR375 Interim study to examine issues raised by LB 899, 2008, which proposed the establishment of a land reutilization authority within metropolitan class cities  
Urban Affairs/Revenue
- LR377 Interim study to examine issues relating to the Department of Natural Resources  
Natural Resources
- LR385 Interim study to examine requiring state government to purchase certain goods and services produced in the State of Nebraska  
Government, Military and Veterans Affairs
- LR388 Interim study to review the constitutional references to and the statutory powers and duties of the State Board of Education and the Commissioner of Education  
Education
- LR389 Interim study to develop a plan for implementation of mandatory alcoholic liquor server training for employees of retail liquor licensees  
Judiciary/General Affairs
- LR390 Interim study to examine firearm-related violence in Nebraska  
Judiciary

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

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 469.** Placed on Final Reading.

ST9106

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

1. Because of the amendment of section 71-7606 by Laws 2007, LB 296, the original sections have been struck and the following new sections inserted:

Section 1. Section 71-7606, Revised Statutes Supplement, 2007 is amended to read:

71-7606 (1) The purpose of the Nebraska Health Care Funding Act is to provide for the use of dedicated revenue for health-care-related expenditures.

(2) Any funds appropriated or distributed under the act shall not be considered ongoing entitlements or obligations on the part of the State of Nebraska and shall not be used to replace existing funding for existing programs.

(3) No funds appropriated or distributed under the act shall be used for abortion, abortion counseling, referral for abortion, ~~school-based health clinics,~~ or research or activity of any kind involving the use of human fetal tissue obtained in connection with the performance of an induced abortion or involving the use of human embryonic stem cells or for the purpose of obtaining other funding for such use.

(4) The Department of Health and Human Services shall report annually to the Legislature and the Governor regarding the use of funds appropriated under the act and the outcomes achieved from such use.

Sec. 2. Original section 71-7606, Revised Statutes Supplement, 2007, is repealed.

2. On page 1, the matter beginning with "Reissue" in line 2 through "Nebraska" in line 3 has been struck and "Revised Statutes Supplement, 2007" inserted.

**LEGISLATIVE BILL 609A.** Placed on Final Reading Second.

ST9108

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

1. In the Heidemann amendment, AM2682, on page 1, line 3, "Section 15," has been inserted after the period; in lines 4, 16, and 21 ", section 15" has been struck; in line 15 "section 15," has been inserted after "Original"; and in line 20 "section 15," has been inserted after "amend".

**LEGISLATIVE BILL 720.** Placed on Final Reading.**LEGISLATIVE BILL 734.** Placed on Final Reading.**LEGISLATIVE BILL 837.** Placed on Final Reading.

**LEGISLATIVE BILL 928.** Placed on Final Reading.

ST9107

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

1. Sections have been renumbered and internal references corrected to incorporate all adopted amendments.

2. In lieu of the Dubas amendments, FA273 and AM2282, in the Johnson amendment, AM2642, on page 5, lines 15 and 16, the new matter has been struck and "no later than December 1 before the next regular session of the Legislature" inserted.

3. In the Heidemann amendment, AM2519, amendments 2 and 3 have been struck.

4. In the Johnson amendment, AM2304, sections 3, 4, and 7 have been struck.

5. In the Standing Committee amendments, AM2435:

a. Section 33 and all amendments thereto have been struck and the following new sections inserted:

Sec. 42. Sections 1, 15, 16, 19, 20, 21, 22, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 45, and 47 of this act become operative three calendar months after the adjournment of this legislative session. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 23, 24, 26, 27, 28, and 43 of this act become operative on December 1, 2008. Sections 14 and 46 of this act become operative on July 1, 2008. The other sections of this act become operative on their effective date.

Sec. 46. Original section 43-4001, Revised Statutes Supplement, 2007, is repealed.;

b. On page 44, line 26, "38-711," has been inserted after the first comma; and

c. On page 45, line 2, "section 71-5830.01, Reissue Revised Statutes of Nebraska, sections 71-810 and 71-818, Revised Statutes Cumulative Supplement, 2006," has been inserted after "Original"; in line 4 "30-2483," has been inserted after "sections"; in line 5 "81-656" has been struck and "68-909, 81-656," inserted; and in line 6 "68-949, 71-1910," has been inserted after "sections".

6. On page 1, the matter beginning with "repeal" in line 1 through line 4 and all amendments thereto have been struck and "amend sections 30-2483, 71-5830.01, 81-653, 81-655, and 81-659, Reissue Revised Statutes of Nebraska, sections 68-909, 71-810, 71-818, 81-656, and 81-660, Revised Statutes Cumulative Supplement, 2006, sections 38-101, 38-711, 38-1901, 38-1902, 38-1907, 38-1915, 38-3321, 43-4001, 68-949, 71-1910, 71-2619, 71-2620, 71-2621, 71-3503, 71-3505, 71-3507, 71-3508.03, 71-3517, 71-3519, 71-5306, 81-654, 81-657, and 81-664, Revised Statutes Supplement, 2007, and section 71-7608, Revised Statutes Supplement, 2007, as amended by section 7, Legislative Bill 606, One Hundredth Legislature, Second Session, 2008; to require notice of appointment of a personal representative as prescribed; to provide for the performance of collaborative animal health care tasks under the Uniform Credentialing Act as prescribed; to provide additional functions for certified registered nurse anesthetists; to define and redefine terms; to change provisions relating to

medical radiographers, licensing and registration requirements under the Medical Radiography Practice Act and the Radiation Control Act, laboratories, and collection and use of fees; to change membership provisions of the Children's Behavioral Health Task Force; to change reporting requirements under the Medical Assistance Act; to rename, extend, and change membership and duties of the Behavioral Health Oversight Commission of the Legislature; to exempt certain recreational facilities from the Child Care Licensing Act; to provide for fingerprinting and a background check under the Radiation Control Act; to change an exemption from certificate of need requirements; to change provisions relating to the Nebraska Tobacco Settlement Trust Fund; to name an act and change and eliminate provisions relating to the brain injury registry; to repeal the Hepatitis C Education and Prevention Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-545, 71-546, 71-547, 71-548, 71-549, 71-550, and 81-661, Revised Statutes Supplement, 2007; and to declare an emergency." inserted.

**LEGISLATIVE BILL 928A.** Placed on Final Reading.

ST9102

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

1. On page 1, line 4, "an appropriation" has been struck and "certain appropriations" inserted.

**LEGISLATIVE BILL 986.** Placed on Final Reading.

ST9105

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

1. On page 1, the matter beginning with "section" in line 1 through line 5 and all amendments thereto have been struck and "sections 81-1504.01 and 81-15,160, Revised Statutes Supplement, 2007; to adopt the Electronics Recycling Act; to provide fees; to provide for a report regarding and grants from the Waste Reduction and Recycling Incentive Fund; to delete obsolete provisions; to harmonize provisions; to provide severability; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 986A.** Placed on Final Reading.

**LEGISLATIVE BILL 1027.** Placed on Final Reading.

ST9110

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

1. In the Standing Committee amendment, AM2295, on page 16, line 11, "and 77-5209" has been struck and ", 77-5209, and 77-5211" inserted.

**LEGISLATIVE BILL 1027A.** Placed on Final Reading.

**LEGISLATIVE BILL 1055.** Placed on Final Reading Second.

**LEGISLATIVE BILL 1147.** Placed on Final Reading.  
ST9087

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

1. On page 1, the matter beginning with "sections" in line 1 through line 9 and all amendments thereto have been struck and "sections 79-933, 79-947.04, and 81-2027.06, Reissue Revised Statutes of Nebraska, sections 23-2306, 23-2309.01, 23-2310.05, 24-708, 24-710.07, 24-710.10, 81-2027.03, 84-1307, 84-1310.01, and 84-1311.03, Revised Statutes Cumulative Supplement, 2006, and sections 23-2320, 79-947.01, and 84-1322, Revised Statutes Supplement, 2007; to change contribution allocation provisions and contribution requirements under the County Employees Retirement Act and the State Employees Retirement Act; to provide for early retirement with reduced monthly retirement income under the Judge's Retirement Act; to change benefit adjustment provisions relating to the Judges Retirement Act, the School Employees Retirement Act, and the Nebraska State Patrol Retirement Act; to change provisions relating to service annuities under the School Employees Retirement Act; to provide for a comprehensive review of the Nebraska Investment Council; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 1147A.** Placed on Final Reading.

**LEGISLATIVE BILL 1172.** Placed on Final Reading.

**LEGISLATIVE BILL 1172A.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

### **WITHDRAW - Amendment to LB846**

Senator Fischer withdrew her amendment, AM2700, found on page 1351, to LB846.

### **MOTION - Return LB846 to Select File**

Senator Fischer moved to return LB846 to Select File for the following specific amendment:

AM2771

(Amendments to Final Reading copy)

- 1 1. Strike sections 20 to 22 and insert the following new
- 2 sections:
- 3 Sec. 8. Section 66-499, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 66-499 Unless otherwise provided, all sums of money
- 6 received under sections 66-489 and 66-4,105 by the State Treasurer
- 7 shall be credited to the Highway Trust Fund. Credits and refunds
- 8 of the tax provided for in such sections allowed to producers,
- 9 suppliers, distributors, wholesalers, exporters, importers, or

10 retailers shall be paid from the Highway Trust Fund. The balance of  
11 the amount credited, after credits and refunds, shall be allocated  
12 to the Highway Cash Fund.

13 Sec. 21. Section 84-612, Revised Statutes Supplement,  
14 2007, is amended to read:

15 84-612 (1) There is hereby created within the state  
16 treasury a fund known as the Cash Reserve Fund which shall be under  
17 the direction of the State Treasurer. The fund shall only be used  
18 pursuant to this section.

19 (2) The State Treasurer shall transfer funds from the  
20 Cash Reserve Fund to the General Fund upon certification by the  
21 Director of Administrative Services that the current cash balance  
22 in the General Fund is inadequate to meet current obligations. Such  
1 certification shall include the dollar amount to be transferred.

2 Any transfers made pursuant to this subsection shall be reversed  
3 upon notification by the Director of Administrative Services that  
4 sufficient funds are available.

5 (3) The State Treasurer, at the direction of the  
6 budget administrator of the budget division of the Department  
7 of Administrative Services, shall transfer such amounts not to  
8 exceed seven million seven hundred fifty-three thousand two hundred  
9 sixty-three dollars in total from the Cash Reserve Fund to the  
10 Nebraska Capital Construction Fund between July 1, 2003, and June  
11 30, 2007.

12 (4) The State Treasurer, at the direction of the budget  
13 administrator, shall transfer an amount equal to the total amount  
14 transferred pursuant to subsection (3) of this section from the  
15 General Fund to the Cash Reserve Fund on or before June 30, 2008.

16 (5) In addition to receiving transfers from other funds,  
17 the Cash Reserve Fund shall receive federal funds received by the  
18 State of Nebraska for undesignated general government purposes,  
19 federal revenue sharing, or general fiscal relief of the state.

20 (6) On June 15, 2007, the State Treasurer shall transfer  
21 fifteen million six hundred seventy-four thousand one hundred seven  
22 dollars from the Cash Reserve Fund to the General Fund.

23 (7) On June 16, 2008, the State Treasurer shall transfer  
24 seventeen million nine hundred thirty-one thousand thirty dollars  
25 from the Cash Reserve Fund to the General Fund.

26 (8) On June 15, 2009, the State Treasurer shall transfer  
27 four million nine hundred ninety thousand five hundred five dollars  
1 from the Cash Reserve Fund to the General Fund.

2 (9) On or before June 16, 2008, the State Treasurer, at  
3 the direction of the budget administrator, shall transfer fifty  
4 million dollars from the Cash Reserve Fund to the General Fund.

5 (10) On or before June 16, 2009, the State Treasurer,  
6 at the direction of the budget administrator, shall transfer fifty  
7 million dollars from the Cash Reserve Fund to the General Fund.

8 (11) From the effective date of an endowment agreement  
9 as defined in subdivision (3)(c) of section 79-1101 until June

10 30, 2007, forty million dollars of the Cash Reserve Fund shall be  
11 deemed to constitute the Early Childhood Education Endowment Fund.  
12 Such funds shall remain part of the Cash Reserve Fund for all  
13 purposes, except that the interest earned on such forty million  
14 dollars shall accrue as provided in section 84-613.

15 (12) The State Treasurer, at the direction of the budget  
16 administrator, shall transfer such amounts, as certified by the  
17 Director of Administrative Services, for employee health insurance  
18 claims and expenses, not to exceed twelve million dollars in total  
19 from the Cash Reserve Fund to the State Employees Insurance Fund  
20 between May 1, 2007, and June 30, 2011.

21 (13) On July 9, 2007, the State Treasurer shall transfer  
22 twelve million dollars from the Cash Reserve Fund to the Nebraska  
23 Capital Construction Fund.

24 (14) On July 9, 2007, the State Treasurer shall transfer  
25 five million dollars from the Cash Reserve Fund to the Job Training  
26 Cash Fund. The State Treasurer shall transfer from the Job Training  
27 Cash Fund to the Cash Reserve Fund such amounts as directed in  
1 section 81-1201.21.

2 (15) On July 7, 2008, the State Treasurer shall transfer  
3 five million dollars from the Cash Reserve Fund to the Job Training  
4 Cash Fund. The State Treasurer shall transfer from the Job Training  
5 Cash Fund to the Cash Reserve Fund such amounts as directed in  
6 section 81-1201.21.

7 (16) On or before August 1, 2007, the State Treasurer,  
8 at the direction of the budget administrator, shall transfer  
9 seventy-five million dollars from the Cash Reserve Fund to the  
10 Nebraska Capital Construction Fund.

11 (17) On or before June 30, 2009, the State Treasurer  
12 shall transfer nine million five hundred ninety thousand dollars  
13 from the Cash Reserve Fund to the Nebraska Capital Construction  
14 Fund.

15 (18) The State Treasurer, at the direction of the budget  
16 administrator, shall transfer an amount equal to the total amount  
17 transferred pursuant to subsection (12) of this section from  
18 the appropriate health insurance accounts of the State Employees  
19 Insurance Fund in such amounts as certified by the Director of  
20 Administrative Services to the Cash Reserve Fund on or before June  
21 30, 2011.

22 (19) On July 9, 2007, the State Treasurer shall  
23 transfer one million dollars from the Cash Reserve Fund to the  
24 Microenterprise Development Cash Fund.

25 (20) On July 9, 2007, the State Treasurer shall transfer  
26 two hundred fifty thousand dollars from the Cash Reserve Fund to  
27 the Building Entrepreneurial Communities Cash Fund.

1 (21) On July 7, 2008, the State Treasurer shall  
2 transfer one million dollars from the Cash Reserve Fund to the  
3 Microenterprise Development Cash Fund.

4 (22) On July 7, 2008, the State Treasurer shall transfer

5 two hundred fifty thousand dollars from the Cash Reserve Fund to  
6 the Building Entrepreneurial Communities Cash Fund.

7 (23) On July 7, 2009, the State Treasurer shall transfer  
8 five million dollars from the Cash Reserve Fund to the Roads  
9 Operations Cash Fund. The Department of Roads shall use such  
10 funds to provide the required state match for federal funding made  
11 available to the state through congressional earmarks.

12 (24) On July 7, 2010, the State Treasurer shall transfer  
13 five million dollars from the Cash Reserve Fund to the Roads  
14 Operations Cash Fund. The Department of Roads shall use such  
15 funds to provide the required state match for federal funding made  
16 available to the state through congressional earmarks.

17 (25) On July 7, 2011, the State Treasurer shall transfer  
18 five million dollars from the Cash Reserve Fund to the Roads  
19 Operations Cash Fund. The Department of Roads shall use such  
20 funds to provide the required state match for federal funding made  
21 available to the state through congressional earmarks.

22 Sec. 22. Sections 5, 8, 10, 13, 14, 16, 18, and 23 of  
23 this act become operative on July 1, 2009. The other sections of  
24 this act become operative on their effective date.

25 Sec. 23. Original section 66-6,109, Reissue Revised  
26 Statutes of Nebraska, sections 66-499, 66-4,105, 66-4,145,  
27 66-4,146, and 66-6,107, Revised Statutes Cumulative Supplement,  
1 2006, and section 66-489, Revised Statutes Supplement, 2007, are  
2 repealed.

3 Sec. 24. Original sections 66-4,103 and 66-697, Reissue  
4 Revised Statutes of Nebraska, sections 39-2215, 66-482, 66-485,  
5 66-488, 66-489.01, 66-495.01, 66-4,114, 66-6,111, and 66-726,  
6 Revised Statutes Cumulative Supplement, 2006, and section 84-612,  
7 Revised Statutes Supplement, 2007, are repealed.

8 2. On page 1, line 4, after the second comma insert  
9 "66-499, "; in line 6 strike "section 66-489" and insert "sections  
10 66-489 and 84-612"; and in line 8 after the semicolon insert "to  
11 change allocation of tax proceeds; to provide for transfers from  
12 the Cash Reserve Fund;".

13 3. On page 2, line 6, after "sections" insert "66-499,".

14 4. On page 12, line 14; page 19, line 20; and page 23,  
15 line 3, strike "two" and insert "seven".

16 5. On page 15, line 24; page 20, lines 6 and 8; and page  
17 23, lines 7 and 9, strike "January" and insert "July".

18 6. On page 20, line 17, strike "October 1, 2008" and  
19 insert "April 1, 2009".

20 7. On page 21, strike beginning with "The" in line 2  
21 through line 4 and insert "The change in the average wholesale  
22 price between two six-month periods shall be adjusted so that the  
23 increase or decrease in the tax provided for in this section or  
24 section 17 of this act does not exceed one cent per gallon.".

25 8. On page 22, lines 7 and 18, after "two" insert "and  
26 eight-tenths"; and in lines 11 and 19 after the period insert "The



- 27 changes made to this section by this legislative bill apply for tax  
 1 periods beginning on and after July 1, 2009."  
 2 9. On page 24, line 8, after "two" insert "and  
 3 eight-tenths"; and in line 10 after the period insert "The changes  
 4 made to this section by this legislative bill apply for tax periods  
 5 beginning on and after July 1, 2009."  
 6 10. Renumber the remaining sections and correct internal  
 7 references accordingly.

The Fischer motion to return prevailed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 846.** The Fischer specific amendment, AM2771, found in this day's Journal, was adopted with 34 ayes, 4 nays, and 11 present and not voting.

Advanced to Enrollment and Review for Reengrossment.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 392.** Introduced by Pirsch, 4.

WHEREAS, speeding in residential neighborhoods represents the single greatest complaint to police departments in the United States; and

WHEREAS, the death rate per million miles driven on residential streets is almost three times the death rate on other streets and highways; and

WHEREAS, motor vehicle crashes are the leading cause of death for children ages two through fourteen years.

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

1. That the Legislature recognizes the seriousness of speeding in residential neighborhoods with respect to causing injury and death to children.

2. That the Legislature declares May 1, 2008, as "Keep Kids Alive-Drive 25 Day".

Laid over.

**LEGISLATIVE RESOLUTION 393.** Introduced by Christensen, 44.

WHEREAS, Todd Allen Ford, Jr. of Grant, 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 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 of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Todd 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. Todd, for his Eagle Scout community service project, raised money and spent many hours laboring to build a Military Monument in a city park; and

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

WHEREAS, Todd, 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 Todd Allen Ford, Jr. on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Todd Allen Ford, Jr.

Laid over.

**LEGISLATIVE RESOLUTION 394.** Introduced by Christensen, 44.

WHEREAS, Emily Bryan of McCook, Nebraska, has earned the Girl Scout Gold Award; and

WHEREAS, for her project, Emily made thirty-six fleece blankets for the residents of the Highland Park Retirement Home and also regularly visited a resident who did not get many visitors. Her project impacted the lives of the residents by showing them that the youth of the community still care about them; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouting; and

WHEREAS, Emily Bryan was honored at an awards banquet on April 6, 2008.

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

1. That the Legislature congratulates Emily Bryan for her exemplary achievement in earning the Girl Scout Gold Award.
2. That a copy of this resolution be sent to Emily Bryan.

Laid over.

**LEGISLATIVE RESOLUTION 395.** Introduced by Christensen, 44.

WHEREAS, Kim Ellicott of Bartley, Nebraska, has earned the Girl Scout Gold Award; and

WHEREAS, for her project, Kim made fleece blankets to share with the pediatric cancer patients at Omaha's Children's Hospital. The blankets were given to five children from her area that receive treatment at Children's Hospital. She also made hats for the infants in the Neonatal Intensive Care Unit; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouting; and

WHEREAS, Kim Ellicott was honored at an awards banquet on April 6, 2008.

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

1. That the Legislature congratulates Kim Ellicott for her exemplary achievement in earning the Girl Scout Gold Award.

2. That a copy of this resolution be sent to Kim Ellicott.

Laid over.

**LEGISLATIVE RESOLUTION 396.** Introduced by Christensen, 44.

WHEREAS, Kelsey Coolidge of Indianola, Nebraska, has earned the Girl Scout Gold Award; and

WHEREAS, for her project, Kelsey made three portable bridges and a book of Bridging Ceremonies to go with each bridge. The largest bridge will accommodate a wheelchair. The bridges and ceremony books were made so that future Girl Scouts and leaders in the McCook service area would have a nice bridge to use when girls move up to the next level of Scouting, as well as a resource for their leaders when planning their ceremony; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouting; and

WHEREAS, Kelsey Coolidge was honored at an awards banquet on April 6, 2008.

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

1. That the Legislature congratulates Kelsey Coolidge for her exemplary achievement in earning the Girl Scout Gold Award.

2. That a copy of this resolution be sent to Kelsey Coolidge.

Laid over.

**LEGISLATIVE RESOLUTION 397.** Introduced by Christensen, 44.

WHEREAS, Briana Licht of Palisade, Nebraska, has earned the Girl Scout Gold Award; and

WHEREAS, for her project, Briana wanted to do something for the veterans in her area and made tie blankets with their service emblem for every veteran at the community nursing home; and

WHEREAS, the Girl Scout Gold Award is the highest award in Girl Scouting; and

WHEREAS, Briana Licht was honored at an awards banquet on April 6, 2008.

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

1. That the Legislature congratulates Briana Licht for her exemplary achievement in earning the Girl Scout Gold Award.

2. That a copy of this resolution be sent to Briana Licht.

Laid over.

### SELECT FILE

**LEGISLATIVE RESOLUTION 229CA.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 746.** ER8242, found on page 1408, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 781.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 911.** ER8243, found on page 1436, was adopted.

Senator Fischer offered the following amendment:

AM2764

(Amendments to E & R amendments, ER8243)

- 1 1. On page 16, line 11, strike "11.00 2.75 6.00 2.25" and
- 2 insert "10.00 .25 5.00 4.75".
- 3 2. On page 20, line 6, after the period insert "The
- 4 license or card shall be delivered as provided in section
- 5 60-4,113".

The Fischer amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Senator Hudkins offered the following amendment:

AM2767

(Amendments to E & R amendments, ER8243)

- 1 1. On page 6, line 23, after "gender," insert "race or
- 2 ethnicity".
- 3 2. On page 21, line 5, after "gender:" insert "race or
- 4 ethnicity".

**SENATOR ERDMAN PRESIDING**

The Hudkins amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 911A.** Advanced to Enrollment and Review for Engrossment.

**WITHDRAW - Amendments to LB853**

Senator Hudkins withdrew her amendments, AM2352, AM2353, and AM2013, found on page 980, to LB853.

**MOTION - Return LB853 to Select File**

Senator Chambers moved to return LB853 to Select File for his specific amendment, FA258, found on page 1255.

The Chambers motion to return failed with 4 ayes, 31 nays, 11 present and not voting, and 3 excused and not voting.

**MOTION - Return LB853 to Select File**

Senator Chambers moved to return LB853 to Select File for his specific amendment, FA259, found on page 1255.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB853 with 40 ayes, 3 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 853.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-1101, 44-1103, 44-1105, 44-1106, 44-1107, 44-1108, 44-1109, 44-1110, 44-1111, 44-1112, 44-1113, 44-1114, and 44-1115, Reissue Revised Statutes of Nebraska, and sections 44-1102 and 44-1104, Revised Statutes Supplement, 2007; to change provisions relating to the Viatical Settlements Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Adams	Engel	Heidemann	Louden	Pirsch
Ashford	Erdman	Janssen	McDonald	Rogert
Avery	Fischer	Johnson	McGill	Schimek
Burling	Flood	Karpisek	Nantkes	Stuthman
Carlson	Fulton	Kopplin	Nelson	Synowiecki
Christensen	Gay	Kruse	Pahls	Wallman
Dierks	Hansen	Langemeier	Pankonin	White
Dubas	Harms	Lautenbaugh	Pedersen	Wightman

Voting in the negative, 2:

Chambers      Hudkins

Present and not voting, 3:

Cornett      Howard      Lathrop

Excused and not voting, 4:

Aguilar      Friend      Preister      Raikes

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

## **SPEAKER FLOOD PRESIDING**

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 379, 380, 381, 382, 383, 384, and 386 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 379, 380, 381, 382, 383, 384, and 386.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB853.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 398.** Introduced by Langemeier, 23.

WHEREAS, Mike Nolan has tirelessly served the city of Norfolk as city administrator since 1980 and has helped Norfolk become one of the most progressive first class cities in the state; and

WHEREAS, Mr. Nolan has been a molder of consensus, working with state and local officials, city employees, public agencies, business leaders, and Nebraska state senators; and

WHEREAS, Mr. Nolan has had a profound impact on the quality of life in the city of Norfolk, northeast Nebraska, and the State of Nebraska; and

WHEREAS, over the course of his three decades of broad municipal leadership, Mr. Nolan has received numerous awards and recognitions including the Jack Kidder Memorial Award for excellence and innovation in public service and the Nebraska Chapter of the American Society for Public Administration Public Service Excellence Award; and

WHEREAS, Mr. Nolan has continually worked to become more effective in everything he does as evidenced by his participation in courses and seminars on such topics as financial administration, economic development strategies, negotiation, and dispute resolution.

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

1. That the Legislature commends Mike Nolan for his outstanding service for the city of Norfolk.
2. That a copy of this resolution be sent to Mike Nolan.

Laid over.

**COMMITTEE REPORTS**

General Affairs

**LEGISLATIVE BILL 251.** Indefinitely postponed.

**LEGISLATIVE BILL 544.** Indefinitely postponed.

**LEGISLATIVE BILL 546.** Indefinitely postponed.

**LEGISLATIVE BILL 645.** Indefinitely postponed.

**LEGISLATIVE BILL 955.** Indefinitely postponed.

(Signed) Vickie McDonald, Chairperson

**VISITORS**

Visitors to the Chamber were Senator Ashford's son, Tom Ashford, and John Ekstrom from Omaha; Tariq Al-Amin from Omaha; 35 fourth-grade students from Shoemaker Elementary, Grand Island; 54 fifth-grade students, teachers, and sponsors from Christ the King School, Omaha; and 85 fourth-grade students from Fullerton Magnet Center, Omaha.

**RECESS**

At 11:58 a.m., on a motion by Senator Dierks, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Engel and Raikes who were excused; and Senators Ashford, Chambers, Kopplin, Lautenbaugh, and Louden who were excused until they arrive.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 2008, at 12:25 p.m. was the following: LB853.

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

**RESOLUTION**

**LEGISLATIVE RESOLUTION 399.** Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Lathrop, 12; Rogert, 16; White, 8.

**PURPOSE:** To study how the federal Family and Medical Leave Act of 1993 has been implemented in Nebraska both in public and private employment, how pertinent employment policies differ from one employer to another, and how the federal act and employer policies are impacting Nebraska families.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.



**EXECUTIVE BOARD ANNOUNCEMENT**

The Executive Board announced the following committee assignments:

Senators Adams, Cornett, Gay, Harms, Lathrop, Stuthman, and Wallman have been appointed to the Developmental Disabilities Special Investigative Committee.

The Developmental Disabilities Special Investigative Committee also met and selected Senator Lathrop as the Chairperson of the Committee and Senator Harms as the Vice Chairperson.

**MOTION - Suspend Rules**

Senator Langemeier offered the following motion to LB308A:  
MO183

Suspend Rule 5, Section 7, and Rule 7, Section 3(d), to permit consideration of AM2766.

The Langemeier motion to suspend the rules prevailed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**MOTION - Return LB308A to Select File**

Senator Langemeier moved to return LB308A to Select File for the following specific amendment:  
AM2766

(Amendments to Final Reading copy)

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 Section 1. Section 9-506, Uniform Commercial Code,
- 4 Reissue Revised Statutes of Nebraska, as amended by section 28,
- 5 Legislative Bill 851, One Hundredth Legislature, Second Session,
- 6 2008, is amended to read:
- 7 9-506 Effect of errors or omissions.
- 8 ~~(a)-(i)~~ This subsection applies until September
- 9 2, 2009. A financing statement substantially satisfying the
- 10 requirements of this part is effective, even if it has minor errors
- 11 or omissions, unless the errors or omissions make the financing
- 12 statement seriously misleading.
- 13 ~~(b)-(ii)~~ Except as otherwise provided in ~~subsection (c),~~
- 14 subdivision (iii) of this subsection, a financing statement that
- 15 fails sufficiently to provide the name of the debtor in accordance
- 16 with section 9-503(a) is seriously misleading.
- 17 ~~(c)-(iii)~~ If a search of the records of the filing office
- 18 under the debtor's correct name, ~~or, in the case of a debtor who~~
- 19 ~~is an individual, the debtor's correct last name,~~ using the filing
- 20 office's standard search logic, if any, would disclose a financing
- 21 statement that fails sufficiently to provide the name of the debtor

22 in accordance with section 9-503(a), the name provided does not  
 1 make the financing statement seriously misleading.

2 ~~(d)-(iv)~~ For purposes of section 9-508(b), the "debtor's  
 3 correct name" in ~~subsection (c) subdivision (iii)~~ of this  
 4 subsection means the correct name of the new debtor.

5 (b)(i) This subsection applies beginning on September  
 6 2, 2009. A financing statement substantially satisfying the  
 7 requirements of this part is effective, even if it has minor errors  
 8 or omissions, unless the errors or omissions make the financing  
 9 statement seriously misleading.

10 (ii) Except as otherwise provided in subdivision (iii) of  
 11 this subsection, a financing statement that fails sufficiently to  
 12 provide the name of the debtor in accordance with section 9-503(a)  
 13 is seriously misleading.

14 (iii) If a search of the records of the filing office  
 15 under the debtor's correct name, or, in the case of a debtor who  
 16 is an individual, the debtor's correct last name, using the filing  
 17 office's standard search logic, if any, would disclose a financing  
 18 statement that fails sufficiently to provide the name of the debtor  
 19 in accordance with section 9-503(a), the name provided does not  
 20 make the financing statement seriously misleading.

21 (iv) For purposes of section 9-508(b), the "debtor's  
 22 correct name" in subdivision (iii) of this subsection means the  
 23 correct name of the new debtor.

24 Sec. 2. Original section 9-506, Uniform Commercial Code,  
 25 Reissue Revised Statutes of Nebraska, as amended by section 28,  
 26 Legislative Bill 851, One Hundredth Legislature, Second Session,  
 27 2008, is repealed.

1 2. On page 1, strike beginning with "appropriations" in  
 2 line 1 through line 3 and insert "financing statements; to amend  
 3 section 9-506, Uniform Commercial Code, Reissue Revised Statutes  
 4 of Nebraska, as amended by section 28, Legislative Bill 851, One  
 5 Hundredth Legislature, Second Session, 2008; to change provisions  
 6 relating to the effects of errors and omissions; to provide  
 7 operative dates; and to repeal the original section."

The Langemeier motion to return prevailed with 31 ayes, 0 nays, 11 present  
 and not voting, and 7 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 308A.** The Langemeier specific amendment,  
 AM2766, found in this day's Journal, was adopted with 34 ayes, 0 nays, 8  
 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**SPEAKER FLOOD PRESIDING**

**MOTION - Return LB1022 to Select File**

Senator Hansen moved to return LB1022 to Select File for the following specific amendment:

AM2779

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Sec. 7. Human legend drug means any drug labeled for
- 3 human use and required by federal law or regulation to be dispensed
- 4 pursuant to a prescription, including finished dosage forms and
- 5 active ingredients. Human legend drug does not include a device or
- 6 a device component, part, or accessory.
- 7 Sec. 23. A veterinary drug distributor shall not:
- 8 (1) Operate from a place of residence;
- 9 (2) Possess, sell, purchase, trade, or otherwise furnish
- 10 controlled substances; and
- 11 (3) Possess, sell, purchase, trade, or otherwise furnish
- 12 human legend drugs.
- 13 2. On page 2, line 1, strike "27" and insert "29"; and in
- 14 line 10 strike "10" and insert "11".
- 15 3. On page 3, line 10, after the comma insert "meaning
- 16 that the veterinarian has recently seen and is personally
- 17 acquainted with the keeping and care of the animal by virtue of an
- 18 examination of the animal or by medically appropriate and timely
- 19 visits to the premises where the animal is kept."
- 20 4. Renumber the remaining sections and correct the
- 21 internal references accordingly.

The Hansen motion to return prevailed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1022.** The Hansen specific amendment, AM2779, found in this day's Journal, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION - Return LB819 to Select File**

Senator Cornett moved to return LB819 to Select File for the following specific amendment:

AM2777

(Amendments to Final Reading copy)

- 1 1. Insert the following sections:
- 2 Section 1. (1) Personal injury includes mental injuries
- 3 and mental illness unaccompanied by physical injury for an employee
- 4 who is a first responder if such first responder:

5 (a) Establishes, by a preponderance of the evidence, that  
6 the employee's employment conditions causing the mental injury or  
7 mental illness were extraordinary and unusual in comparison to the  
8 normal conditions of the particular employment; and

9 (b) Establishes, by a preponderance of the evidence, the  
10 medical causation between the mental injury or mental illness and  
11 the employment conditions by medical evidence.

12 (2) For purposes of this section, mental injuries and  
13 mental illness arising out of and in the course of employment  
14 unaccompanied by physical injury are not considered compensable if  
15 they result from any event or series of events which are incidental  
16 to normal employer and employee relations, including, but not  
17 limited to, personnel actions by the employer such as disciplinary  
18 actions, work evaluations, transfers, promotions, demotions, salary  
19 reviews, or terminations.

20 (3) For purposes of this section, first responder means a  
21 firefighter, a law enforcement officer, a crime scene investigator,  
22 or an out-of-hospital emergency care provider as defined in section  
1 38-1208.

2 (4) This section terminates on January 1, 2014.

3 Sec. 2. Section 48-151, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 48-151 Throughout the Nebraska Workers' Compensation Act,  
6 the following words and phrases shall be considered to have  
7 the following meaning, respectively, unless the context clearly  
8 indicates a different meaning in the construction used:

9 (1) Physician means any person licensed to practice  
10 medicine and surgery, osteopathic medicine, chiropractic, podiatry,  
11 or dentistry in the State of Nebraska or in the state in which the  
12 physician is practicing;

13 (2) Accident means an unexpected or unforeseen injury  
14 happening suddenly and violently, with or without human fault, and  
15 producing at the time objective symptoms of an injury. The claimant  
16 has the burden of proof to establish by a preponderance of the  
17 evidence that such unexpected or unforeseen injury was in fact  
18 caused by the employment. There is no presumption from the mere  
19 occurrence of such unexpected or unforeseen injury that the injury  
20 was in fact caused by the employment;

21 (3) Occupational disease means only a disease which is  
22 due to causes and conditions which are characteristic of and  
23 peculiar to a particular trade, occupation, process, or employment  
24 and excludes all ordinary diseases of life to which the general  
25 public is exposed;

26 (4) Injury and personal injuries mean only violence to  
27 the physical structure of the body and such disease or infection  
1 as naturally results therefrom and personal injuries described in  
2 section 1 of this act. The terms include disablement resulting  
3 from occupational disease arising out of and in the course of  
4 the employment in which the employee was engaged and which was

5 contracted in such employment. The terms include an aggravation  
6 of a preexisting occupational disease, the employer being liable  
7 only for the degree of aggravation of the preexisting occupational  
8 disease. The terms do not include disability or death due to  
9 natural causes but occurring while the employee is at work and do  
10 not include an injury, disability, or death that is the result of a  
11 natural progression of any preexisting condition;

12 (5) Death, when mentioned as a basis for the right to  
13 compensation, means only death resulting from such violence and its  
14 resultant effects or from occupational disease;

15 (6) Without otherwise affecting either the meaning or the  
16 interpretation of the abridged clause, personal injuries arising  
17 out of and in the course of employment, it is hereby declared  
18 not to cover workers except while engaged in, on, or about the  
19 premises where their duties are being performed or where their  
20 service requires their presence as a part of such service at the  
21 time of the injury and during the hours of service as such workers,  
22 and not to cover workers who on their own initiative leave their  
23 line of duty or hours of employment for purposes of their own.  
24 Property maintained by an employer is considered the premises of  
25 such employer for purposes of determining whether the injury arose  
26 out of employment;

27 (7) Willful negligence consists of (a) a deliberate act,  
1 (b) such conduct as evidences reckless indifference to safety, or  
2 (c) intoxication at the time of the injury, such intoxication being  
3 without the consent, knowledge, or acquiescence of the employer or  
4 the employer's agent;

5 (8) Intoxication includes, but is not limited to, being  
6 under the influence of a controlled substance not prescribed by a  
7 physician;

8 (9) Prospective loss costs means prospective loss costs  
9 as defined in section 44-7504 and prepared, filed, or distributed  
10 by an advisory organization which has been issued a certificate of  
11 authority pursuant to section 44-7518; and

12 (10) Whenever in the Nebraska Workers' Compensation Act  
13 the singular is used, the plural is considered included; when the  
14 masculine gender is used, the feminine is considered included.

15 Sec. 3. Section 48-1,110, Revised Statutes Supplement,  
16 2007, is amended to read:

17 48-1,110 Sections 48-101 to 48-1,117 and sections 1 and  
18 4 of this act shall be known and may be cited as the Nebraska  
19 Workers' Compensation Act.

20 Sec. 4. The changes made by this legislative bill to the  
21 Nebraska Workers' Compensation Act apply only to personal injuries  
22 that occurred on or after the operative date of this section.

23 Sec. 13. Sections 1 to 4 and 14 of this act become  
24 operative on January 1, 2009. The other sections of this act become  
25 operative on their effective date.

26 Sec. 14. Original section 48-151, Reissue Revised

- 27 Statutes of Nebraska, and section 48-1,110, Revised Statutes  
 1 Supplement, 2007, are repealed.  
 2 2. On page 1, line 2, strike "48-668" and insert "48-151,  
 3 48-668,".  
 4 3. On page 1, line 5, after "sections" insert  
 5 "48-1,110,".  
 6 4. On page 1, line 1, strike "the" through "Law" and  
 7 insert "labor"; in line 8 after "compensation" insert "of the  
 8 Employment Security Law and provisions relating to certain mental  
 9 injuries in the Nebraska Workers' Compensation Act"; and in line 9  
 10 after the first semicolon insert "to provide operative dates;".  
 11 5. Renumber the remaining sections accordingly.

Senator Gay requested a ruling of the Chair on whether the Cornett amendment is germane to the bill.

The Chair ruled the Cornett amendment is germane to the bill.

Senator Gay challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Gay withdrew his motion to overrule the Chair.

Senator Erdman raised a point of order on whether the Cornett amendment, AM2777, was a reconsideration of LB1082, pursuant to Rule 7, Sec. 7.

The Chair ruled the Cornett amendment, AM2777, is not a reconsideration as it relates to LB819.

Senator Erdman challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 17 ayes, 24 nays, 5 present and not voting, and 3 excused and not voting.

The Chair was sustained.

### **SENATOR LANGEMEIER PRESIDING**

The Cornett motion to return LB819 to Select File for her specific amendment, AM2777, found in this day's Journal, was renewed.

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Senator Cornett requested a roll call vote on her motion to return.

Voting in the affirmative, 25:

Ashford	Flood	Karpisek	Nantkes	Rogert
Avery	Friend	Kopplin	Pahls	Schimek
Carlson	Howard	Kruse	Pankonin	Synowiecki
Cornett	Hudkins	Lathrop	Pedersen	Wallman
Dierks	Janssen	McGill	Preister	White

Voting in the negative, 18:

Adams	Erdman	Hansen	Langemeier	Nelson
Aguilar	Fischer	Harms	Lautenbaugh	Stuthman
Burling	Fulton	Heidemann	Louden	
Christensen	Gay	Johnson	McDonald	

Present and not voting, 4:

Chambers	Dubas	Pirsch	Wightman
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Excused and not voting, 2:

Engel	Raikes
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The Cornett motion to return prevailed with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 819.** The Cornett specific amendment, AM2777, found in this day's Journal, was considered.

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Senator Cornett requested a roll call vote on her specific amendment.

Voting in the affirmative, 26:

Ashford	Flood	Kopplin	Pankonin	Wallman
Avery	Friend	Kruse	Pedersen	White
Carlson	Howard	Lathrop	Preister	
Cornett	Hudkins	McGill	Rogert	
Dierks	Janssen	Nantkes	Schimek	
Dubas	Karpisek	Pahls	Synowiecki	

Voting in the negative, 18:

Adams	Erdman	Hansen	Langemeier	Nelson
Aguilar	Fischer	Harms	Lautenbaugh	Stuthman
Burling	Fulton	Heidemann	Louden	
Christensen	Gay	Johnson	McDonald	

Present and not voting, 3:

Chambers	Pirsch	Wightman
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Excused and not voting, 2:

Engel	Raikes
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The Cornett specific amendment was adopted with 26 ayes, 18 nays, 3 present and not voting, and 2 excused and not voting.

Senator Fulton requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Flood	Kruse	Pedersen	Wallman
Avery	Friend	Lathrop	Pirsch	White
Carlson	Howard	McGill	Preister	
Cornett	Janssen	Nantkes	Rogert	
Dierks	Karpisek	Pahls	Schimek	
Dubas	Kopplin	Pankonin	Synowiecki	

Voting in the negative, 17:

Adams	Erdman	Harms	Louden	Wightman
Aguilar	Fischer	Heidemann	McDonald	
Burling	Fulton	Johnson	Nelson	
Christensen	Hansen	Langemeier	Stuthman	

Present and not voting, 4:

Chambers	Gay	Hudkins	Lautenbaugh
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Excused and not voting, 2:

Engel	Raikes
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Advanced to Enrollment and Review for Reengrossment with 26 ayes, 17 nays, 4 present and not voting, and 2 excused and not voting.



**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 308A.** Placed on Final Reading Second.  
ST9112

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

1. In the Langemeier amendment, AM2766, on page 3, line 7, "operative dates" has been struck and "for applicability" inserted.

**LEGISLATIVE BILL 746.** Placed on Final Reading.

**LEGISLATIVE BILL 781.** Placed on Final Reading.

**LEGISLATIVE BILL 846.** Placed on Final Reading Second.  
ST9111

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

1. On page 1, the matter beginning with "a" in line 7 through "tax" in line 8 has been struck and "and change taxes" inserted.

**LEGISLATIVE BILL 911.** Placed on Final Reading.

**LEGISLATIVE BILL 911A.** Placed on Final Reading.

**LEGISLATIVE BILL 1022.** Placed on Final Reading Second.

**LEGISLATIVE RESOLUTION 229CA.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**AMENDMENT - Print in Journal**

Senator Kruse filed the following amendment to LR238:  
AM2780

- 1 1. In the last "WHEREAS", strike "Businesses" and insert
- 2 "Business".

**REFERENCE COMMITTEE REPORT**

2008 Resolution calling for an Interim Study

LR399 Interim study to examine how the federal Family and Medical Leave Act has been implemented in Nebraska  
Business and Labor

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

**RESOLUTION**

**LEGISLATIVE RESOLUTION 400.** Introduced by Agriculture Committee: Erdman, 47, Chairperson; Dierks, 40; Dubas, 34; Karpisek, 32; McDonald, 41; Preister, 5; Wallman, 30.

**PURPOSE:** It is the purpose of this resolution to monitor activity and examine issues relating to the implementation of the legislative intent stated in subsection (4) of section 2-101 as amended by Legislative Bill 1116, One Hundredth Legislature, Second Session, 2008. LB 1116 states legislative intent that the Nebraska State Fair relocate to Fonner Park in Grand Island before the fair to be held in 2010 and that the Nebraska State Fairgrounds be transferred to the University of Nebraska for development as a research and innovation campus. LB 1116 reflects and acknowledges the agreement of pertinent parties for the Nebraska State Fair Board's use of Fonner Park, a plan of capital improvements to upgrade the Fonner Park facility to serve as a state fair exhibition facility, and funding contributions by the University of Nebraska, the city of Grand Island, the Nebraska State Fair Board, and the State of Nebraska. It is a goal of this study to monitor, report on, or make recommendations relating to, but not necessarily limited to:

(1) The performance of financial commitments of the University of Nebraska, the city of Grand Island, and the Nebraska State Fair Board, including incremental benchmarks of funding contributions;

(2) The resolution of any property issues pertaining to interests of third parties held through long-term leasing arrangements and capital improvements made by such entities upon the Nebraska State Fairgrounds;

(3) The future of live and simulcast racing currently conducted at the Nebraska State Fairgrounds and the potential for live racing to be relocated to another site;

(4) The cooperation and coordination between the University of Nebraska, the Nebraska State Fair Board, and other appropriate entities to perform activities of due diligence associated with the property transfer contemplated by LB 1116;

(5) The completion and execution of those agreements between and among the Nebraska State Fair Board, the Hall County Livestock Improvement Association, and any other appropriate entities regarding site governance, revenue sharing, and facility utilization;

(6) The completion and execution of a site plan for capital improvements and activities for carrying out such plan of improvements, including the utilization of funds available in the Nebraska State Fair Relocation Cash Fund and the Nebraska State Fair Support and Improvement Cash Fund;

(7) Additional statutory revisions necessitated by or to accommodate the relocation of the Nebraska State Fair; and

(8) Planning and vision for the Nebraska State Fair.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the chairperson of the Agriculture Committee of the Legislature, in consultation with the members of the committee and other members of the Legislature, shall conduct the study contemplated by this resolution in consultation with the Nebraska State Fair Board, the Hall County Livestock Improvement Association, the city of Grand Island, the city of Lincoln, the Department of Administrative Services, the State Racing Commission, and other appropriate public and private organizations in carrying out the purposes of the study.

Referred to the Executive Board.

## **REFERENCE COMMITTEE REPORT**

### 2008 Resolution calling for an Interim Study

LR400     Interim study to examine issues relating to the implementation of the legislative intent stated in LB1116, regarding relocation of the State Fair to Grand Island  
Agriculture

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

## **RESOLUTION**

**LEGISLATIVE RESOLUTION 401.** Introduced by Pedersen, 39; Erdman, 47.

WHEREAS, the Nebraska State Fair has been held in Lincoln, Nebraska, since 1901; and

WHEREAS, while the attractions and exhibits of the Nebraska State Fair have changed over the years, the loyalty, dedication, and hard work of the people who made the fair possible has not; and

WHEREAS, the success of the Nebraska State Fair and of horseracing in Lincoln would not have been possible without the contribution of the many employees and volunteers, some of whom worked at the fair and at the horseraces for decades.

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

1. That the Legislature recognizes the loyalty and dedication of these employees and volunteers of the Nebraska State Fair and horseracing industry.

2. That the Legislature encourages the University of Nebraska, the Nebraska State Fair Board, and the city of Lincoln to do everything they can to address concerns of employees if the fair is moved to another community.

3. That a copy of this resolution be sent to the Board of Regents of the University of Nebraska, the Nebraska State Fair Board, and the Mayor of the city of Lincoln.

Laid over.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 280.**

A BILL FOR AN ACT relating to juveniles; to amend sections 24-517, 25-2740, and 43-247, Revised Statutes Cumulative Supplement, 2006; to provide for jurisdiction over custody proceedings as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

Adams	Dierks	Harms	Louden	Preister
Aguilar	Dubas	Heidemann	McDonald	Rogert
Ashford	Erdman	Howard	McGill	Schimek
Avery	Fischer	Hudkins	Nantkes	Stuthman
Burling	Flood	Janssen	Nelson	Synowiecki
Carlson	Friend	Johnson	Pahls	Wallman
Chambers	Fulton	Karpisek	Pankonin	White
Christensen	Gay	Kopplin	Pedersen	Wightman
Cornett	Hansen	Langemeier	Pirsch	

Voting in the negative, 0.

Excused and not voting, 5:

Engel	Kruse	Lathrop	Lautenbaugh	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB280A to Select File**

Senator Stuthman moved to return LB280A to Select File for the following specific amendment:

FA274

Strike the enacting clause.

Senator Stuthman withdrew his motion to return.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 280A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 280, One Hundredth Legislature, Second Session, 2008.

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, 4:

Chambers	Janssen	Pedersen	Schimek
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Voting in the negative, 31:

Adams	Dubas	Harms	McDonald	Synowiecki
Aguilar	Erdman	Heidemann	Nantkes	White
Ashford	Fischer	Howard	Nelson	Wightman
Avery	Flood	Johnson	Pirsch	
Carlson	Fulton	Kopplin	Preister	
Christensen	Gay	Langemeier	Rogert	
Dierks	Hansen	Louden	Stuthman	

Present and not voting, 9:

Burling	Friend	Karpisek	Pahls	Wallman
Cornett	Hudkins	McGill	Pankonin	

Excused and not voting, 5:

Engel	Kruse	Lathrop	Lautenbaugh	Raikes
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Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB736 with 36 ayes, 2 nays, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 736.**

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend sections 60-498.02, 60-4,118.06, and 60-6,209, Reissue Revised Statutes of Nebraska, sections 60-480, 60-497.01, 60-4,115, 60-601, 60-6,197.01, 60-6,211.05, and 83-1,127.02, Revised Statutes Cumulative Supplement, 2006, and section 60-6,197.03, Revised Statutes Supplement, 2007; to provide for an ignition interlock permit; to change penalty provisions relating to driving under the influence; to change provisions relating to installation and use of an ignition interlock device; to provide fees for permits; to create a fund; to harmonize provisions; to provide an operative date; 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, 44:

Adams	Dierks	Harms	Louden	Preister
Aguilar	Dubas	Heidemann	McDonald	Rogert
Ashford	Erdman	Howard	McGill	Schimek
Avery	Fischer	Hudkins	Nantkes	Stuthman
Burling	Flood	Janssen	Nelson	Synowiecki
Carlson	Friend	Johnson	Pahls	Wallman
Chambers	Fulton	Karpisek	Pankonin	White
Christensen	Gay	Kopplin	Pedersen	Wightman
Cornett	Hansen	Langemeier	Pirsch	

Voting in the negative, 0.

Excused and not voting, 5:

Engel	Kruse	Lathrop	Lautenbaugh	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 736A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 736, One Hundredth Legislature, Second Session, 2008.

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, 45:

Adams	Dierks	Harms	Lathrop	Pirsch
Aguilar	Dubas	Heidemann	Louden	Preister
Ashford	Erdman	Howard	McDonald	Rogert
Avery	Fischer	Hudkins	McGill	Schimek
Burling	Flood	Janssen	Nantkes	Stuthman
Carlson	Friend	Johnson	Nelson	Synowiecki
Chambers	Fulton	Karpisek	Pahls	Wallman
Christensen	Gay	Kopplin	Pankonin	White
Cornett	Hansen	Langemeier	Pedersen	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel            Kruse            Lautenbaugh    Raikes

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

**LEGISLATIVE BILL 844.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-416, Revised Statutes Cumulative Supplement, 2006; to change penalty provisions for marijuana possession; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Dubas	Harms	Langemeier	Pirsch
Aguilar	Erdman	Heidemann	Lathrop	Preister
Ashford	Fischer	Howard	McDonald	Rogert
Burling	Flood	Hudkins	McGill	Stuthman
Carlson	Friend	Janssen	Nelson	Synowiecki
Christensen	Fulton	Johnson	Pahls	Wallman
Cornett	Gay	Karpisek	Pankonin	White
Dierks	Hansen	Kopplin	Pedersen	Wightman

Voting in the negative, 2:

Chambers        Nantkes

Present and not voting, 3:

Avery            Louden            Schimek

Excused and not voting, 4:

Engel                      Kruse                      Lautenbaugh      Raikes

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB895 with 34 ayes, 4 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 895.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2720 and 77-27,196.01, Reissue Revised Statutes of Nebraska, sections 77-5701, 77-5703, 77-5708, 77-5712, 77-5714, 77-5723, 77-5726, 77-5727, and 77-5731, Revised Statutes Cumulative Supplement, 2006, and sections 77-27,187.01, 77-27,187.02, 77-27,188, 77-5715, and 77-5725, Revised Statutes Supplement, 2007; to eliminate certain loan servicing requirements under the Local Option Municipal Economic Development Act; to change provisions of certain tax incentive laws; to define and redefine terms; to provide a fee; to provide for applicability; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 43:

Adams	Dubas	Heidemann	Louden	Preister
Aguilar	Erdman	Howard	McDonald	Rogert
Ashford	Fischer	Hudkins	McGill	Stuthman
Avery	Flood	Janssen	Nantkes	Synowiecki
Burling	Friend	Johnson	Nelson	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Christensen	Gay	Kopplin	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 1:

Chambers

Present and not voting, 1:



Schimek

Excused and not voting, 4:

Engel            Kruse            Lautenbaugh    Raikes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1001 with 37 ayes, 3 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1001.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3104, 77-3105, and 77-3106, Reissue Revised Statutes of Nebraska, and sections 77-2753 and 77-3102, Revised Statutes Supplement, 2007; to adopt the Low-Income Home Energy Conservation Act; to change provisions relating to income tax withholding; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 43:

Adams	Dubas	Heidemann	Louden	Preister
Aguilar	Erdman	Howard	McDonald	Rogert
Ashford	Fischer	Hudkins	McGill	Schimek
Avery	Flood	Janssen	Nantkes	Synowiecki
Carlson	Friend	Johnson	Nelson	Wallman
Chambers	Fulton	Karpisek	Pahls	White
Christensen	Gay	Kopplin	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 1:

Stuthman

Present and not voting, 1:

Burling

Excused and not voting, 4:

Engel            Kruse            Lautenbaugh    Raikes

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1001A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1001, One Hundredth Legislature, Second Session, 2008.

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

Voting in the affirmative, 43:

Adams	Dubas	Heidemann	Louden	Preister
Aguilar	Erdman	Howard	McDonald	Rogert
Ashford	Fischer	Hudkins	McGill	Schimek
Avery	Flood	Janssen	Nantkes	Synowiecki
Burling	Friend	Johnson	Nelson	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Chambers	Gay	Kopplin	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 1:

Stuthman

Present and not voting, 1:

Christensen

Excused and not voting, 4:

Engel            Kruse            Lautenbaugh    Raikes

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1014 with 36 ayes, 3 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1014.** With Emergency.

A BILL FOR AN ACT relating to courts; to amend sections 24-303, 24-508, 24-730, 25-534, 25-1129, 25-1130, 29-1816, 42-357, 42-925, 43-272.01, 43-276, 43-1311, 43-1312, 43-1411.01, 43-1608, 43-1609, 43-1610, 43-1611, 43-1612, and 43-1613, Reissue Revised Statutes of Nebraska, sections 24-312, 24-517, 24-1301, 24-1302, 25-2704, 25-2733, 25-2740, 29-2246, 29-3927, 43-247, 43-2,129, 43-2404.02, 43-3001, 79-215, 84-917, and 86-2,107, Revised Statutes Cumulative Supplement, 2006, and sections 42-353, 42-359, 42-364, 42-364.13, 42-371, 43-512.15, 43-2922, 43-2923, 43-2924, 43-2927, 43-2928, 43-2929, 43-2930, 43-2932, 43-2934, 43-2936, 43-2937, and 43-2943, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to judicial hearings, court duties and authority, jurisdiction, retired judges, referees, protection orders, appeals, clerk magistrates, facilitated conferencing, mediators, support orders, support order liens, the Parenting Act, domestic relations matters, parenting plans, compulsory school attendance, and service of documents other than summons; to provide for court referral to mediation or another form of alternative dispute resolution, problem solving court programs, determination of criminal charge versus juvenile code adjudication, paternity proceedings, procedures and requirements for certain decrees, and admissibility of certified copies of school records; to permit jurors to take notes; to require notice of federal law in domestic violence cases; to adopt the Legal Education for Public Service Loan Repayment Act; to eliminate duplicative and conflicting provisions; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to provide for severability; to repeal the original sections; to outright repeal sections 25-1133, 25-2734, and 43-261, Reissue Revised Statutes of Nebraska, and section 43-2931, Revised Statutes Supplement, 2007; and to declare an emergency.

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

Voting in the affirmative, 43:

Adams	Dierks	Harms	Lathrop	Rogert
Aguilar	Dubas	Heidemann	McDonald	Schimek
Ashford	Erdman	Howard	McGill	Stuthman
Avery	Fischer	Hudkins	Nantkes	Synowiecki
Burling	Flood	Janssen	Nelson	Wallman
Carlson	Friend	Johnson	Pahls	White
Chambers	Fulton	Karpisek	Pankonin	Wightman
Christensen	Gay	Kopplin	Pedersen	
Cornett	Hansen	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 2:

Louden            Preister

Excused and not voting, 4:

Engel            Kruse            Lautenbaugh    Raikes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1014A.** With Emergency.

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; to reduce an appropriation; and to declare an emergency.

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

Voting in the affirmative, 43:

Adams	Dubas	Heidemann	Louden	Rogert
Aguilar	Erdman	Howard	McDonald	Schimek
Ashford	Fischer	Hudkins	McGill	Stuthman
Avery	Flood	Janssen	Nantkes	Synowiecki
Burling	Friend	Johnson	Nelson	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Chambers	Gay	Kopplin	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Christensen

Excused and not voting, 5:

Engel            Kruse            Lautenbaugh    Preister            Raikes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 151.** With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend section 3-118, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to provide a statute of limitations for certificate of deposit obligations as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Gay	Kopplin	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Cornett	Harms	Lathrop	Pedersen	
Dierks	Heidemann	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers        Fulton            Preister  
Engel            Kruse            Raikes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 280, 736, 736A, 844, 895, 1001, 1001A, 1014, and 1014A.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 195.**

A BILL FOR AN ACT relating to the Nebraska State Quarter; to repeal provisions relating to the selection process; and to outright repeal section 90-120, Revised Statutes Cumulative Supplement, 2006.

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, 42:

Adams	Dubas	Hudkins	McDonald	Schimek
Aguilar	Erdman	Janssen	McGill	Stuthman
Ashford	Fischer	Johnson	Nantkes	Synowiecki
Avery	Flood	Karpisek	Nelson	Wallman
Burling	Gay	Kopplin	Pahls	White
Carlson	Hansen	Langemeier	Pankonin	Wightman
Christensen	Harms	Lathrop	Pedersen	
Cornett	Heidemann	Lautenbaugh	Pirsch	
Dierks	Howard	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Friend

Excused and not voting, 6:

Chambers	Fulton	Preister
Engel	Kruse	Raikes

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

**LEGISLATIVE BILL 710.**

A BILL FOR AN ACT relating to the Land Reutilization Act; to amend sections 77-3206, 77-3207, 77-3210, 77-3212, and 77-3213, Reissue

Revised Statutes of Nebraska; to require notice of sale of real property by a land reutilization authority as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 42:

Adams	Dubas	Howard	McDonald	Schimek
Aguilar	Erdman	Hudkins	McGill	Stuthman
Ashford	Fischer	Janssen	Nantkes	Synowiecki
Avery	Flood	Johnson	Nelson	Wallman
Burling	Friend	Karpisek	Pahls	White
Carlson	Gay	Kopplin	Pankonin	Wightman
Christensen	Hansen	Lathrop	Pedersen	
Cornett	Harms	Lautenbaugh	Pirsch	
Dierks	Heidemann	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Langemeier

Excused and not voting, 6:

Chambers	Fulton	Preister
Engel	Kruse	Raikes

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

#### **LEGISLATIVE BILL 724.**

A BILL FOR AN ACT relating to the Remedial Action Plan Monitoring Act; to amend section 81-15,184, Revised Statutes Cumulative Supplement, 2006; to change fee provisions; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Erdman	Janssen	McGill	Stuthman
Aguilar	Fischer	Johnson	Nantkes	Synowiecki
Ashford	Flood	Karpisek	Nelson	Wallman
Avery	Gay	Kopplin	Pahls	White
Burling	Hansen	Langemeier	Pankonin	Wightman
Carlson	Harms	Lathrop	Pedersen	
Christensen	Heidemann	Lautenbaugh	Pirsch	
Dierks	Howard	Louden	Rogert	
Dubas	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Cornett            Friend

Excused and not voting, 6:

Chambers	Fulton	Preister
Engel	Kruse	Raikes

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

### **EASE**

The Legislature was at ease from 5:30 p.m. until 6:00 p.m.

### **SENATOR PIRSCH PRESIDING**

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 726.**

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend section 81-15,151, Reissue Revised Statutes of Nebraska, and section 81-15,153, Revised Statutes Cumulative Supplement, 2006; to change provisions relating the Wastewater Treatment Facilities Construction Loan Fund; and to repeal the original sections.

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

Voting in the affirmative, 41:



Adams	Dierks	Heidemann	Louden	Stuthman
Aguilar	Dubas	Howard	McDonald	Synowiecki
Ashford	Erdman	Hudkins	McGill	Wallman
Avery	Fischer	Janssen	Nantkes	White
Burling	Flood	Johnson	Pahls	Wightman
Carlson	Friend	Karpisek	Pedersen	
Chambers	Gay	Kopplin	Pirsch	
Christensen	Hansen	Lathrop	Rogert	
Cornett	Harms	Lautenbaugh	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Langemeier	Nelson	Pankonin
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Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 726A.**

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.

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

Voting in the affirmative, 44:

Adams	Dierks	Heidemann	Lautenbaugh	Pirsch
Aguilar	Dubas	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Gay	Kopplin	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Cornett	Harms	Lathrop	Pedersen	

Voting in the negative, 0.

Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 727.**

A BILL FOR AN ACT relating to natural resources; to amend section 61-206, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to hearing requests; and to repeal the original section.

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

Voting in the affirmative, 43:

Aguilar	Dubas	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Gay	Kopplin	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Cornett	Harms	Lathrop	Pedersen	
Dierks	Heidemann	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Adams

Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 728.**

A BILL FOR AN ACT relating to the state song; to amend section 90-111, Reissue Revised Statutes of Nebraska; to change provisions relating to the state song; and to repeal the original section.

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

Voting in the affirmative, 43:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Gay	Kopplin	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Cornett	Harms	Lathrop	Pedersen	
Dierks	Heidemann	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Burling

Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 754.** With Emergency.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2610, Revised Statutes Supplement, 2007; to change provisions relating to areas with a high concentration of poverty; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

Adams	Dierks	Heidemann	Lautenbaugh	Rogert
Aguilar	Dubas	Howard	McDonald	Schimek
Ashford	Erdman	Hudkins	McGill	Stuthman
Avery	Fischer	Janssen	Nantkes	Synowiecki
Burling	Flood	Johnson	Nelson	Wallman
Carlson	Friend	Karpisek	Pahls	White
Chambers	Gay	Kopplin	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 764.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1014, 28-1015, and 28-1016, Revised Statutes Cumulative Supplement, 2006, and sections 28-101, 28-1008, and 28-1013, Revised Statutes Supplement, 2007; to prohibit certain treatment of bovines and equines; to define terms; to provide penalties; 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, 43:

Adams	Dierks	Heidemann	Lautenbaugh	Rogert
Aguilar	Dubas	Howard	McDonald	Schimek
Ashford	Erdman	Hudkins	McGill	Stuthman
Avery	Fischer	Janssen	Nantkes	Synowiecki
Burling	Flood	Johnson	Nelson	Wallman
Carlson	Friend	Karpisek	Pahls	White
Chambers	Gay	Kopplin	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **SPEAKER FLOOD PRESIDING**

**LEGISLATIVE BILL 775.**

A BILL FOR AN ACT relating to courts; to amend section 24-401, Reissue Revised Statutes of Nebraska; to change provisions relating to deputy clerks; and to repeal the original section.

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

Voting in the affirmative, 44:

Adams	Dierks	Heidemann	Lautenbaugh	Pirsch
Aguilar	Dubas	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Gay	Kopplin	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Cornett	Harms	Lathrop	Pedersen	

Voting in the negative, 0.

Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 789.** With Emergency.

A BILL FOR AN ACT relating to the Agricultural Opportunities and Value-Added Partnerships Act; to amend section 2-5420, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to grants; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 44:

Adams	Dierks	Heidemann	Lautenbaugh	Pirsch
Aguilar	Dubas	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Gay	Kopplin	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Cornett	Harms	Lathrop	Pedersen	

Voting in the negative, 0.

Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### LEGISLATIVE BILL 798.

A BILL FOR AN ACT relating to relating to water; to amend sections 46-283, 46-287, and 46-299, Reissue Revised Statutes of Nebraska, and sections 46-286 and 46-291, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to irrigation water reuse pits, applications for transfer of appropriations, and intentional underground water storage permittees as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

Adams	Dierks	Heidemann	Lautenbaugh	Pirsch
Aguilar	Dubas	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Gay	Kopplin	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Cornett	Harms	Lathrop	Pedersen	

Voting in the negative, 0.

Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 805.**

A BILL FOR AN ACT relating to the Propane Education and Research Council; to amend section 66-1618, Reissue Revised Statutes of Nebraska; to change membership provisions; and to repeal the original section.

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

Voting in the affirmative, 44:

Adams	Dierks	Heidemann	Lautenbaugh	Pirsch
Aguilar	Dubas	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Gay	Kopplin	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Cornett	Harms	Lathrop	Pedersen	

Voting in the negative, 0.

Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 821.**

A BILL FOR AN ACT relating to claims against the state; to amend sections 81-8,210, 81-8,212, 81-8,213, 81-8,220, 81-8,227, 81-8,228, 81-8,300, and 81-8,305, Reissue Revised Statutes of Nebraska, and sections 81-8,211 and 81-8,224, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Risk Manager, the State Claims Board, and claim procedures; 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, 43:

Adams	Dierks	Howard	Louden	Rogert
Aguilar	Dubas	Hudkins	McDonald	Schimek
Ashford	Erdman	Janssen	McGill	Stuthman
Avery	Fischer	Johnson	Nantkes	Synowiecki
Burling	Flood	Karpisek	Nelson	Wallman
Carlson	Friend	Kopplin	Pahls	White
Chambers	Gay	Langemeier	Pankonin	Wightman
Christensen	Harms	Lathrop	Pedersen	
Cornett	Heidemann	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Hansen

Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTION - Return LB838 to Select File**

Senator Schimek moved to return LB838 to Select File for her specific amendment, FA272, found on page 1379.

Senator Schimek withdrew her motion to return.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 838.**

A BILL FOR AN ACT relating to elections; to amend sections 32-202, 32-953, 32-954, and 32-957, Reissue Revised Statutes of Nebraska, and section 32-947, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to identification envelopes for early voting and voting by mail; to eliminate the requirement of a secrecy envelope for elections held by mail; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 32-955, Reissue Revised Statutes of Nebraska.

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, 42:



Adams	Dubas	Heidemann	Louden	Rogert
Aguilar	Erdman	Howard	McDonald	Stuthman
Ashford	Fischer	Hudkins	McGill	Synowiecki
Avery	Flood	Janssen	Nantkes	Wallman
Burling	Friend	Johnson	Nelson	White
Carlson	Fulton	Karpisek	Pahls	Wightman
Christensen	Gay	Langemeier	Pankonin	
Cornett	Hansen	Lathrop	Pedersen	
Dierks	Harms	Lautenbaugh	Pirsch	

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Kopplin      Schimek

Excused and not voting, 4:

Engel      Kruse      Preister      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 845.**

A BILL FOR AN ACT relating to motor carriers; to amend section 75-369.06, Reissue Revised Statutes of Nebraska, and sections 75-363 and 75-369.03, Revised Statutes Supplement, 2007; to create a penalty for out-of-service order violations and to authorize administrative fines for such violations; to change provisions governing distribution of civil penalties; 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, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB848 with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 848.**

A BILL FOR AN ACT relating to cooperatives; to amend sections 21-2901, 21-2903, 21-2910, 21-2922, 21-2929, 21-2930, 21-2935, 21-2939, 21-2945, 21-2949, 21-2950, 21-2951, 21-2952, 21-2953, 21-2955, 21-2956, 21-2959, 21-2960, 21-2978, 21-2980, 21-2982, 21-2992, 21-29,110, 21-29,117, 21-29,122, 21-29,123, 29-21,124, 21-29,125, 21-29,126, and 21-29,127, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to the Nebraska Limited Cooperative Association Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 21-29,118, 21-29,119, 21-29,120, 21-29,121, and 21-29,128, Revised Statutes Supplement, 2007.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel                      Kruse                      Preister                      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 850.**

A BILL FOR AN ACT relating to education; to amend section 79-1232, Reissue Revised Statutes of Nebraska; to provide for and change provisions relating to insurance coverage for members of any school board, board of education, learning community coordinating council, or educational service unit board; to repeal the original section; and to outright repeal section 79-502, Reissue Revised Statutes of Nebraska.

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, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel                      Kruse                      Preister                      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 865.**

A BILL FOR AN ACT relating to raptors; to amend section 37-513, Revised Statutes Supplement, 2007; to allow trapping of raptors within the county road right-of-way; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Adams	Dubas	Harms	Lathrop	Pankonin
Aguilar	Erdman	Heidemann	Lautenbaugh	Pedersen
Avery	Fischer	Howard	Louden	Pirsch
Burling	Flood	Hudkins	McDonald	Rogert
Carlson	Friend	Janssen	McGill	Schimek
Christensen	Fulton	Johnson	Nantkes	Synowiecki
Cornett	Gay	Kopplin	Nelson	Wallman
Dierks	Hansen	Langemeier	Pahls	White

Voting in the negative, 2:

Chambers      Stuthman

Present and not voting, 3:

Ashford      Karpisek      Wightman

Excused and not voting, 4:

Engel      Kruse      Preister      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 893.**

A BILL FOR AN ACT relating to real estate; to amend sections 77-1834, 77-1914, and 77-1917, Reissue Revised Statutes of Nebraska; to change provisions relating to tax deeds and foreclosures; 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, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB902 with 35 ayes, 4 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 902.**

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-410, Revised Statutes Cumulative Supplement, 2006, and section 28-405, Revised Statutes Supplement, 2007; to change provisions relating to controlled substances; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 904.**

A BILL FOR AN ACT relating to veterans aid; to amend section 80-403, Reissue Revised Statutes of Nebraska; to change provisions relating to an application for relief; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Dierks	Harms	Lautenbaugh	Pirsch
Aguilar	Dubas	Heidemann	Louden	Rogert
Ashford	Erdman	Howard	McDonald	Schimek
Avery	Fischer	Hudkins	McGill	Stuthman
Burling	Flood	Janssen	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Fulton	Kopplin	Pahls	White
Christensen	Gay	Langemeier	Pankonin	Wightman
Cornett	Hansen	Lathrop	Pedersen	

Voting in the negative, 0.

Present and not voting, 1:

Johnson

Excused and not voting, 4:

Engel	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 947.**

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-321 and 17-568.01, Reissue Revised Statutes of Nebraska; to increase minimum bidding amount requirements for cities of the first and second class and villages as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Dubas	Heidemann	Lautenbaugh	Rogert
Aguilar	Erdman	Howard	Louden	Schimek
Ashford	Fischer	Hudkins	McDonald	Stuthman
Avery	Flood	Janssen	McGill	Synowiecki
Carlson	Friend	Johnson	Nantkes	Wallman
Chambers	Fulton	Karpisek	Pahls	White
Christensen	Gay	Kopplin	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 2:

Burling            Nelson

Excused and not voting, 4:

Engel            Kruse            Preister            Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 972.**

A BILL FOR AN ACT relating to optometry; to amend sections 38-2609 and 38-2611, Revised Statutes Supplement, 2007; to change provisions relating to reciprocal licensure and continuing competency requirements; to provide an operative date; 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, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel                      Kruse                      Preister                      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 993.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-117.06, Reissue Revised Statutes of Nebraska; to change provisions relating to a fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel                      Kruse                      Preister                      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1004.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2753 and 77-2790, Revised Statutes Supplement, 2007; to change an income tax withholding amount; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:



Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Wallman
Chambers	Fulton	Karpisek	Nelson	White
Christensen	Gay	Kopplin	Pahls	Wightman
Cornett	Hansen	Langemeier	Pankonin	

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 4:

Engel	Kruse	Preister	Raikes
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1011 with 34 ayes, 4 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 1011.**

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend section 76-2244, Reissue Revised Statutes of Nebraska, sections 76-2207, 76-2217.02, 76-2221, 76-2222, and 76-2249, Revised Statutes Cumulative Supplement, 2006, and sections 76-2213.01, 76-2223, 76-2228, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, and 76-2241, Revised Statutes Supplement, 2007; to change provisions relating to appraiser trainees, trainee real property appraisers, the Uniform Standards of Professional Appraisal Practice, exemptions under the act, the Real Property Appraiser Board, the classification of appraisers, the restricted use of certain titles, credentialing, and fees as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Dubas	Heidemann	Lautenbaugh	Pirsch
Aguilar	Erdman	Howard	Louden	Rogert
Ashford	Fischer	Hudkins	McDonald	Schimek
Avery	Flood	Janssen	McGill	Stuthman
Burling	Friend	Johnson	Nantkes	Synowiecki
Carlson	Fulton	Karpisek	Nelson	Wallman
Chambers	Gay	Kopplin	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Dierks	Harms	Lathrop	Pedersen	

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 4:

Engel	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 1045.**

A BILL FOR AN ACT relating to insurance; to change provisions relating to coverage changes in property and casualty and automobile liability policies; and to provide a duty for the Revisor of Statutes.

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, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel                      Kruse                      Preister                      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1048.** With Emergency.

A BILL FOR AN ACT relating to birth certificates; to amend section 71-606, Revised Statutes Supplement, 2007; to provide for certificates of birth resulting in stillbirth; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel                      Kruse                      Preister                      Raikes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 1048A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1048, One Hundredth Legislature, Second Session, 2008.

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, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 1067.**

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.

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, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

**LEGISLATIVE BILL 1103.**

A BILL FOR AN ACT relating to farm wineries; to amend section 53-123.13, Reissue Revised Statutes of Nebraska, section 53-123.11, Revised Statutes Cumulative Supplement, 2006, and section 53-103, Revised Statutes Supplement, 2007; to redefine a term; to change requirements for sale and purchase of wines as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Dierks	Harms	Lathrop	Pedersen
Aguilar	Dubas	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Schimek
Burling	Flood	Janssen	McGill	Stuthman
Carlson	Friend	Johnson	Nantkes	Synowiecki
Chambers	Fulton	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Engel	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1108.**

A BILL FOR AN ACT relating to mental health practitioners; to amend sections 38-2112, 38-2115, 38-2116, and 38-2124, Revised Statutes Supplement, 2007; to redefine a term; to change licensure and practice provisions; to provide an operative date; 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, 44:

Adams	Dierks	Heidemann	Lautenbaugh	Pirsch
Aguilar	Dubas	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Flood	Janssen	McGill	Stuthman
Burling	Friend	Johnson	Nantkes	Synowiecki
Carlson	Fulton	Karpisek	Nelson	Wallman
Chambers	Gay	Kopplin	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Cornett	Harms	Lathrop	Pedersen	

Voting in the negative, 0.

Present and not voting, 1:

Fischer

Excused and not voting, 4:

Engel	Kruse	Preister	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 1145.**

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend sections 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Cumulative Supplement, 2006; to change dates relating to expenditure of a cash fund; 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, 44:

Adams	Dierks	Heidemann	Lautenbaugh	Pirsch
Aguilar	Dubas	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Fulton	Karpisek	Nelson	Wallman
Chambers	Gay	Kopplin	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Cornett	Harms	Lathrop	Pedersen	

Voting in the negative, 0.

Excused and not voting, 5:



A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 819.** Placed on Final Reading Second.

(Signed) Amanda McGill, Chairperson

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 2008, at 5:25 p.m. were the following: LBs 280, 736, 736A, 844, 895e, 1001, 1001A, 1014e, and 1014Ae.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 151, 195, 710, 724, 726, 726A, 727, 728, 754, 764, 775, 789, 798, 805, 821, 838, 845, 848, 850, 865, 893, 902, 904, 947, 972, 993, 1004, 1011, 1045, 1048, 1048A, 1067, 1103, 1108, 1145, and 1162.

### **VISITORS**

Visitors to the Chamber were 32 third- and fourth-grade students, teachers, and sponsors from Overton; 20 eleventh- and twelfth-grade students from Thedford; and Senator Nantkes' mother, Stephanie Nantkes, from Seward and Kyle Fletcher and Clinton Brooks from Lincoln.

The Doctor of the Day was Dr. Derrick Anderson from Lincoln.

### **ADJOURNMENT**

At 8:03 p.m., on a motion by Senator Gay, the Legislature adjourned until 1:30 p.m., Wednesday, April 16, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-NINTH DAY - APRIL 16, 2008**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
SECOND SESSION**

**FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 16, 2008

**PRAYER**

The prayer was offered by Senator Hudkins.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 1:30 p.m., President Sheehy presiding.

The roll was called and all members were present except Senator Engel who was excused; and Senators Ashford, Heidemann, Kruse, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 15, 2008, at 8:05 p.m. were the following: LBs 151e, 195, 710, 724, 726, 726A, 727, 728, 754e, 764, 775, 789e, 798, 805, 821, 838, 845, 848, 850, 865, 893, 902, 904, 947, 972, 993, 1004e, 1011, 1045, 1048e, 1048A, 1067, 1103, 1108, 1145, and 1162.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**MESSAGE FROM THE GOVERNOR**

April 16, 2008

Patrick J. O'Donnell  
 Clerk of the Legislature  
 State Capitol, Room 2018  
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 151e, 195, 280, 710, 724, 726, 726A, 727, 728, 736, 736A, 754e, 764, 775, 789e, 798, 805, 821, 838, 844, 845, 848, 850, 865, 893, 902, 904, 947, 972, 993, 1001, 1001A, 1004e, 1011, 1014e, 1014Ae, 1045, 1048e, 1048A, 1067, 1103, 1108, 1145, and 1162 were received in my office on April 15, 2008.

I signed these bills and delivered them to the Secretary of State on April 16, 2008.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

**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 1182:

Oil and Gas Conservation Commission  
 James Gohl

Voting in the affirmative, 39:

Adams	Erdman	Janssen	McGill	Rogert
Aguilar	Fischer	Johnson	Nantkes	Schimek
Avery	Friend	Karpisek	Nelson	Stuthman
Burling	Gay	Kopplin	Pahls	Synowiecki
Carlson	Hansen	Lathrop	Pankonin	Wallman
Christensen	Harms	Lautenbaugh	Pedersen	White
Cornett	Howard	Loudon	Pirsch	Wightman
Dierks	Hudkins	McDonald	Preister	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Dubas	Flood	Fulton	Langemeier
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Excused and not voting, 5:

Ashford      Engel              Heidemann      Kruse              Raikes

The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1253:

Nebraska Information Technology Commission

Trev Peterson

Janie Park

Voting in the affirmative, 38:

Adams	Flood	Janssen	Nantkes	Schimek
Aguilar	Friend	Johnson	Nelson	Stuthman
Carlson	Fulton	Karpisek	Pahls	Synowiecki
Christensen	Gay	Kopplin	Pankonin	Wallman
Dierks	Hansen	Lathrop	Pedersen	White
Dubas	Harms	Lautenbaugh	Pirsch	Wightman
Erdman	Howard	Louden	Preister	
Fischer	Hudkins	McGill	Rogert	

Voting in the negative, 0.

Present and not voting, 6:

Avery	Chambers	Langemeier
Burling	Cornett	McDonald

Excused and not voting, 5:

Ashford      Engel              Heidemann      Kruse              Raikes

The appointments were confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1389:

Commission for the Deaf and Hard of Hearing

Mary Ann Burke

David Rutledge

Dillard Delts

Voting in the affirmative, 41:

Adams	Erdman	Janssen	Nantkes	Stuthman
Aguilar	Fischer	Johnson	Nelson	Synowiecki
Avery	Flood	Karpisek	Pahls	Wallman
Burling	Friend	Kopplin	Pankonin	White
Carlson	Fulton	Langemeier	Pedersen	Wightman
Christensen	Gay	Lautenbaugh	Pirsch	
Cornett	Hansen	Louden	Preister	
Dierks	Howard	McDonald	Rogert	
Dubas	Hudkins	McGill	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Harms	Lathrop
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Excused and not voting, 5:

Ashford	Engel	Heidemann	Kruse	Raikes
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The appointments were confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1389:

Commission for the Blind and Visually Impaired  
James Jirak

Voting in the affirmative, 41:

Adams	Erdman	Hudkins	McGill	Schimek
Aguilar	Fischer	Janssen	Nantkes	Stuthman
Avery	Flood	Johnson	Nelson	Wallman
Burling	Friend	Karpisek	Pahls	White
Carlson	Fulton	Kopplin	Pankonin	Wightman
Christensen	Gay	Lathrop	Pedersen	
Cornett	Hansen	Lautenbaugh	Pirsch	
Dierks	Harms	Louden	Preister	
Dubas	Howard	McDonald	Rogert	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Langemeier	Synowiecki
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Excused and not voting, 5:

Ashford            Engel                    Heidemann            Kruse                    Raikes

The appointment was confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator McDonald moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1410:

State Racing Commission  
Helen Abbott Feller

Voting in the affirmative, 38:

Adams	Erdman	Janssen	McGill	Rogert
Aguilar	Fischer	Karpisek	Nantkes	Schimek
Avery	Friend	Kopplin	Nelson	Stuthman
Burling	Fulton	Langemeier	Pahls	Synowiecki
Carlson	Gay	Lathrop	Pankonin	Wallman
Christensen	Harms	Lautenbaugh	Pedersen	Wightman
Dierks	Howard	Louden	Pirsch	
Dubas	Hudkins	McDonald	Preister	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Flood	Johnson
Cornett	Hansen	White

Excused and not voting, 5:

Ashford            Engel                    Heidemann            Kruse                    Raikes

The appointment was confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator McDonald moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1411:

Nebraska Arts Council  
Robert "Bob" Culver Jr.

Voting in the affirmative, 44:

Adams	Erdman	Hudkins	Louden	Preister
Aguilar	Fischer	Janssen	McDonald	Rogert
Avery	Friend	Johnson	McGill	Schimek
Burling	Fulton	Karpisek	Nantkes	Stuthman
Carlson	Gay	Kopplin	Nelson	Synowiecki
Chambers	Hansen	Kruse	Pahls	Wallman
Christensen	Harms	Langemeier	Pankonin	White
Dierks	Heidemann	Lathrop	Pedersen	Wightman
Dubas	Howard	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 2:

Cornett          Flood

Excused and not voting, 3:

Ashford          Engel          Raikes

The appointment was confirmed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

### **MOTION - Return LB245 to Select File**

Senator Preister moved to return LB245 to Select File for the following specific amendment:

FA276

Strike the enacting clause.

Senator Preister withdrew his motion to return.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 245.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-3305, Revised Statutes Supplement, 2007; to change provisions relating to fluoridation of drinking water; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Aguilar	Erdman	Janssen	Louden	Pirsch
Ashford	Flood	Johnson	McGill	Raikes
Avery	Friend	Karpisek	Nantkes	Rogert
Burling	Fulton	Kopplin	Nelson	Schimek
Carlson	Gay	Kruse	Pahls	Wallman
Chambers	Howard	Lathrop	Pankonin	Wightman
Cornett	Hudkins	Lautenbaugh	Pedersen	

Voting in the negative, 8:

Adams	Dubas	Hansen	Langemeier
Christensen	Fischer	Heidemann	Preister

Present and not voting, 6:

Dierks	McDonald	Synowiecki
Harms	Stuthman	White

Excused and not voting, 1:

Engel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 245A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 245, One Hundredth Legislature, Second Session, 2008; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 33:

Aguilar	Erdman	Hudkins	Lautenbaugh	Pirsch
Ashford	Flood	Janssen	McGill	Raikes
Avery	Friend	Johnson	Nantkes	Rogert
Burling	Fulton	Karpisek	Nelson	Schimek
Carlson	Gay	Kopplin	Pahls	Wightman
Chambers	Heidemann	Kruse	Pankonin	
Cornett	Howard	Lathrop	Pedersen	

Voting in the negative, 6:

Adams	Dubas	Langemeier
Christensen	Hansen	Preister

Present and not voting, 9:

Dierks	Harms	McDonald	Synowiecki	White
Fischer	Louden	Stuthman	Wallman	

Excused and not voting, 1:

Engel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **MOTION - Return LB745 to Select File**

Senator Chambers moved to return LB745 to Select File for the following specific amendment:

FA277

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 745.**

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-1316, Revised Statutes Supplement, 2007; to change provisions relating to personnel exempt from the State Personnel System; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Adams	Dubas	Howard	Louden	Raikes
Aguilar	Erdman	Hudkins	McDonald	Rogert
Ashford	Fischer	Janssen	McGill	Schimek
Avery	Flood	Johnson	Nantkes	Stuthman
Burling	Friend	Karpisek	Nelson	Synowiecki
Carlson	Fulton	Kopplin	Pahls	Wallman
Chambers	Gay	Kruse	Pankonin	White
Christensen	Hansen	Langemeier	Pedersen	Wightman
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	



Voting in the negative, 0.

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB806 with 37 ayes, 2 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 806.**

A BILL FOR AN ACT relating to animals; to amend sections 15-220, 16-206, 17-526, 20-126.01, 20-128, 20-131.02, 20-131.04, 49-801, 54-603, and 54-614, Reissue Revised Statutes of Nebraska, and sections 14-102, 20-127, 20-129, and 28-1009.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to dog guides, hearing aid dogs, and service dogs; to define a term; 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, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 830.**

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-901, Revised Statutes Cumulative Supplement, 2006, and section 71-7611, Revised Statutes Supplement, 2007, as amended by section 2, Legislative Bill 480, One Hundredth Legislature, Second Session, 2008, and section 5, Legislative Bill 961, One Hundredth Legislature, Second Session, 2008; to adopt the Medicaid Prescription Drug Act; to harmonize provisions; to change provisions relating to use of the Nebraska Health Care Cash Fund; 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, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 830A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 830, One Hundredth Legislature, Second Session, 2008.

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, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 907.**

A BILL FOR AN ACT relating to corporations and other companies; to amend sections 21-1905, 21-2604, and 21-2611, Reissue Revised Statutes of Nebraska, and section 21-2005, Revised Statutes Supplement, 2007; to change provisions relating to fees; to change provisions relating to names and reinstatement of limited liability companies; 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, 46:

Adams	Erdman	Hudkins	McDonald	Schimek
Aguilar	Fischer	Janssen	McGill	Stuthman
Ashford	Flood	Johnson	Nantkes	Synowiecki
Avery	Friend	Karpisek	Nelson	Wallman
Burling	Fulton	Kopplin	Pahls	White
Carlson	Gay	Kruse	Pankonin	Wightman
Chambers	Hansen	Langemeier	Pedersen	
Christensen	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	
Dubas	Howard	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 2:

Engel            Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 953.**

A BILL FOR AN ACT relating to mobile homes and manufactured homes; to amend sections 60-137 and 60-164, Revised Statutes Supplement, 2007; to provide classification under bankruptcy plans, certificate of title requirements, and security interest perfection as prescribed; 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, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Engel            Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 956.**

A BILL FOR AN ACT relating to the Job Training Cash Fund; to amend sections 81-1202 and 81-1205, Reissue Revised Statutes of Nebraska, and section 81-1201.21, Revised Statutes Supplement, 2007; to provide for small, rural, or poverty area employer grants; to change provisions relating to job training grants; 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, 46:

Adams	Dubas	Howard	Louden	Schimek
Aguilar	Erdman	Hudkins	McDonald	Stuthman
Ashford	Fischer	Janssen	Nantkes	Synowiecki
Avery	Flood	Johnson	Nelson	Wallman
Burling	Friend	Karpisek	Pahls	White
Carlson	Fulton	Kopplin	Pankonin	Wightman
Chambers	Gay	Kruse	Pedersen	
Christensen	Hansen	Langemeier	Pirsch	
Cornett	Harms	Lathrop	Preister	
Dierks	Heidemann	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 2:

Engel            Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 995.**

A BILL FOR AN ACT relating to cemeteries; to amend sections 12-401,

12-806, 12-807, 12-808, 12-810, 12-1202, and 12-1204, Reissue Revised Statutes of Nebraska, and sections 12-402, 12-805, and 12-1401, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to cemetery boards, cemetery funds, abandoned and neglected cemeteries, Indian burial grounds, and pioneer cemeteries; to harmonize provisions; to repeal the original sections; and to outright repeal section 12-806.01, Reissue Revised Statutes of Nebraska.

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, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Engel                Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1072.** With Emergency.

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, and section 66-1852, Revised Statutes Cumulative Supplement, 2006; to change rate filing provisions under the State Natural Gas Regulation Act; to change provisions relating to extension of natural gas transmission lines and to contested cases; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Adams	Dubas	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Engel                      Raikes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1116 with 34 ayes, 6 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 1116.**

A BILL FOR AN ACT relating to the Nebraska State Fair; to amend section 2-258, Reissue Revised Statutes of Nebraska, sections 2-101, 2-101.01, 2-103, and 81-1108.33, Revised Statutes Cumulative Supplement, 2006, and sections 2-108 and 84-612, Revised Statutes Supplement, 2007; to state intent to relocate the Nebraska State Fair; to provide a fair relocation plan; to provide for future use of the Nebraska State Fairgrounds; to change membership provisions of the Nebraska State Fair Board; to create a fund; to change provisions relating to use of a tax levy; to change and eliminate provisions relating to the Nebraska State Fairgrounds; to transfer funds; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 2-104, 2-104.01, and 2-106, Revised Statutes Cumulative Supplement, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Dierks	Howard	McDonald	Raikes
Aguilar	Dubas	Hudkins	McGill	Rogert
Ashford	Erdman	Janssen	Nantkes	Schimek
Avery	Fischer	Johnson	Nelson	Stuthman
Burling	Flood	Kopplin	Pahls	Synowiecki
Carlson	Friend	Langemeier	Pankonin	Wallman
Chambers	Fulton	Lathrop	Pedersen	White
Christensen	Gay	Lautenbaugh	Pirsch	Wightman
Cornett	Harms	Louden	Preister	

Voting in the negative, 3:

Hansen            Heidemann      Karpisek

Present and not voting, 1:

Kruse

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

### **LEGISLATIVE BILL 1116A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1116, One Hundredth Legislature, Second Session, 2008.

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, 45:

Adams	Dierks	Heidemann	Louden	Preister
Aguilar	Dubas	Howard	McDonald	Raikes
Ashford	Erdman	Hudkins	McGill	Rogert
Avery	Fischer	Janssen	Nantkes	Schimek
Burling	Flood	Johnson	Nelson	Stuthman
Carlson	Friend	Kopplin	Pahls	Synowiecki
Chambers	Fulton	Langemeier	Pankonin	Wallman
Christensen	Gay	Lathrop	Pedersen	White
Cornett	Harms	Lautenbaugh	Pirsch	Wightman

Voting in the negative, 2:



Hansen            Karpisek

Present and not voting, 1:

Kruse

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1153 with 33 ayes, 4 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1153.** With Emergency.

A BILL FOR AN ACT relating to education; to amend sections 79-1104.01 and 79-1104.02, Revised Statutes Cumulative Supplement, 2006, sections 79-1103 and 79-1104.04, Revised Statutes Supplement, 2007, and section 13, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008; to provide for a certificate of attendance for students receiving special education services; to permit certain early childhood education programs to enroll certain kindergarten-age students; to change provisions relating to calculation of state aid; to change and eliminate provisions relating to early childhood education endowment funds; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Adams	Dubas	Howard	McGill	Schimek
Aguilar	Erdman	Hudkins	Nantkes	Stuthman
Ashford	Fischer	Janssen	Nelson	Synowiecki
Avery	Flood	Johnson	Pahls	Wallman
Burling	Friend	Karpisek	Pankonin	White
Carlson	Fulton	Kopplin	Pedersen	Wightman
Chambers	Gay	Langemeier	Pirsch	
Christensen	Hansen	Lathrop	Preister	
Cornett	Harms	Lautenbaugh	Raikes	
Dierks	Heidemann	McDonald	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 2:

Engel            Kruse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1165.**

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 2007; to state intent related to and provide requirements for transfers of funds from the General Fund and the Cash Reserve Fund; 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, 47:

Adams	Dubas	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Schimek
Ashford	Fischer	Janssen	Nantkes	Stuthman
Avery	Flood	Johnson	Nelson	Synowiecki
Burling	Friend	Karpisek	Pahls	Wallman
Carlson	Fulton	Kopplin	Pankonin	White
Chambers	Gay	Langemeier	Pedersen	Wightman
Christensen	Hansen	Lathrop	Pirsch	
Cornett	Harms	Lautenbaugh	Preister	
Dierks	Heidemann	Louden	Raikes	

Voting in the negative, 0.

Excused and not voting, 2:

Engel                      Kruse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## COMMITTEE REPORT

### Education

**LEGISLATIVE BILL 1100.** Placed on General File with amendment.  
AM2775

1        1. Strike the original sections and insert the following  
2 new sections:  
3        Section 1. The Nebraska Teacher Trust Fund is created. On  
4 and after the effective date of this act, the fund shall consist  
5 of two hundred million dollars of the Cash Reserve Fund. Such  
6 two hundred million dollars shall remain in the Cash Reserve Fund  
7 and remain a part thereof for all purposes, except that interest  
8 earned on the two hundred million dollars deemed to constitute  
9 the Nebraska Teacher Trust Fund shall accrue to the Professional  
10 Teacher Knowledge and Skills Compensation Cash Fund as provided in  
11 section 84-613. The Nebraska Teacher Trust Fund shall be a separate  
12 state trust fund administered by the State Treasurer. Any money in  
13 the Nebraska Teacher Trust Fund available for investment shall be  
14 invested by the state investment officer pursuant to the Nebraska  
15 Capital Expansion Act and the Nebraska State Funds Investment Act.  
16        Sec. 2. The Professional Teacher Knowledge and Skills  
17 Compensation Cash Fund is created in the State Department of  
18 Education. The fund shall consist of the interest, earnings, and  
19 proceeds from the Nebraska Teacher Trust Fund. Money in the fund  
20 shall be distributed by the State Board of Education in the form of  
21 grants awarded pursuant to the Professional Teacher Knowledge and  
22 Skills Compensation Pilot Program. Any money in the fund available  
23 for investment shall be invested by the state investment officer  
1 pursuant to the Nebraska Capital Expansion Act and the Nebraska

2 State Funds Investment Act.

3 Sec. 3. The Professional Teacher Knowledge and Skills  
4 Compensation Pilot Program is created as provided in sections 3  
5 to 10 of this act. The program shall be administered by the State  
6 Department of Education. The purpose of the program is to develop  
7 and evaluate alternative teacher compensation models for teachers  
8 in the public school system.

9 Sec. 4. On or before October 15, 2008, a school district  
10 may apply to the State Department of Education for a performance  
11 and skills compensation plan development grant to support planning  
12 and research for and development of a compensation plan that  
13 rewards teacher performance, knowledge, and skills. The application  
14 shall be on forms provided by the department and shall include a  
15 signed agreement between the school board of the applicant school  
16 district and the collective bargaining unit representing teachers  
17 in the applicant school district, which agreement shall set out  
18 the goals, criteria, and research design for the compensation plan  
19 development proposal. The application may include all teachers in  
20 the school district or teachers at specified school buildings in  
21 the district. Teacher participation in activities funded by a grant  
22 under this section shall be voluntary and shall include a stipend  
23 or release time from regular classroom teaching responsibilities.

24 Sec. 5. On or before October 15, 2008, the State Board  
25 of Education shall award a maximum of ten performance and skills  
26 compensation plan development grants to school districts which  
27 apply under section 4 of this act. At least half of such  
1 grants shall be awarded to school districts with identified high  
2 levels of students in poverty and students with English language  
3 learning deficits. At least one grant shall be awarded to a school  
4 participating in a learning community as certified by the State  
5 Department of Education pursuant to section 79-2102, and at least  
6 one grant shall be awarded to a school district designated as  
7 sparse or very sparse as such terms are defined in section 79-1003.

8 A school district may receive only one grant. Grants  
9 shall be not less than twenty-five thousand dollars and not more  
10 than seventy-five thousand dollars, based on the scope of the  
11 plan development program described in the grant application. Grant  
12 periods shall be not less than six months and not more than two  
13 years.

14 Sec. 6. At the end of the grant period described in  
15 section 7 of this act, a school district that has received a  
16 grant pursuant to such section shall submit its performance and  
17 skills compensation plan to the State Department of Education for  
18 evaluation. After submitting such plan, the school district may  
19 apply for a pilot implementation grant. To be eligible to receive a  
20 pilot implementation grant, the district shall demonstrate that it  
21 meets the following minimum requirements:

22 (1) Teacher salaries at the school receiving the pilot  
23 implementation grant are competitive with school districts of

24 similar size within a geographically proximate area;

25 (2) The school district's expenditures for teacher  
26 salaries make up at least fifty percent of the district's general  
27 fund expenditures as reported on the most currently available  
1 annual financial report under section 79-528;

2 (3) The school board and the collective bargaining  
3 unit representing teachers in the applicant school district have  
4 signed an agreement to implement a pilot performance and skills  
5 compensation plan for a period of not less than three and not more  
6 than five school years; and

7 (4) Letters of support from community and business  
8 leaders accompany the application for pilot implementation grant.

9 Sec. 7. The State Board of Education shall award a  
10 maximum of ten pilot implementation grants under section 6 of  
11 this act. Such grants shall provide state funding for supplemental  
12 performance and skill compensation for participating teachers.  
13 Each grant shall be not less than seventy-five thousand dollars  
14 and not more than one million dollars for each year of the  
15 grant period, based upon the scope of the pilot performance and  
16 skills compensation program and the number of teachers expected  
17 to participate in such program. Grants may include all teachers  
18 in the school district or teachers at specified school buildings  
19 in the school district. Teacher participation shall be voluntary  
20 as provided in section 9 of this act. At least half of such  
21 grants shall be awarded to districts with identified high levels  
22 of students in poverty and students with English language learning  
23 deficits. At least one grant shall be awarded to a low-income  
24 school district or to a school participating in a learning  
25 community certified by the State Department of Education pursuant  
26 to section 79-2102, and at least one grant shall be awarded to a  
27 school district designated as sparse or very sparse as such terms  
1 are defined in section 79-1003.

2 Sec. 8. Grant funds awarded under section 7 of this act  
3 shall be used exclusively for supplemental salaries for eligible  
4 teachers. School districts receiving such grants shall not use  
5 grant funds in any way to supplant or replace local funding for  
6 teacher salaries. A portion of the grant funding may be used to pay  
7 required employer payroll tax and retirement contributions.

8 Sec. 9. Participation by teachers in a pilot performance  
9 and skills compensation program receiving a grant under section 5  
10 of this act shall be voluntary, and lack of participation in the  
11 program shall not otherwise negatively impact the compensation of  
12 teachers that choose not to participate in the program.

13 Sec. 10. (1) On or before October 15, 2011, and on  
14 or before October 15, 2013, the State Department of Education  
15 shall report to the Legislature, evaluating the impact of the  
16 Professional Teacher Knowledge and Skills Compensation Pilot  
17 Program.

18 (2) The report shall include, but not be limited to, the

19 following considerations:

20 (a) Impact on student achievement gaps;

21 (b) Impact on teacher recruitment and retention;

22 (c) Impact on collective bargaining relationships;

23 (d) Impact on teachers' skills and knowledge; and

24 (e) Impact on teacher compensation.

25 (3) The report shall include recommendations to the

26 Legislature relating to:

27 (a) Continuation of the grant program;

1 (b) Expansion of the grant program;

2 (c) Discontinuation of the grant program; or

3 (d) Implementation of a statewide professional teacher

4 performance and skills compensation program for providing

5 supplemental compensation to teachers, including plans for

6 transition of an ongoing program into the Tax Equity and

7 Educational Opportunities Support Act as an adjustment factor and

8 an allowance.

9 Sec. 11. Section 15, Legislative Bill 988, One Hundredth

10 Legislature, Second Session, 2008, is amended to read:

11 The department shall calculate a special receipts

12 allowance for each district equal to the amount of special

13 education, state ward, and accelerated or differentiated curriculum

14 program receipts and grant funds received under the Professional

15 Teacher Knowledge and Skills Compensation Pilot Program included in

16 local system formula resources under subdivisions (7), (8), (16),

17 ~~and (17), and (18)~~ of section 79-1018.01 attributable to the school

18 district.

19 Sec. 12. Section 79-1018.01, Revised Statutes Supplement,

20 2007, as amended by section 40, Legislative Bill 988, One Hundredth

21 Legislature, Second Session, 2008, is amended to read:

22 79-1018.01 Except as otherwise provided in this section,

23 local system formula resources include other actual receipts

24 available for the funding of general fund operating expenditures

25 as determined by the department for the second school fiscal

26 year immediately preceding the school fiscal year in which aid

27 is to be paid. Receipts from the Community Improvements Cash Fund

1 and receipts acquired pursuant to the Low-Level Radioactive Waste

2 Disposal Act shall not be included. Other actual receipts include:

3 (1) Public power district sales tax revenue;

4 (2) Fines and license fees;

5 (3) Tuition receipts from individuals, other districts,

6 or any other source except receipts derived from adult education,

7 receipts derived from summer school tuition, receipts derived from

8 early childhood education tuition, and receipts from educational

9 entities as defined in section 79-1201.01 for providing distance

10 education courses through the Distance Education Council until July

11 1, 2008, and the Educational Service Unit Coordinating Council on

12 and after July 1, 2008, to such educational entities;

13 (4) Transportation receipts;

- 14 (5) Interest on investments;
- 15 (6) Other miscellaneous noncategorical local receipts,  
16 not including receipts from private foundations, individuals,  
17 associations, or charitable organizations;
- 18 (7) Special education receipts;
- 19 (8) Special education receipts and non-special education  
20 receipts from the state for wards of the court and wards of the  
21 state;
- 22 (9) All receipts from the temporary school fund.  
23 Beginning with the calculation of aid for school fiscal year  
24 2002-03 and each school fiscal year thereafter, receipts from  
25 the temporary school fund shall only include receipts pursuant  
26 to section 79-1035 and the receipt of funds pursuant to section  
27 79-1036 for property leased for a public purpose as set forth in  
1 subdivision (1)(a) of section 77-202;
- 2 (10) Motor vehicle tax receipts received on or after  
3 January 1, 1998;
- 4 (11) Pro rata motor vehicle license fee receipts;
- 5 (12) Other miscellaneous state receipts excluding revenue  
6 from the textbook loan program authorized by section 79-734;
- 7 (13) Impact aid entitlements for the school fiscal year  
8 which have actually been received by the district to the extent  
9 allowed by federal law;
- 10 (14) All other noncategorical federal receipts;
- 11 (15) All receipts pursuant to the enrollment option  
12 program under sections 79-232 to 79-246;
- 13 (16) Receipts under the federal Medicare Catastrophic  
14 Coverage Act of 1988, as such act existed on May 8, 2001, as  
15 authorized pursuant to sections 43-2510 and 43-2511 but only to the  
16 extent of the amount the local system would have otherwise received  
17 pursuant to the Special Education Act; ~~and~~
- 18 (17) Receipts for accelerated or differentiated  
19 curriculum programs pursuant to sections 79-1106 to 79-1108.03;  
20 and-
- 21 (18) Receipts from grants received pursuant to the  
22 Professional Teacher Knowledge and Skills Compensation Pilot  
23 Program.
- 24 Sec. 13. Section 84-612, Revised Statutes Supplement,  
25 2007, is amended to read:
- 26 84-612 (1) There is hereby created within the state  
27 treasury a fund known as the Cash Reserve Fund which shall be under  
1 the direction of the State Treasurer. The fund shall only be used  
2 pursuant to this section.
- 3 (2) The State Treasurer shall transfer funds from the  
4 Cash Reserve Fund to the General Fund upon certification by the  
5 Director of Administrative Services that the current cash balance  
6 in the General Fund is inadequate to meet current obligations. Such  
7 certification shall include the dollar amount to be transferred.  
8 Any transfers made pursuant to this subsection shall be reversed

9 upon notification by the Director of Administrative Services that  
10 sufficient funds are available.

11 (3) The State Treasurer, at the direction of the  
12 budget administrator of the budget division of the Department  
13 of Administrative Services, shall transfer such amounts not to  
14 exceed seven million seven hundred fifty-three thousand two hundred  
15 sixty-three dollars in total from the Cash Reserve Fund to the  
16 Nebraska Capital Construction Fund between July 1, 2003, and June  
17 30, 2007.

18 (4) The State Treasurer, at the direction of the budget  
19 administrator, shall transfer an amount equal to the total amount  
20 transferred pursuant to subsection (3) of this section from the  
21 General Fund to the Cash Reserve Fund on or before June 30, 2008.

22 (5) In addition to receiving transfers from other funds,  
23 the Cash Reserve Fund shall receive federal funds received by the  
24 State of Nebraska for undesignated general government purposes,  
25 federal revenue sharing, or general fiscal relief of the state.

26 (6) On June 15, 2007, the State Treasurer shall transfer  
27 fifteen million six hundred seventy-four thousand one hundred seven  
1 dollars from the Cash Reserve Fund to the General Fund.

2 (7) On June 16, 2008, the State Treasurer shall transfer  
3 seventeen million nine hundred thirty-one thousand thirty dollars  
4 from the Cash Reserve Fund to the General Fund.

5 (8) On June 15, 2009, the State Treasurer shall transfer  
6 four million nine hundred ninety thousand five hundred five dollars  
7 from the Cash Reserve Fund to the General Fund.

8 (9) On or before June 16, 2008, the State Treasurer, at  
9 the direction of the budget administrator, shall transfer fifty  
10 million dollars from the Cash Reserve Fund to the General Fund.

11 (10) On or before June 16, 2009, the State Treasurer,  
12 at the direction of the budget administrator, shall transfer fifty  
13 million dollars from the Cash Reserve Fund to the General Fund.

14 (11) From the effective date of an endowment agreement  
15 as defined in subdivision (3)(c) of section 79-1101 until June  
16 30, 2007, forty million dollars of the Cash Reserve Fund shall be  
17 deemed to constitute the Early Childhood Education Endowment Fund.  
18 Such funds shall remain part of the Cash Reserve Fund for all  
19 purposes, except that the interest earned on such forty million  
20 dollars shall accrue as provided in section 84-613.

21 (12) The State Treasurer, at the direction of the budget  
22 administrator, shall transfer such amounts, as certified by the  
23 Director of Administrative Services, for employee health insurance  
24 claims and expenses, not to exceed twelve million dollars in total  
25 from the Cash Reserve Fund to the State Employees Insurance Fund  
26 between May 1, 2007, and June 30, 2011.

27 (13) On July 9, 2007, the State Treasurer shall transfer  
1 twelve million dollars from the Cash Reserve Fund to the Nebraska  
2 Capital Construction Fund.

3 (14) On July 9, 2007, the State Treasurer shall transfer



4 five million dollars from the Cash Reserve Fund to the Job Training  
5 Cash Fund. The State Treasurer shall transfer from the Job Training  
6 Cash Fund to the Cash Reserve Fund such amounts as directed in  
7 section 81-1201.21.

8 (15) On July 7, 2008, the State Treasurer shall transfer  
9 five million dollars from the Cash Reserve Fund to the Job Training  
10 Cash Fund. The State Treasurer shall transfer from the Job Training  
11 Cash Fund to the Cash Reserve Fund such amounts as directed in  
12 section 81-1201.21.

13 (16) On or before August 1, 2007, the State Treasurer,  
14 at the direction of the budget administrator, shall transfer  
15 seventy-five million dollars from the Cash Reserve Fund to the  
16 Nebraska Capital Construction Fund.

17 (17) On or before June 30, 2009, the State Treasurer  
18 shall transfer nine million five hundred ninety thousand dollars  
19 from the Cash Reserve Fund to the Nebraska Capital Construction  
20 Fund.

21 (18) The State Treasurer, at the direction of the budget  
22 administrator, shall transfer an amount equal to the total amount  
23 transferred pursuant to subsection (12) of this section from  
24 the appropriate health insurance accounts of the State Employees  
25 Insurance Fund in such amounts as certified by the Director of  
26 Administrative Services to the Cash Reserve Fund on or before June  
27 30, 2011.

1 (19) On July 9, 2007, the State Treasurer shall  
2 transfer one million dollars from the Cash Reserve Fund to the  
3 Microenterprise Development Cash Fund.

4 (20) On July 9, 2007, the State Treasurer shall transfer  
5 two hundred fifty thousand dollars from the Cash Reserve Fund to  
6 the Building Entrepreneurial Communities Cash Fund.

7 (21) On July 7, 2008, the State Treasurer shall  
8 transfer one million dollars from the Cash Reserve Fund to the  
9 Microenterprise Development Cash Fund.

10 (22) On July 7, 2008, the State Treasurer shall transfer  
11 two hundred fifty thousand dollars from the Cash Reserve Fund to  
12 the Building Entrepreneurial Communities Cash Fund.

13 (23) On and after the effective date of this act, two  
14 hundred million dollars of the Cash Reserve Fund shall be deemed to  
15 constitute the Nebraska Teacher Trust Fund. Such funds shall remain  
16 part of the Cash Reserve Fund for all purposes, except that the  
17 interest earned on such two hundred million dollars shall accrue as  
18 provided in section 84-613.

19 Sec. 14. Section 84-613, Revised Statutes Supplement,  
20 2007, is amended to read:

21 84-613 (1) Any money in the Cash Reserve Fund available  
22 for investment shall be invested by the state investment officer  
23 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
24 State Funds Investment Act.

25 (2) Until July 1, 2007, any interest earned by the

26 fund shall accrue to the General Fund, except for interest earned  
 27 on forty million dollars if such money is deemed to constitute  
 1 the Early Childhood Education Endowment Fund in accordance with  
 2 subsection (11) of section 84-612. From the effective date  
 3 of an endowment agreement as defined in subdivision (3)(c) of  
 4 section 79-1101 until June 30, 2007, interest earned on the forty  
 5 million dollars deemed to constitute the Early Childhood Education  
 6 Endowment Fund shall accrue to the Early Childhood Education  
 7 Endowment Cash Fund.

8 (3) Commencing July 1, 2007, any interest earned by the  
 9 Cash Reserve Fund shall accrue to the General Fund, except that  
 10 on and after the effective date of this act, interest earned on  
 11 two hundred million dollars of the fund deemed to constitute the  
 12 Nebraska Teacher Trust Fund in accordance with subsection (23) of  
 13 section 84-612 shall accrue to the Professional Teacher Knowledge  
 14 and Skills Compensation Cash Fund created in section 2 of this act.

15 Sec. 15. Original sections 84-612 and 84-613, Revised  
 16 Statutes Supplement, 2007, section 79-1018.01, Revised Statutes  
 17 Supplement, 2007, as amended by section 40, Legislative Bill 988,  
 18 One Hundredth Legislature, Second Session, 2008, and section 15,  
 19 Legislative Bill 988, One Hundredth Legislature, Second Session,  
 20 2008, are repealed.

(Signed) Ron Raikes, Chairperson

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 402.** Introduced by Appropriations Committee: Heidemann, 1, Chairperson; Fulton, 29; Harms, 48; Nantkes, 46; Nelson, 6; Synowiecki, 7; Wightman, 36; Cornett, 45.

PURPOSE: To examine various state aid to county programs and determine their impact and potential changes in their design. Such programs shall include, but not be limited to, county jail reimbursement assistance, the County Property Tax Relief Program, general aid to counties pursuant to section 77-27,136, and the insurance premium tax paid to counties. The study shall also examine the issue of state assumption of county programs, current spending on county services, county needs, and county property tax capacity. Such study shall be conducted in cooperation with the Revenue Committee of the Legislature and their study pursuant to LR349, One Hundredth Legislature, Second Session, 2008.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 403.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Karpisek, 32; White, 8.

**PURPOSE:** To examine law enforcement throughout Nebraska. The study shall include, but not be limited to, the development of a plan to address the lack of retirement plans for peace officers employed by cities of the second class and villages. Additionally, the study shall examine the feasibility of moving law enforcement personnel employed by cities of the first class and counties into a new plan limited to law enforcement. These plans could include, but not be limited to, the creation of a new defined-benefit plan, the creation of a new defined-contribution plan, or the possible inclusion of peace officers employed by cities of the second class and villages in the County Employees Retirement Act. In addition, this study shall examine possible sources of funding available to contribute to the plan developed under this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 245, 245A, 745, 806, 830, 830A, 907, 953, 956, 995, 1072, 1116, 1116A, 1153, and 1165.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 223.** Read. Considered.

LR223 was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE RESOLUTION 238.** Read. Considered.

Senator Johnson renewed the Kruse amendment, AM2780, found on page 1473.

The Kruse amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LR238, as amended, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE RESOLUTION 376.** Read. Considered.

LR376 was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 223, 238, and 376.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR387 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR387.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 404.** Introduced by Judiciary Committee: Ashford, 20, Chairperson; Lathrop, 12; McDonald, 41; McGill, 26; Pedersen, 39; Pirsch, 4; Schimek, 27.

WHEREAS, Nebraska legislative hearing rooms have been named in honor of certain historic political figures and name plaques have been placed above the doors to identify the rooms and commemorate the individuals; and  
WHEREAS, on November 3, 1970, Senator Ernie Chambers was elected to represent District 11 of the Nebraska Unicameral Legislature; and

WHEREAS, Senator Chambers was reelected in the elections held in 1972 through 2004 to continue his representation of District 11; and

WHEREAS, due to the constitutional amendment placing a limit on the terms of members of the Legislature, Senator Chambers' service as an elected member of the Legislature will end on January 6, 2009; and

WHEREAS, Senator Chambers will make history by being the member of the Legislature with the longest length of service; and

WHEREAS, Senator Chambers during his years of public service worked to make the State of Nebraska a better place for all with particular focus on individual rights, minorities, the poor, and traditionally powerless groups serving as Defender of the Downtrodden; and

WHEREAS, Senator Chambers drew national prominence for his legislative accomplishments requiring the divestment of state funds in stocks and bonds of corporations or financial institutions doing business in the Republic of South Africa and his legislative accomplishments protecting Native American burial sites and returning human skeletal remains and burial goods to relatives and Indian tribes; and

WHEREAS, additional major legislative accomplishments of Senator Chambers include a ban on imposing the death penalty on the developmentally disabled and establishing district elections for city councils of cities of the metropolitan class, Class V school districts, and county boards in counties with over three hundred thousand inhabitants; and

WHEREAS, Senator Chambers has served as a member of the Executive Board of the Legislative Council for twenty-six years and in that leadership role and as a member of the Legislature he has been a champion of the Legislature as a separate branch of government, promoting institutional autonomy and respect; and

WHEREAS, Senator Chambers has served as a member of the Legislature's Judiciary Committee for each of his thirty-eight years of service in the Nebraska Legislature; and

WHEREAS, naming the Judiciary Committee hearing room in Senator Chambers' honor would be a tangible display of the Legislature's respect and honor.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature thanks Senator Chambers for his historic thirty-eight years of service.
2. That the Judiciary Committee Hearing Room, Room 1113 of the Nebraska State Capitol, be named in his honor.
3. That a name plaque naming Room 1113 of the State Capitol the Ernie Chambers Hearing Room be placed above the door to identify the room and honor Senator Chambers.
4. That a copy of this resolution be presented to Senator Chambers.

Laid over.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 16, 2008, at 3:23 p.m. were the following: LBs 245e, 245Ae, 745, 806, 830, 830A, 907, 953, 956, 995, 1072e, 1116, 1116A, 1153e, and 1165.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**VISITORS**

Visitors to the Chamber were 32 fourth-grade students and teachers from Stoddard Elementary, Beatrice; David Sumegi from Lincoln; and 18 fourth-grade students and teachers from Red Cloud.

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

**ADJOURNMENT**

At 3:28 p.m., on a motion by Senator Pedersen, the Legislature adjourned until 9:00 a.m., Thursday, April 17, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTIETH DAY - APRIL 17, 2008**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDREDTH LEGISLATURE**  
**SECOND SESSION**

**SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 17, 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 Pedersen and White who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-ninth day was approved.

**MESSAGE FROM THE GOVERNOR**

April 17, 2008

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 245 and LB 245A without my signature and with my objections. LB 245 mandates that cities or villages either must fluoridate their water supply or conduct a ballot initiative to opt out of this requirement. This is an unfunded mandate on communities with a population in excess of 1,000. Costs of complying with the fluoride mandate or of conducting a ballot initiative would be passed on to Nebraska taxpayers. The decision of whether to fluoridate local water supplies should remain a local decision rather than an unfunded state mandate.

The water systems in cities and villages vary as would the cost to implement mandatory fluoridation. The cost would also disproportionately affect smaller communities and their citizens. The capital costs for equipment, which is estimated at \$5,000 per well, and the ongoing costs of fluoridation would be passed on to citizens either in the form of property tax increases or a surcharge in their water bill.

For these reasons, I respectfully urge you to sustain my veto of LB 245 and LB 245A.

Sincerely,  
(Signed) Dave Heineman  
Governor

**COMMITTEE REPORT**  
**Enrollment and Review**

**Correctly Enrolled**

The following resolution was correctly enrolled: LR238.

(Signed) Amanda McGill, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 238.** Introduced by Kruse, 13.

WHEREAS, the opportunity to have access to health care and long-term financial security is a basic need that all Nebraskans share and is the foundation for future generations; and

WHEREAS, we believe all Nebraskans should have peace of mind about their future long-term financial security; and

WHEREAS, all Nebraskans should have access to affordable health care, including prescription drugs, and these costs should not burden future generations; and

WHEREAS, wellness and prevention efforts for Nebraskans, including changes in personal behavior such as diet and exercise, should be top priorities of our state; and

WHEREAS, Nebraskans should have choices when it comes to long-term care allowing them to maintain their independence at home or in their communities with expanded and affordable financing options; and

WHEREAS, workers should be provided with financial incentives to save, should have access to effective retirement plans, and should be able to keep working and contributing to society regardless of age; and

WHEREAS, Nebraskans of all ages should have access to tools to help manage their finances and save for the future and better, easy to understand information to help them increase their financial literacy and wisely manage their money; and



WHEREAS, individuals, businesses, health care providers, nonprofit organizations, and government must work together to find solutions personally, privately, and publicly; and

WHEREAS, the American Association of Retired Persons, the Business Roundtable, the National Federation of Independent Businesses, and the Service Employees International Union have launched "Divided We Fail", an effort that engages millions of Americans to call on their elected leaders to work together across party lines to provide answers, action, and accountability on these issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends the "Divided We Fail" effort and urges our state and federal elected officials and candidates to consider ways we can be united.

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 16, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Keigher/Rasmussen & Associates, LLC  
AirBoat Association, Nebraska

McGovern, L. Denise  
Grand Island Area Economic Development Corporation

### **REPORTS**

The following reports were received by the Legislature:

#### **Auditor of Public Accounts**

Attestation Report of the Nebraska Department of Banking and Finance  
for the year ended June 30, 2007

#### **Investment Council, Nebraska**

Annual Report, Calendar Year 2007

#### **Investment Finance Authority, Nebraska (NIFA)**

2006 Series A, B, C, D, E and F Community Development Loan Notes  
(City of Lincoln Program-2006) Report

Single Family Housing Revenue Bonds Series 2007GH Quarterly Report

Single Family Housing Revenue Bonds Series 2007IJK Quarterly Report

Single Family Housing Revenue Bonds Series 2008AB Quarterly Report

#### **Revenue, Department of**

Property Assessment Division 2007 Annual Report

**Roads, Department of**

Board of Public Roads Classifications and Standards Minutes for  
February 2008

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 308.** With Emergency.

A BILL FOR AN ACT relating to pharmacy; to amend sections 38-178, 38-2866, 71-448, and 71-7454, Revised Statutes Supplement, 2007; to adopt the Automated Medication Systems Act; to harmonize provisions; to change and eliminate restrictions on drug vending machines; to provide operative dates; to repeal the original sections; to outright repeal section 71-1,147.15, Reissue Revised Statutes of Nebraska, section 38-28,102, Revised Statutes Supplement, 2007, and section 9 of this legislative bill; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Adams	Dubas	Heidemann	Lautenbaugh	Raikes
Aguilar	Engel	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen      White

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 308A.**

A BILL FOR AN ACT relating to financing statements; to amend section 9-506, Uniform Commercial Code, Reissue Revised Statutes of Nebraska,

as amended by section 28, Legislative Bill 851, One Hundredth Legislature, Second Session, 2008; to change provisions relating to the effects of errors and omissions; to provide for applicability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Dubas	Heidemann	Lautenbaugh	Rogert
Aguilar	Engel	Howard	Louden	Schimek
Ashford	Erdman	Hudkins	McDonald	Stuthman
Avery	Fischer	Janssen	McGill	Synowiecki
Burling	Flood	Johnson	Nantkes	Wallman
Carlson	Friend	Karpisek	Nelson	Wightman
Chambers	Fulton	Kopplin	Pahls	
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Excused and not voting, 3:

Pedersen      Raikes      White

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTION - Return LB469 to Select File**

Senator Chambers moved to return LB469 to Select File for the following specific amendment:

FA278

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 469.**

A BILL FOR AN ACT relating to the Nebraska Health Care Funding Act; to amend section 71-7606, Revised Statutes Supplement, 2007; to change restrictions on use of funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Adams	Cornett	Howard	Lathrop	Preister
Aguilar	Dubas	Hudkins	Louden	Rogert
Ashford	Erdman	Janssen	McDonald	Schimek
Avery	Fischer	Johnson	McGill	Stuthman
Burling	Flood	Karpisek	Nantkes	Synowiecki
Carlson	Friend	Kopplin	Nelson	Wallman
Chambers	Harms	Kruse	Pahls	Wightman
Christensen	Heidemann	Langemeier	Pankonin	

Voting in the negative, 5:

Dierks	Engel	Fulton	Lautenbaugh	Pirsch
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Present and not voting, 2:

Gay	Hansen
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Excused and not voting, 3:

Pedersen	Raikes	White
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 609.**

A BILL FOR AN ACT relating to the Building Entrepreneurial Communities Act; to amend section 81-12,126, Revised Statutes Supplement, 2007; to provide additional purposes for the act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Dierks	Hansen	Langemeier	Pirsch
Aguilar	Dubas	Harms	Lathrop	Preister
Ashford	Engel	Heidemann	Lautenbaugh	Rogert
Avery	Erdman	Howard	Louden	Schimek
Burling	Fischer	Hudkins	McDonald	Stuthman
Carlson	Flood	Janssen	Nantkes	Synowiecki
Chambers	Friend	Johnson	Nelson	Wallman
Christensen	Fulton	Karpisek	Pahls	Wightman
Cornett	Gay	Kopplin	Pankonin	

Voting in the negative, 0.

Present and not voting, 2:

Kruse            McGill

Excused and not voting, 3:

Pedersen        Raikes            White

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 609A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 15, Legislative Bill 959, One Hundredth Legislature, Second Session, 2008; to change an appropriation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Dierks	Hansen	Kruse	Pankonin
Aguilar	Dubas	Harms	Langemeier	Pirsch
Ashford	Engel	Heidemann	Lautenbaugh	Preister
Avery	Erdman	Howard	Louden	Rogert
Burling	Fischer	Hudkins	McDonald	Schimek
Carlson	Flood	Janssen	McGill	Stuthman
Chambers	Friend	Johnson	Nantkes	Synowiecki
Christensen	Fulton	Karpisek	Nelson	Wallman
Cornett	Gay	Kopplin	Pahls	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 3:

Pedersen      Raikes      White

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 720.**

A BILL FOR AN ACT relating to telecommunications; to amend sections 49-1474.02, 86-242, 86-247, 86-250, and 86-256, Revised Statutes Cumulative Supplement, 2006; to change requirements relating to recorded political messages and messages delivered using automatic dialing-announcing devices; to harmonize provisions; to provide an operative date; 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, 45:

Adams	Dierks	Harms	Langemeier	Pankonin
Aguilar	Dubas	Heidemann	Lathrop	Pirsch
Ashford	Engel	Howard	Lautenbaugh	Preister
Avery	Erdman	Hudkins	Louden	Rogert
Burling	Flood	Janssen	McDonald	Schimek
Carlson	Friend	Johnson	McGill	Stuthman
Chambers	Fulton	Karpisek	Nantkes	Synowiecki
Christensen	Gay	Kopplin	Nelson	Wallman
Cornett	Hansen	Kruse	Pahls	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Fischer

Excused and not voting, 3:

Pedersen      Raikes      White

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 734.**

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-1622, Reissue Revised Statutes of Nebraska; to change provisions relating to employee benefit plans; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Adams	Dubas	Heidemann	Lautenbaugh	Rogert
Aguilar	Engel	Howard	Louden	Schimek
Ashford	Erdman	Hudkins	McDonald	Stuthman
Avery	Fischer	Janssen	McGill	Synowiecki
Burling	Flood	Johnson	Nantkes	White
Carlson	Friend	Karpisek	Nelson	Wightman
Chambers	Fulton	Kopplin	Pahls	
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Wallman

Excused and not voting, 2:

Pedersen      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 746.**

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-505, Reissue Revised Statutes of Nebraska, and section 85-505.01, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to tuition credits; 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, 47:

Adams	Dubas	Heidemann	Lautenbaugh	Rogert
Aguilar	Engel	Howard	Louden	Schimek
Ashford	Erdman	Hudkins	McDonald	Stuthman
Avery	Fischer	Janssen	McGill	Synowiecki
Burling	Flood	Johnson	Nantkes	Wallman
Carlson	Friend	Karpisek	Nelson	White
Chambers	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 781.**

A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act; to amend sections 87-303.01, 87-303.02, 87-303.03, 87-303.04, 87-303.05, 87-303.06, 87-303.07, 87-304, and 87-305, Reissue Revised Statutes of Nebraska, and section 87-302, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to deceptive trade practices; 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, 46:

Adams	Engel	Howard	Louden	Schimek
Aguilar	Erdman	Hudkins	McDonald	Stuthman
Ashford	Fischer	Janssen	McGill	Synowiecki
Avery	Flood	Johnson	Nantkes	Wallman
Burling	Friend	Karpisek	Nelson	White
Carlson	Fulton	Kopplin	Pahls	Wightman
Chambers	Gay	Kruse	Pankonin	
Christensen	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	
Dubas	Heidemann	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 1:



Cornett

Excused and not voting, 2:

Pedersen      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB819 with 35 ayes, 5 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 819.** With Emergency.

A BILL FOR AN ACT relating to labor; to amend sections 48-151, 48-668, and 48-668.02, Reissue Revised Statutes of Nebraska, sections 48-648, 48-648.01, and 48-654, Revised Statutes Cumulative Supplement, 2006, and sections 48-1,110, 48-612.01, 48-649, and 48-652, Revised Statutes Supplement, 2007; to change provisions relating to information disclosure, electronic payment, employer accounts, and unemployment compensation of the Employment Security Law and provisions relating to certain mental injuries in the Nebraska Workers' Compensation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 27:

Aguilar	Dubas	Karpisek	Pahls	Synowiecki
Ashford	Flood	Kopplin	Pankonin	Wallman
Avery	Friend	Kruse	Pirsch	White
Carlson	Harms	Lathrop	Preister	
Cornett	Howard	McGill	Rogert	
Dierks	Johnson	Nantkes	Schimek	

Voting in the negative, 20:

Adams	Engel	Gay	Janssen	McDonald
Burling	Erdman	Hansen	Langemeier	Nelson
Chambers	Fischer	Heidemann	Lautenbaugh	Stuthman
Christensen	Fulton	Hudkins	Louden	Wightman

Excused and not voting, 2:

Pedersen      Raikes

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 28:

Aguilar	Dubas	Janssen	McGill	Schimek
Ashford	Engel	Johnson	Nantkes	Synowiecki
Avery	Flood	Karpisek	Pahls	Wallman
Carlson	Friend	Kopplin	Pankonin	White
Cornett	Harms	Kruse	Pirsch	
Dierks	Howard	Lathrop	Rogert	

Voting in the negative, 17:

Adams	Fischer	Heidemann	Louden	Wightman
Burling	Fulton	Hudkins	McDonald	
Christensen	Gay	Langemeier	Nelson	
Erdman	Hansen	Lautenbaugh	Stuthman	

Present and not voting, 2:

Chambers      Preister

Excused and not voting, 2:

Pedersen      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

The following bill was read and put upon final passage:

### **LEGISLATIVE BILL 837.**

A BILL FOR AN ACT relating to railroads; to amend section 74-1334, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to railroad crossings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Dubas	Heidemann	Lautenbaugh	Rogert
Aguilar	Engel	Howard	Louden	Schimek
Ashford	Erdman	Hudkins	McDonald	Stuthman
Avery	Fischer	Janssen	McGill	Synowiecki
Burling	Flood	Johnson	Nantkes	Wallman
Carlson	Friend	Karpisek	Nelson	White
Chambers	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB846 with 39 ayes, 3 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 846.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-4,103, 66-697, and 66-6,109, Reissue Revised Statutes of Nebraska, sections 39-2215, 66-482, 66-485, 66-488, 66-489.01, 66-495.01, 66-499, 66-4,105, 66-4,114, 66-4,145, 66-4,146, 66-6,107, 66-6,111, and 66-726, Revised Statutes Cumulative Supplement, 2006, and sections 66-489 and 84-612, Revised Statutes Supplement, 2007; to provide and change taxes on motor fuels; to change allocation of tax proceeds; to provide for transfers from the Cash Reserve Fund; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Adams	Dierks	Hansen	Kruse	Pankonin
Aguilar	Engel	Harms	Langemeier	Pirsch
Ashford	Erdman	Heidemann	Lautenbaugh	Preister
Avery	Fischer	Hudkins	Louden	Rogert
Burling	Flood	Janssen	McDonald	Stuthman
Carlson	Friend	Johnson	Nantkes	Wallman
Christensen	Fulton	Karpisek	Nelson	Wightman
Cornett	Gay	Kopplin	Pahls	

Voting in the negative, 5:

Chambers	Dubas	Howard	Schimek	Synowiecki
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Present and not voting, 3:

Lathrop	McGill	White
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Excused and not voting, 2:

Pedersen	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTION - Return LB846A to Select File**

Senator Fischer moved to return LB846A to Select File for the following specific amendment:

FA268

Strike the enacting clause.

Senator Fischer withdrew her motion to return.

### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 846A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 846, One Hundredth Legislature, Second Session, 2008.

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, 1:

Chambers

Voting in the negative, 40:

Adams	Erdman	Heidemann	Langemeier	Pankonin
Aguilar	Fischer	Howard	Lathrop	Pirsch
Avery	Flood	Hudkins	Lautenbaugh	Rogert
Carlson	Friend	Janssen	McDonald	Schimek
Christensen	Fulton	Johnson	McGill	Stuthman
Cornett	Gay	Karpisek	Nantkes	Synowiecki
Dierks	Hansen	Kopplin	Nelson	Wallman
Dubas	Harms	Kruse	Pahls	Wightman

Present and not voting, 6:

Ashford	Engel	Preister
Burling	Louden	White

Excused and not voting, 2:

Pedersen	Raikes
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Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB911 with 33 ayes, 6 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 911.**

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-479, 60-4,112, 60-4,113, 60-4,117, 60-4,118.05, 60-4,122, 60-4,126, 60-4,127, 60-4,148, 60-4,149, 60-4,151, and 60-4,181, Reissue Revised Statutes of Nebraska, sections 60-484, 60-4,115, 60-4,144, and 60-4,150, Revised Statutes Cumulative Supplement, 2006, and sections 60-462, 60-463, 60-4,120.01, 60-4,123, and 60-4,124, Revised Statutes Supplement, 2007; to change provisions relating to issuance of motor vehicle operators' licenses and permits, commercial drivers' licenses, and state identification cards; to state intent; to define and redefine terms; to change provisions relating to examinations, issuance, and fees; to provide a surcharge; 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, 33:

Adams	Dierks	Fulton	Johnson	Pirsch
Aguilar	Dubas	Gay	Kruse	Preister
Avery	Engel	Hansen	Langemeier	Rogert
Burling	Erdman	Harms	Lautenbaugh	Stuthman
Carlson	Fischer	Heidemann	Louden	Wightman
Christensen	Flood	Hudkins	McDonald	
Cornett	Friend	Janssen	Pahls	

Voting in the negative, 9:

Ashford	Karpisek	Nantkes	Pankonin	White
Howard	McGill	Nelson	Schimek	

Present and not voting, 5:

Chambers	Kopplin	Lathrop	Synowiecki	Wallman
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Excused and not voting, 2:

Pedersen	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

### **LEGISLATIVE BILL 911A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 911, One Hundredth Legislature, Second Session, 2008.

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, 39:

Adams	Cornett	Fulton	Kopplin	Pahls
Aguilar	Dierks	Gay	Kruse	Pirsch
Ashford	Dubas	Hansen	Langemeier	Preister
Avery	Engel	Harms	Lautenbaugh	Rogert
Burling	Erdman	Heidemann	Louden	Schimek
Carlson	Fischer	Hudkins	McDonald	Stuthman
Chambers	Flood	Janssen	McGill	Wightman
Christensen	Friend	Johnson	Nantkes	

Voting in the negative, 3:

Karpisek          Nelson          Pankonin

Present and not voting, 5:

Howard          Lathrop          Synowiecki          Wallman          White

Excused and not voting, 2:

Pedersen          Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB928 with 32 ayes, 4 nays, 11 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 928.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 30-2483, 71-5830.01, 81-653, 81-655, and 81-659, Reissue Revised Statutes of Nebraska, sections 68-909, 71-810, 71-818, 81-656, and 81-660, Revised Statutes Cumulative Supplement, 2006, sections 38-101, 38-711, 38-1901, 38-1902, 38-1907, 38-1915, 38-3321, 43-4001, 68-949, 71-1910, 71-2619, 71-2620, 71-2621, 71-3503, 71-3505, 71-3507, 71-3508.03, 71-3517, 71-3519, 71-5306, 81-654, 81-657, and 81-664, Revised Statutes Supplement, 2007, and section 71-7608, Revised Statutes Supplement, 2007, as amended by section 7, Legislative Bill 606, One Hundredth Legislature, Second Session, 2008; to require notice of appointment of a personal representative as prescribed; to provide for the performance of collaborative animal health care tasks under the Uniform Credentialing Act as prescribed; to provide additional functions for certified registered nurse anesthetists; to define and redefine terms; to change provisions relating to medical radiographers, licensing and registration requirements under the Medical Radiography Practice Act and the Radiation Control Act, laboratories, and collection and use of fees; to change membership provisions of the Children's Behavioral Health Task Force; to change reporting requirements under the Medical Assistance Act; to rename, extend, and change membership and duties of the Behavioral Health Oversight Commission of the Legislature; to exempt certain recreational facilities from the Child Care Licensing Act; to provide for fingerprinting and a background check under the Radiation Control Act; to change an exemption from certificate of need requirements; to change provisions relating to the Nebraska Tobacco Settlement Trust Fund; to name an act and

change and eliminate provisions relating to the brain injury registry; to repeal the Hepatitis C Education and Prevention Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-545, 71-546, 71-547, 71-548, 71-549, 71-550, and 81-661, Revised Statutes Supplement, 2007; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Adams	Dubas	Heidemann	Lautenbaugh	Rogert
Aguilar	Engel	Howard	Louden	Schimek
Ashford	Erdman	Hudkins	McDonald	Stuthman
Avery	Fischer	Janssen	McGill	Synowiecki
Burling	Flood	Johnson	Nantkes	Wallman
Carlson	Friend	Karpisek	Nelson	White
Chambers	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen      Raikes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

### **LEGISLATIVE BILL 928A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 928, One Hundredth Legislature, Second Session, 2008; and to reduce certain appropriations.

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, 47:



Adams	Dubas	Heidemann	Lautenbaugh	Rogert
Aguilar	Engel	Howard	Louden	Schimek
Ashford	Erdman	Hudkins	McDonald	Stuthman
Avery	Fischer	Janssen	McGill	Synowiecki
Burling	Flood	Johnson	Nantkes	Wallman
Carlson	Friend	Karpisek	Nelson	White
Chambers	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB986 with 38 ayes, 3 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 986.**

A BILL FOR AN ACT relating to recycling; to amend sections 81-1504.01 and 81-15,160, Revised Statutes Supplement, 2007; to adopt the Electronics Recycling Act; to provide fees; to provide for a report regarding and grants from the Waste Reduction and Recycling Incentive Fund; to delete obsolete provisions; to harmonize provisions; to provide severability; 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, 42:

Adams	Dubas	Hudkins	McDonald	Schimek
Aguilar	Engel	Janssen	McGill	Stuthman
Ashford	Fischer	Johnson	Nantkes	Synowiecki
Avery	Flood	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Harms	Langemeier	Pirsch	
Cornett	Heidemann	Lathrop	Preister	
Dierks	Howard	Lautenbaugh	Rogert	

Voting in the negative, 4:

Burling	Erdman	Hansen	Louden
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Present and not voting, 1:

Friend

Excused and not voting, 2:

Pedersen	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

### **LEGISLATIVE BILL 986A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 986, One Hundredth Legislature, Second Session, 2008.

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, 38:

Adams	Dubas	Hudkins	Lautenbaugh	Schimek
Aguilar	Engel	Janssen	McDonald	Stuthman
Avery	Fischer	Johnson	McGill	Synowiecki
Carlson	Flood	Karpisek	Nantkes	Wallman
Chambers	Fulton	Kopplin	Pankonin	White
Christensen	Gay	Kruse	Pirsch	Wightman
Cornett	Harms	Langemeier	Preister	
Dierks	Howard	Lathrop	Rogert	

Voting in the negative, 3:

Erdman            Friend            Louden

Present and not voting, 6:

Ashford            Hansen            Nelson  
Burling            Heidemann        Pahls

Excused and not voting, 2:

Pedersen            Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1022 with 32 ayes, 4 nays, 11 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 1022.**

A BILL FOR AN ACT relating to public health and welfare; to adopt the Veterinary Drug Distribution Licensing Act; to provide a penalty; and to provide an operative date.

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, 47:

Adams	Dubas	Heidemann	Lautenbaugh	Rogert
Aguilar	Engel	Howard	Louden	Schimek
Ashford	Erdman	Hudkins	McDonald	Stuthman
Avery	Fischer	Janssen	McGill	Synowiecki
Burling	Flood	Johnson	Nantkes	Wallman
Carlson	Friend	Karpisek	Nelson	White
Chambers	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen            Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1027 with 36 ayes, 3 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 1027.**

A BILL FOR AN ACT relating to agriculture; to amend section 77-5204, Reissue Revised Statutes of Nebraska, and sections 77-202, 77-5201, 77-5203, 77-5208, 77-5209, 77-5211, and 77-5215, Revised Statutes Cumulative Supplement, 2006; to exempt certain agricultural and horticultural machinery and equipment from property taxation; to redefine a term; to provide exemption procedures; to change provisions of the Beginning Farmer Tax Credit Act; to provide for applicability; 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, 47:

Adams	Dubas	Heidemann	Lautenbaugh	Rogert
Aguilar	Engel	Howard	Louden	Schimek
Ashford	Erdman	Hudkins	McDonald	Stuthman
Avery	Fischer	Janssen	McGill	Synowiecki
Burling	Flood	Johnson	Nantkes	Wallman
Carlson	Friend	Karpisek	Nelson	White
Chambers	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1027A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1027, One Hundredth Legislature, Second Session, 2008.

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, 47:

Adams	Dubas	Heidemann	Lautenbaugh	Rogert
Aguilar	Engel	Howard	Louden	Schimek
Ashford	Erdman	Hudkins	McDonald	Stuthman
Avery	Fischer	Janssen	McGill	Synowiecki
Burling	Flood	Johnson	Nantkes	Wallman
Carlson	Friend	Karpisek	Nelson	White
Chambers	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen      Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1055 with 39 ayes, 3 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1055.** With Emergency.

A BILL FOR AN ACT relating to animals; to amend sections 54-607, 54-608, 54-610, 54-611, 54-613, 54-614, 54-615, 54-616, 54-617, 54-618, 54-619, 54-620, 54-623, and 54-624, Reissue Revised Statutes of Nebraska, sections 28-1014, 28-1015, and 28-1016, Revised Statutes Cumulative Supplement, 2006, and sections 28-101, 28-1008, and 28-1013, Revised Statutes Supplement, 2007; to prohibit certain association with animals as prescribed; to change and eliminate provisions relating to dogs running at

large and dangerous dogs; to define and redefine terms; to provide and change penalties; to provide powers and duties for certain political subdivisions; to harmonize provisions; to repeal the original sections; to outright repeal section 54-609, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Adams	Dubas	Heidemann	Lathrop	Preister
Aguilar	Engel	Howard	Lautenbaugh	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Chambers	Friend	Karpisek	Nelson	Wallman
Christensen	Gay	Kopplin	Pahls	White
Cornett	Hansen	Kruse	Pankonin	Wightman
Dierks	Harms	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Louden

Excused and not voting, 4:

Carlson	Fulton	Pedersen	Raikes
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1147 with 36 ayes, 5 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 1147.** With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 79-933, 79-947.04, and 81-2027.06, Reissue Revised Statutes of Nebraska, sections 23-2306, 23-2309.01, 23-2310.05, 24-708, 24-710.07, 24-710.10, 81-2027.03, 84-1307, 84-1310.01, and 84-1311.03, Revised Statutes

Cumulative Supplement, 2006, and sections 23-2320, 79-947.01, and 84-1322, Revised Statutes Supplement, 2007; to change contribution allocation provisions and contribution requirements under the County Employees Retirement Act and the State Employees Retirement Act; to provide for early retirement with reduced monthly retirement income under the Judge's Retirement Act; to change benefit adjustment provisions relating to the Judges Retirement Act, the School Employees Retirement Act, and the Nebraska State Patrol Retirement Act; to change provisions relating to service annuities under the School Employees Retirement Act; to provide for a comprehensive review of the Nebraska Investment Council; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Dubas	Heidemann	Lathrop	Pirsch
Aguilar	Engel	Howard	Lautenbaugh	Preister
Ashford	Erdman	Hudkins	Louden	Rogert
Avery	Fischer	Janssen	McDonald	Schimek
Burling	Flood	Johnson	McGill	Stuthman
Chambers	Friend	Karpisek	Nantkes	Synowiecki
Christensen	Gay	Kopplin	Nelson	Wallman
Cornett	Hansen	Kruse	Pahls	White
Dierks	Harms	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Carlson	Fulton	Pedersen	Raikes
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

### **LEGISLATIVE BILL 1147A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1147, One Hundredth Legislature, Second Session, 2008.

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, 45:

Adams	Dubas	Heidemann	Lathrop	Pirsch
Aguilar	Engel	Howard	Lautenbaugh	Preister
Ashford	Erdman	Hudkins	Louden	Rogert
Avery	Fischer	Janssen	McDonald	Schimek
Burling	Flood	Johnson	McGill	Stuthman
Chambers	Friend	Karpisek	Nantkes	Synowiecki
Christensen	Gay	Kopplin	Nelson	Wallman
Cornett	Hansen	Kruse	Pahls	White
Dierks	Harms	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Carlson	Fulton	Pedersen	Raikes
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 1172.**

A BILL FOR AN ACT relating to agriculture; to adopt the Food Supply Animal Veterinary Incentive Program Act.

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, 48:

Adams	Dubas	Heidemann	Lautenbaugh	Preister
Aguilar	Engel	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Excused and not voting, 1:

Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.



**LEGISLATIVE BILL 1172A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1172, One Hundredth Legislature, Second Session, 2008.

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, 47:

Adams	Engel	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Schimek
Ashford	Fischer	Janssen	McGill	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 1:

Raikes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**RESOLUTION ON FINAL READING**

The following resolution was read and put upon final passage:

**LEGISLATIVE RESOLUTION 229CA.**

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 XIII, section 2:

XIII-2 Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate ~~from local sources of revenue~~ such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. ~~For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.~~

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 change the powers of municipalities relating to fund sources for economic or industrial development.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 46:

Adams	Engel	Howard	Louden	Rogert
Aguilar	Erdman	Hudkins	McDonald	Stuthman
Ashford	Fischer	Janssen	McGill	Synowiecki
Avery	Flood	Johnson	Nantkes	Wallman
Burling	Friend	Karpisek	Nelson	White
Carlson	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 2:

Chambers      Schimek

Excused and not voting, 1:

Raikes

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 308, 308A, 469, 609, 609A, 720, 734, 746, 781, 819, 837, 846, 911, 911A, 928, 928A, 986, 986A, 1022, 1027, 1027A, 1055, 1147, 1147A, 1172, 1172A, and LR229CA.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 378.** Read. Considered.

**LEGISLATIVE RESOLUTION 391.** Read. Considered.

**LEGISLATIVE RESOLUTION 392.** Read. Considered.

**LEGISLATIVE RESOLUTION 393.** Read. Considered.

**LEGISLATIVE RESOLUTION 394.** Read. Considered.

**LEGISLATIVE RESOLUTION 395.** Read. Considered.

**LEGISLATIVE RESOLUTION 396.** Read. Considered.

**LEGISLATIVE RESOLUTION 397.** Read. Considered.

**LEGISLATIVE RESOLUTION 398.** Read. Considered.

**LEGISLATIVE RESOLUTION 401.** Read. Considered.

LRs 378, 391, 392, 393, 394, 395, 396, 397, 398, and 401 were adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 378, 391, 392, 393, 394, 395, 396, 397, 401, and 238.

### **REFERENCE COMMITTEE REPORT**

#### 2008 Resolutions calling for an Interim Study

- LR402 Interim study to examine various state aid to county programs  
Appropriations
- LR403 Interim study to examine retirement plans for law enforcement  
personnel of political subdivisions  
Nebraska Retirement Systems

(Signed) L. Patrick Engel, Chairperson  
Legislative Council, Executive Board

### **COMMITTEE REPORT Enrollment and Review**

#### **Correctly Enrolled**

The following bill was correctly enrolled: LB819.

(Signed) Amanda McGill, Chairperson

### **MESSAGES FROM THE GOVERNOR**

April 17, 2008

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 895e and 853 were received in my office on April 15, 2008.

I signed these bills and delivered them to the Secretary of State on April 17, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 17, 2008

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 745, 806, 830, 830A, 907, 953, 956, 995, 1072e, 1153e, and 1165 were received in my office on April 16, 2008.

I signed these bills and delivered them to the Secretary of State on April 17, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

### **VISITORS**

Visitors to the Chamber were 28 fourth-grade students from St. Wenceslaus, Wahoo; Senator Kruse's sister and niece, Lois Whitefoot and Patti Nielsen, from Lincoln; Senator Erdman's parents, Steve and Cathy Erdman, from Bayard; 52 fourth-grade students and teachers from Parkview Heights, La Vista; 84 fourth-grade students from Benson West Elementary, Omaha; and Senator Synowiecki's brother, mother, and niece, Bob and Rose Synowiecki and McKenzie Emsick, from Omaha.

### **RECESS**

At 11:14 a.m., on a motion by Senator Hansen, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Ashford and Synowiecki who were excused until they arrive.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 17, 2008, at 11:25 a.m. were the following: LBs 308e, 308A, 469, 609, 609Ae, 720, 734, 746, 781, 819, 837, 846, 911, 911A, 928e, 928A, 986, 986A, 1022, 1027, 1027A, 1055e, 1147e, 1147A, 1172, and 1172A.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**PRESENTED TO THE SECRETARY OF STATE**

Presented to the Secretary of State on April 17, 2008, at 11:25 a.m. was the following: LR229CA.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**MOTION - Override Veto on LB245**

Senator Johnson offered the following motion to LB245:

MO184

Becomes law notwithstanding the objections of the Governor.

**SPEAKER FLOOD PRESIDING**

Senator Harms moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 37 ayes, 1 nay, and 11 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 47 ayes, 0 nays, and 2 not voting.

Senator Johnson requested a roll call vote, in reverse order, on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 31:

Aguilar	Fulton	Karpisek	Pahls	Synowiecki
Ashford	Gay	Kopplin	Pankonin	Wallman
Avery	Harms	Kruse	Pedersen	Wightman
Carlson	Howard	Lathrop	Pirsch	
Chambers	Hudkins	McGill	Raikes	
Engel	Janssen	Nantkes	Rogert	
Flood	Johnson	Nelson	Schimek	

Voting in the negative, 4:

Christensen    Hansen            Louden            Preister

Present and not voting, 14:

Adams	Dierks	Fischer	Langemeier	Stuthman
Burling	Dubas	Friend	Lautenbaugh	White
Cornett	Erdman	Heidemann	McDonald	

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

### **MOTION - Override Veto on LB245A**

Senator Johnson offered the following motion to LB245A:  
MO185

Becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Aguilar	Fulton	Karpisek	Nelson	Schimek
Ashford	Gay	Kopplin	Pahls	Stuthman
Avery	Harms	Kruse	Pankonin	Synowiecki
Carlson	Howard	Lathrop	Pedersen	Wallman
Chambers	Hudkins	McDonald	Pirsch	Wightman
Engel	Janssen	McGill	Raikes	
Flood	Johnson	Nantkes	Rogert	

Voting in the negative, 2:

Christensen    Preister

Present and not voting, 14:

Adams	Dierks	Fischer	Heidemann	Louden
Burling	Dubas	Friend	Langemeier	White
Cornett	Erdman	Hansen	Lautenbaugh	

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

**COMMUNICATION**

April 17, 2008

The Honorable John Gale  
Secretary of State  
2300 State Capitol Building  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB245 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB245, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.

**CERTIFICATE**

Legislative Bill 245, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 17th day of April 2008.

(Signed) Michael Flood  
President of the Legislature

**COMMUNICATION**

April 17, 2008

The Honorable John Gale  
Secretary of State  
2300 State Capitol Building  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB245A with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB245A, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.



**CERTIFICATE**

Legislative Bill 245A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 17th day of April 2008.

(Signed) Michael Flood  
President of the Legislature

**COMMUNICATION**

April 17, 2008

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB1154A for deposit in your office. Legislative rules require us to deliver the bill to your office following the receipt of a veto message when no motion to override has been offered.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk

**PRESIDENT SHEEHY PRESIDING****RESOLUTION**

**LEGISLATIVE RESOLUTION 404.** Read. Considered.

LR404 was adopted with 48 ayes, 0 nays, and 1 present and not voting.

**MOTION - Notify Governor**

Senator Hudkins moved that a committee of five be appointed to notify the Governor that the One Hundredth Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Engel, Erdman, Hudkins, Janssen, and Schimek to serve on said committee.

The committee returned and escorted Governor Dave Heineman to the rostrum where he delivered a message to the members.

The committee escorted Governor Dave Heineman from the Chamber.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 398 and 404.

### **PRESIDENT SHEEHY PRESIDING**

#### **MOTION - Disposition of Bills**

Senator Raikes moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

#### **MOTION - Committee Records**

Senator Preister moved that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

#### **MOTION - Printing of Journal, Session Laws, and Indexes**

Senator Janssen moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell.

The motion prevailed.

#### **MOTION - Delivery of Journal and Session Laws**

Senator Pedersen moved that the Clerk of the Legislature be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

**MOTION - Sixtieth Day Journal**

Senator Schimek moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

**VISITORS**

Visitor to the Chamber was Charlie Bolin from Lincoln.

The Doctor of the Day was Dr. Preston Renshaw from O'Neill.

**MOTION - Adjourn Sine Die**

Senator Engel moved that the One Hundredth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 4:39 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell  
Clerk of the Legislature



**RECEIVED AFTER ADJOURNMENT**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDREDTH LEGISLATURE**  
**SECOND SESSION**

**MESSAGES FROM THE GOVERNOR**

April 18, 2008

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1116 and 1116A were received in my office on April 16, 2008.

I signed these bills and delivered them to the Secretary of State on April 18, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 21, 2008

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 308e, 308A, 469, 609, 609Ae, 720, 734, 746, 781, 837, 846, 911, 911A, 928e, 928A, 1022, 1027, 1027A, 1055e, 1147e, 1172, and 1172A were received in my office on April 17, 2008.

I signed these bills and delivered them to the Secretary of State on April 21, 2008.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 21, 2008

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska 68509

Dear Mr. President and Members of the Legislature:

I have signed LB 1147; however, I am returning LB 1147A with a line-item reduction.

LB 1147A appropriates \$100,000 of Cash Funds to the Nebraska Investment Council for FY2008-09 to hire a contractor to conduct a study of the Council in carrying out its duties. As recently as 2006, the Investment Council conducted a study through its investment consultant with many of the same goals outlined in LB 1147, including a review of the organizational design and internal staff functions to determine best practices. While I support finding ways to improve efficiency and performance in government, I believe that these goals should be accomplished within existing agency resources. Additionally, I do not believe that it is prudent to spend additional state investment income in these uncertain economic times when invested returns are expected to be significantly lower than previous years. Therefore, I am vetoing the \$100,000 State Investment Officer's Cash Fund appropriation to the Nebraska Investment Council contained in LB 1147A.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 21, 2008

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 986 & LB 986A without my signature and with my objections.

LB 986 is burdensome, costly, and intrusive. It represents an economic barrier to computer manufacturers wishing to do business in the State of Nebraska. This measure increases the costs that the State and all technology product consumers will pay to cover the expense of new fees and assessments which are estimated, at the inception of the program, to be \$1.6 million. The bill imposes some of the highest and most excessive

registration fees in the nation for the privilege of selling computers in Nebraska.

The bill minimizes existing market forces and innovations initiated by the industry to promote electronic recycling. In addition, citizens in Nebraska have the opportunity to recycle electronic equipment through national charities such as Goodwill Industries.

LB 986 has an onerous requirement that manufacturers report proprietary information, specifically sales figures of electronic devices in the State of Nebraska. However, manufacturers generally do not possess this state-specific sales information. This measure fails to acknowledge the industry dependence upon a nationwide network of wholesalers, distributors, and retailers to transact business with consumers.

Finally, the legislation burdens the industry with legal and financial obligations to collect used electronic equipment. These used devices are private property and commercial enterprises are not able to compel private citizens to recycle their property, particularly through statutory fiat.

I have also vetoed LB 986A since the bill was only required to implement the provisions of LB 986.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 21, 2008

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 819 without my signature and with my objections.

As amended, LB 819 expands workers' compensation coverage for first responders who have mental injuries or mental illness due to conditions that were "extraordinary and unusual in comparison to the normal conditions of employment." Current workers' compensation law, as determined by the Nebraska Supreme Court in *Zach v. Nebraska State Patrol*, 273 Neb. 1 (2007), does not provide for compensation of mental injuries when no physical injury exists.

I appreciate and support the excellent job of first responders across our state, but I am opposed to this attempt to overrule the Supreme Court's *Zach* decision and to expand workers' compensation benefits for mental injuries. I

believe that if LB 819 were to become law, the State of Nebraska, cities, and counties would experience a significant increase in workers' compensation costs.

Furthermore, the State of Nebraska already provides mental health services to state and local first responders involved in critical incidents through the Critical Incident Management (CISM) program which is housed within the Department of Health and Human Services. On average, the program responds to 125 critical incidents across Nebraska each year. The expansion of workers' compensation coverage, as proposed by LB 819, is unwarranted and would be costly for state and local governments and their taxpayers.

Sincerely,  
(Signed) Dave Heineman  
Governor

### **CERTIFICATE**

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies provided concerning action on bills after adjournment of the One Hundredth Legislature, Second Session.

Patrick J. O'Donnell  
Clerk of the Legislature

April 21, 2008  
Lincoln, Nebraska